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[1874.

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

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

1. Every Writ for the election of a member of the House of Commons of Canada shall be dated and be returnable on such days as the Governor General shall determine,—and shall be addressed to the Sheriff or to the Registrar or to one of the Sheriffs or of the Registrars for the Electoral District or a portion of the Electoral District for which the election is to take place, who shall be the Returning Officer at such election; Writs of Election, and Returning Officers.

10 And in case there is no such Sheriff or Registrar, then to such other person as the Governor General may appoint as such Returning Officers;

15 In case the Sheriff, the Registrar, or any other person to whom the writ for any Electoral District in the Province of Ontario, or in the Province of Quebec, may have been addressed, should refuse, be disqualified, or be unable to act, then the Governor General, and in the other Electoral Districts the Lieutenant Governors in their respective Provinces, may appoint another person to act as such Returning Officer.

20 2. The Governor General shall fix the day for the nomination of candidates at the election, and shall at every general election, fix one and the same day for the nomination of candidates in all the Electoral Districts, except for the Electoral Districts in the Provinces of Manitoba, and of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé, Bonaventure and Chicoutimi, in the Province of Quebec. Day of nomination of Candidates.

3. The day so fixed by the Governor General shall be named in the Writs of Election for the several Electoral Districts respectively, to which such day shall apply. To be named in the Writs.

4. The Writs of Election shall be in the form schedule A, and shall be transmitted by mail to the respective Returning Officers, unless otherwise ordered by the Governor General. Form of Writ, &c.

5. None of the persons hereinafter mentioned shall be appointed Returning Officers or Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say:— Who shall not act as Election Officers.

First: Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of the Dominion;

40 *Secondly:* Members of the Senate or members of the Legislative Council of any of the Provinces of the Dominion;

Thirdly: Members of the House of Commons or members of the Legislative Assemblies of the several Provinces of the Dominion;

Fourthly: Ministers, Priests, or Ecclesiastics of any religious faith or worship;

Fifthly: Judges of the Courts of Superior, Civil and Criminal jurisdiction, or Judges of any County Court, Insolvent Court or Vice-Admiralty Court;

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Sixthly: Persons who have served in the Parliament of the Dominion in the session immediately preceding the election, or in the then present session of Parliament.

Who shall not be bound to act as such.

6. None of the persons hereinafter mentioned, unless they are Sheriffs or Registrars or Town Clerks or Assessors, shall be obliged to act as Returning Officers, Deputy Returning Officers, Election Clerks or Poll Clerks, that is to say:—

First: Professors in any University, College, High School or Academy.

Secondly: Physicians or Surgeons;

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Thirdly: Millers;

Fourthly: Postmasters, Customs Officers or Clerks in Post Offices or Customs Offices;

Fifthly: Persons being sixty years of age or upwards;

Sixthly: Persons having previously served as Returning Officers at the election of a member for the House of Commons.

Endorsing receipt, and oath of R. O.

7. On receiving the Writ of Election, the returning Officer shall forthwith endorse thereon the date at which he shall have received the same, and, before taking any further action thereon, he shall take the oath of office in the form schedule B to this Act.

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Appointment of Election Clerk.

8. The Returning Officer, by a commission under his hand and in the form schedule C of this Act, shall appoint an Election Clerk, and may, at any time during the election, appoint in the same manner another Election Clerk, in case the one so appointed shall resign, refuse or be unable to perform his duties as such.

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Duty of Election Clerk.

9. The duty of the Election Clerk shall be to assist the Returning Officer in the performance of his duties, and to act in his stead as Returning Officer, whenever the Returning Officer shall be disqualified, or unable, or shall refuse to perform his duties, and shall not have been replaced by another.

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Oath of office.

10. The Election Clerk shall, before acting as such, take the oath of office in the form schedule D to this Act.

R. O. to ascertain persons qualified to vote.

11. The Returning Officer shall ascertain from the lists of voters, which under the provisions of this Act are to be used at the election, and in Electoral Districts where there are voters entitled to vote but there are no lists of voters, from such other information as may be within his reach—the persons qualified to vote in each City, Town, Ward, Parish, Township, Local Municipality or other locality, where voters are so entitled to vote, and if such City, Town, Ward, Parish, Township, Local Municipality or other locality has not been subdivided for electoral purposes into polling districts by the local authorities under the legislation of the Province wherein such Electoral District is situate, he shall subdivide the said City, Town, Ward, Parish, Township, Local Muni-

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Polling districts.

cipality or other locality into polling districts in a convenient manner, so that there shall be at least one polling district for every three hundred voters, and he shall also fix a polling station in a central and convenient place in each polling district.

5 **12.** In the Electoral Districts in the Provinces of Manitoba and British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and of Gaspé, Bonaventure and Chicoutimi, in the Province of Quebec, the Returning Officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls. 10 The nomination in any of the said Electoral Districts shall not take place less than fifteen days nor more than thirty days after the Proclamation hereinafter required shall have been posted up, and the day for holding the polls shall not be less than fifteen days nor 15 more than thirty days after the day on which the nomination is to take place, neither the day of nomination nor the day of posting the Proclamation being reckoned.

Nomination and polling days in certain Electoral Districts.

In all the other Electoral Districts the Proclamation hereinafter required shall be posted up, at least eight days 20 before the day fixed for the nomination of candidates, and the day for holding the polls shall be the seventh day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week next after that on which the nomination shall have taken place, or if such 25 seventh day be a Sunday or a statutory holiday, then on the next following day not being a Sunday nor a statutory holiday.

Polling days in other districts.

13. In cases when from unforeseen delays, accident or otherwise, the Proclamation hereinafter mentioned could not be posted up, so as to leave the required delay between the posting up of the 30 Proclamation and the Nomination Day appointed by the Governor General, or by the Returning Officer, as the case may be, or in case any candidate should die after being nominated and before the close of the polls, the Returning Officer may fix another day for the nomination of candidates, which day shall be the nearest day 35 possible after allowing the number of days required by the preceding sections between the posting up of the Proclamation and the Nomination Day; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which may have occasioned the 40 postponement of the election.

Cases of unforeseen delays provided for.

14. Within twenty days after the reception of the writ in the Electoral Districts of the Province of British Columbia, and in the Electoral Districts of Muskoka and Algoma, in the Province of Ontario, and in those of Gaspé, Bonaventure, and Chicoutimi, in 45 the Province of Quebec, and within eight days after such reception in the other Electoral Districts of the Dominion, the Returning Officer shall, by a Proclamation under his hand, issued in the English and French languages in every Electoral District in the Province of Quebec and in the Province of Manitoba, and in the 50 English language only in the other Electoral Districts, indicate:

Proclamation by Returning Officer.

First: The place and time fixed for the nomination of candidates.

Secondly: The day on which the poll for taking the votes of the electors is to be held, in case a poll should be required. 55

Thirdly: The several polling stations fixed by him, and the territorial limits to which they shall respectively apply.

Fourthly: The time when and the place where the Returning Officer shall sum up the number of votes given to the several candidates.

- Form. Such proclamation to be in the form schedule E to this Act.
- How published. **15.** The Returning Officer shall cause the said Proclamation to be posted up at two of the most prominent and conspicuous places in each city, town, village, (or ward of such city, town or village, when it is subdivided into wards) and at two of the most prominent and conspicuous places in each Parish, Township, or Division of Parish or Township, within the Electoral District for which the election is to take place. 5
- Place of nomination. **16.** The place fixed for the nomination of candidates shall be at the City or Town Hall, or other public or private building, in the most central or most convenient place for the great body of the electors of each Electoral District. 15
- Time. **17.** The time appointed for the nomination of candidates shall be from the hour of twelve at noon until the hour of two in the afternoon of the day fixed for that purpose.
- Form of nomination. **18.** Any ten electors may nominate a candidate or as many candidates as may be required to be elected for the Electoral District for which the election is held, by producing to the Returning Officer at the time and place indicated in the proclamation,—a writing in the form Schedule F, under their hands, giving the names, residence and addition or description of each person proposed, in such manner as to sufficiently identify such candidate. 20
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- Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected.
- Consent of candidate named. **19.** No nomination paper shall be valid and acted upon by the Returning Officer unless it be accompanied by the consent in writing of the person therein nominated, except in case such person be absent from the Province in which the election is to be held, when such absence shall be stated in the nomination paper. 30
- Nomination paper, how to be attested. **20.** The Returning Officer shall have the right to require the person or one of the persons producing such nomination paper to make oath before him that he knows the several persons who have signed such nomination paper to be electors duly entitled to vote, and that they have signed the same in his or their presence, and that the consent of the candidate has been signed in his presence, or that the person named as candidate is absent from the Province as the case may be. This oath may be in the form in schedule G to this Act, and its having been taken shall be mentioned on the back of the said nomination paper. 35
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- Return when no more candidates than are to be elected. **21.** Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the Electoral District for which the election is held, have been nominated within the time fixed for that purpose, the Returning Officer shall make his return to the Clerk of the Crown in Chancery that such candidate or candidates, as the case may be, is or are duly elected for the said Electoral District, of which return he shall send within forty-eight hours a duplicate or certified copy to the person or persons elected, and such return shall be in the form schedule H to this Act. 45
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22. The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act.

Report with return.

23. If more candidates than the number required to be elected for the Electoral District are nominated in the manner required by this Act, it shall be the duty of the Returning Officer to grant a poll for taking the votes of the electors, and to cause to be posted up notices of his having granted such poll, indicating the names, residences and occupations of the candidates so nominated in the order in which they shall be printed on the ballot papers hereinafter mentioned, which notices shall, as soon as possible after the nomination, be placarded at all the places where the Proclamation for the election was posted up.

Poll, and notice thereof.

24. Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll, by filing with the Returning Officer a declaration in writing to that effect, signed by himself, and any votes cast for the candidate who shall have so withdrawn shall be null and void; and in case after the withdrawal there should remain but one candidate, or no more than the number to be elected, then it shall be the duty of the Returning Officer to return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal be filed on the polling day.

Withdrawal of candidates.

25. Whenever a poll has been granted, the same shall be opened at the hour of nine o'clock in the forenoon, and kept open until five o'clock in the afternoon of the day fixed for holding it, and the votes at the several polling stations shall be given on that day, and by ballot.

Hours for polling.

26. The ballot of each voter shall be a paper (in this Act called a ballot paper) showing the names and description of the candidates alphabetically arranged in the order of their surnames, or if there be two or more candidates with the same surname, in the order of their other names, and the ballot paper shall be in the form schedule I to this Act.

Ballot paper and form of.

27. On a poll being required, it shall be the duty of the Returning Officer :

Duties of Returning Officer when a poll is required.

First : To appoint, by a commission under his hand, in the form schedule J to this Act, one Deputy Returning Officer for each polling district comprised in the Electoral District, who shall before acting as such take the oath of office in the form schedule K to this Act.

Deputies.

Secondly : To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list of voters as contains the names, arranged alphabetically, of the electors qualified to vote at the polling station for which he is appointed; such copy being first certified by himself or by the proper custodian of the lists from which such copies are taken.

Lists of voters.

Thirdly : To deliver to each Deputy Returning Officer, two days at least before the polling day, a ballot box to receive the ballot papers of the voters, which ballot box shall be made of some durable material, with one lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom without the box being unlocked;

Ballot Box.

- Ballot papers,
&c. *Fourthly*: To furnish each Deputy Returning Officer with a sufficient number of ballot papers and envelopes (all being of the same description, and as nearly as possible alike) to supply the number of voters on the list of such polling district, and with the necessary materials for voters to mark their ballot papers; 5
- Directions for voters. *Fifthly*: To furnish to each Deputy Returning Officer at least ten copies of printed directions for the guidance of voters in voting, which printed directions the Deputy Returning Officer shall, before or at the opening of the poll, on the day of polling, cause to be posted up in some conspicuous places outside of the polling station, 10 and also in each compartment of the polling station.
- Obtaining lists of voters. **28.** The Returning Officer shall obtain the different lists of voters, or copies or extracts thereof, from the Registrars, Town Clerks, Clerks of the Peace or such other officers as may by law be the proper custodians of such lists; or of duly certified duplicates 15 or copies thereof, and every such officer who shall omit or refuse to furnish such lists, copies or extracts of the voters lists within a reasonable time to the Returning Officer requiring the same, shall incur a penalty of not less than *two hundred* and not exceeding *two thousand dollars*. The officer furnishing such lists of voters shall be 20 entitled to receive compensation at the rate of _____ per hundred names contained on any such list.
- If ballot box be not furnished. **29.** Whenever the Returning Officer fails to furnish to the Deputy Returning Officer in any polling district the ballot box, within the time prescribed by this Act, it shall be the duty of such 25 Deputy Returning Officer in such polling district to cause one to be made.
- Poll Clerk. **30.** Each Deputy Returning Officer shall forthwith appoint by commission under his hand in the form Schedule L to this Act, a Poll Clerk, who before acting as such shall take the oath in the 30 form Schedule M to this Act.
- Poll Clerk to act as D. R. O. in certain cases. **31.** In case any Deputy Returning Officer should refuse or be unable to act, the Returning Officer may appoint another person to act in his place as Deputy Returning Officer; and in case no such appointment be made, the Poll Clerk, without taking another oath 35 of office, shall act as Deputy Returning Officer.
- And appoint a Poll Clerk under him. Whenever the Poll Clerk acts as Deputy Returning Officer, he shall, by a commission in the form schedule N to this Act, appoint a Poll Clerk to act in his stead, who shall take the oath required 40 by the next preceding section of this Act.
- Where the poll shall be held. **32.** The poll, when granted, shall be held in each polling district in a room or building of convenient access, with an outside door for the admittance of the voters, and having, if possible, another door through which they may leave after having voted. One or two compartments shall be made within the room, so arranged that each 45 voter may be screened from observation, and may without interference or interruption mark his ballot paper.
- Hours for polling. **33.** Each Deputy Returning Officer shall open the poll assigned to him at the hour of nine of the clock in the morning and keep the same open until five of the clock in the afternoon, and shall 50 during that time receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling place.
- Who may be present in the polling station. **34.** In addition to the Deputy Returning Officer and the Poll Clerk, the candidates, and their agents not exceeding two in number 55 in each polling station, and, in the absence of agents, two elec-

tors to represent each candidate, may, on the request of such electors be permitted to remain in the room where the votes are given, during the whole time the Poll remains open.

- 5 **35.** Any person producing to the Returning Officer or Deputy Returning Officer a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this Act: Who may act as agents for candidates.
- 10 One of the agents of each candidate, and in the absence of such agent one of the electors representing each candidate, if there be such elector, on being admitted to the Polling Station, shall take the oath to keep secret the names of the candidates for whom any of the voters may have marked his ballot paper in his presence, as hereinafter required. Oath of secrecy.
- 15 **36.** At the hour fixed for opening the poll, the Deputy Returning Officer and the Poll Clerk shall, in the presence of the candidates, their agents, and such of the electors as may be present, open the ballot box and ascertain that there are no ballots or other papers in the same, after which the box shall be locked, and the Deputy Returning Officer shall keep the key thereof. Opening the poll.
- 20 **37.** Immediately after the ballot box shall have been closed as above provided, the Deputy Returning Officer shall call upon the electors to vote. Calling voters.
- 25 **38.** The Chancellor and Vice Chancellors of Ontario, and the Judges of any Court now existing or to be hereafter created, whose appointment shall rest with the Governor General of the Dominion shall be disqualified and incompetent to vote at the election of a member of the House of Commons of Canada. Certain judges may not vote.
- 30 **39.** No person who, at any time, either during the election or before the election, is or has been employed about the same, or in reference thereto, or for the purpose of forwarding the same, by any candidate or by any person whomsoever, as Counsel, Agent, Attorney, or Clerk, at any polling place at any such election, or in any other capacity whatever, and who has received or expects to receive, either before, during or after the said election, from any candidate or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever for any sum of money, fee, office, place or employment, shall be entitled to vote at any election of a member of the House of Commons of Canada. Agents, &c., not to vote.
- 40 **40.** No woman shall be entitled to vote at any such election. Nor women
- 45 **41.** Subject to the exceptions hereinabove contained, all persons qualified to vote at the election of representatives in the Elective House of the Legislature of the several Provinces composing the Dominion of Canada, except Prince Edward Island, shall be entitled to vote at the election of members of the House of Commons of Canada for the several Electoral Districts comprised within such Provinces respectively, and all lists of voters made and prepared, and which would according to the laws in force in the said several Provinces be used if the election were that of a representative or representatives to the Elective House of the Legislature of the Province in which the election is held (where such lists are required to be made), shall be the lists of voters which shall be used at the elections of members of the House of Commons to be held under the provisions of this Act. Who shall be entitled to vote.
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Special provisions as to P. E. Island.

42. In the several Electoral Districts in the Province of Prince Edward Island, all persons qualified to vote for the election of members of the Legislative Council of that Province, under the laws in force in that Province at the passing of this Act, shall henceforth be the electors qualified to vote for the election of a member or members of the House of Commons of Canada; but whenever the Legislature of that Province shall have provided for the registration of voters and for the making of lists of qualified voters for the election of members for the House of Assembly of the said Province and when lists of voters shall have been made and prepared, then the persons qualified to vote under such provisions for the election of a member or members of the House of Assembly of that Province, shall be entitled to vote at the election of members of the House of Commons of Canada, for the several Electoral Districts in the said Province; and all lists of voters so made and prepared, and which according to the laws then in force would be used in the said several Electoral Districts, if the elections were that of a representative or representatives to the House of Assembly of the said Province, shall be the list of voters which shall be used at the election of members of the House of Commons to be thereafter held under the provisions of this Act.

Where electors shall vote.

43. Each elector shall vote at the polling station of the polling district into which he is qualified to vote and no other, and it shall be the duty of the Returning Officer to secure the admittance of every elector in the polling station, and to see that he is not impeded or molested at or about the polling station.

Provision as to election of officers, or agents entitled to vote.

44. The Returning Officer on the request of any elector entitled to vote at one of the polling stations, who shall be appointed Deputy Returning Officer or who shall be named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer or Agent is entitled to vote at such election at the polling station where such elector shall be stationed during the polling day, and on the production of such certificate such Deputy Returning Officer or Agent shall have the right to vote at the polling station where he shall be placed during the polling day, instead of at the polling station of the Polling District where he would otherwise have been entitled to vote:—But no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Deputy Returning Officer or Agent during the day of polling.

Conditions of voting.

45. Each elector, being introduced, one at a time, into the room where the poll is held, shall declare his name, surname and addition, which shall be entered or recorded in the voter's list to be kept for that purpose by the Poll Clerk, and, if the same be found on the list of electors for the polling district of such polling station, he shall receive from the Deputy Returning Officer a ballot paper and an envelope:

Oath of voter if required.

Provided that such elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or one of their agents, or by any elector present, shall, before receiving his ballot paper and envelope, take the following oath or affirmation which the Deputy Returning Officer or Poll Clerk is hereby authorized to administer, to wit:

Form.

"You swear (or solemnly affirm) that you are (*name of voter as entered on the list*), whose name is entered on the list of voters now shewn to you (*showing the list to the voter*), that you are a subject of Her Majesty by birth (or naturalization), that you are of the full age of twenty-one years,—that you have not before voted at this election, either at this or any other polling place, and that

"you have not received anything, nor has anything been promised to you, either directly or indirectly, in order to induce you to vote at this election: So help you God."

46. If there be any Electoral District in or for which the Election Law of the Province where such district is situate does not require lists of voters to be made, to entitle them to vote, then in such case any elector claiming his ballot paper may be required by the Deputy Returning Officer, the Poll Clerk, one of the candidates or of their agents, or by any elector present, to take the oath of qualification required by the law in force in such Province from a voter at the election of a member of the Elective House of the Legislature of that Province, (or as the case may require in Prince Edward Island,) the words "House of Commons of Canada" being in such case substituted for "Legislative Assembly," or for "Legislative Council" if the election be held for an electoral district in Prince Edward Island, or such other change being made as may be required to make the oath applicable to the election of a member of the House of Commons of Canada, which oath the Deputy Returning Officer or Poll Clerk is hereby authorized to administer.

Form of oath if no voters' lists.

47. The elector, on receiving the ballot paper and envelope shall forthwith proceed into one of the compartments of the polling station and there mark his ballot paper, making a cross on the right hand side, opposite the name of the candidate (or candidates, if more than one is to be elected) for whom he intends to vote, after which he shall fold it up and place it in the envelope, and close the same, and shall then hand the envelope containing such ballot paper to the Deputy Returning Officer, who shall, immediately and in the presence of the elector, place the same in the ballot box.

Mode of voting.

48. Every elector shall vote without undue delay, and shall quit the polling station so soon as his ballot paper has been put into the ballot box.

Despatch.

49. No elector shall be allowed to take his ballot paper out of the Polling Station, and whoever shall do so shall thereby incur a penalty not exceeding two hundred dollars.

Ballot paper not to be carried away.

50. The Deputy Returning Officer, on application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them, in the polling station, and of no other person, and by placing such ballot paper in an envelope and then in the ballot box:

Case of voter who cannot mark his ballot paper.

And the Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked, in pursuance of this section, with the reason why each ballot paper was so marked.

List to be kept.

51. The Poll Clerk shall enter on the voters' list, (form O in the schedule to this Act) opposite the name of each elector voting, the word "Voted," as soon as his ballot paper shall have been deposited in the ballot box. He shall also enter on the same list the word "Sworn" or "Affirmed" opposite the name of each elector to whom the oath or affirmation of qualification shall have been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each elector who has refused to take the oath or to affirm.

Entry of names of electors voting.

- When there are no Provincial lists of voters. **52.** When no lists of voters are required by the law in force in the Province or Electoral District for which the election takes place, then the Deputy Returning Officer shall cause the name, surname and addition of every voter to be entered on a list to be made and kept for that purpose, upon which list shall be entered the word "*Voted*" opposite the name of each voter who shall have voted; or "*Sworn*" or "*Affirmed*," or "*Refused to be sworn*" or "*to affirm*," as the case may be, as above provided. 5
- Voter refusing to be sworn. **53.** No voter having refused to take the oath or affirmation of qualification required as aforesaid by this Act, when requested so to do, shall receive a ballot paper or be admitted to vote. 10
- Voting more than once forbidden. **54.** No person shall vote more than once at the same election, but each elector may vote for as many candidates as are required to be elected to represent the Electoral District for which the election is held. 15
- Case of elector in whose name another has voted. **55.** If a person, representing himself to be a particular elector named on the register or list of voters, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of schedule P to this Act, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer, shall be entitled to receive a ballot paper, on which the Deputy Returning Officer shall put his initials, together with a number corresponding to a number entered on the list of voters opposite the name of such voter, and he shall thereupon be entitled to vote as any other elector : 20 25
- Entry on List. The name of such voter shall be entered on the list of voters, and a note shall be made of his having voted on a second ballot issued under the same name, and of the oath or affirmation of qualification having been required and made, as well as of any objections made on behalf of any and which of the candidates. 30
- Elector spoiling his ballot paper. **56.** A voter who has inadvertently dealt with the ballot paper or envelope given him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper or envelope in the place of that so delivered up. 35
- Counting the votes by D. R. O. **57.** Immediately after the close of the poll, the Deputy Returning Officer shall, in the presence of the Poll Clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot box and proceed to count the number of votes given for each candidate. In doing so, he shall reject all ballot papers which are not similar to those supplied by the Deputy Returning Officer,—all those contained in any envelope different from those supplied by the Deputy Returning Officer,—all those by which votes have been given for more candidates than are to be elected; all those contained in the same envelope when such envelope contains more than one,—and finally all those upon which there is any writing or mark by which the voter could be identified : 40 45
- Rejected ballots. The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected shall also be put into a different envelope or parcel, and all these parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box. 50
- Counting votes by D. R. O.

58. The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return.

Objections to ballot papers.

Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer.

59. The Deputy Returning Officer shall make out a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statement, and enclose in the ballot box the original statement. The ballot box shall then be locked and sealed, after which it shall be transmitted without unnecessary delay to the Returning Officer, together with the key attached thereto.

Statement to be inclosed in ballot box for R. O.

The Deputy Returning Officer and the Poll Clerk shall respectively take the oaths in form schedule Q and R to this Act, and which shall be annexed to the statement above mentioned.

Oath to be attached.

60. The several Deputy Returning Officers, on being requested so to do, shall deliver to each candidate, their agents, or in the absence of such candidates or agents, to the electors present representing the candidates, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Certificate to candidates.

61. The Returning Officer, after having received all the ballot boxes, shall proceed to open them, in the presence of the Election Clerk, the candidates or their representatives, if present, and of at least two electors, if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements contained in the several ballot boxes returned by the Deputy Returning Officers.

Summing up votes by R. O.

The candidate who shall, on the summing up of the votes, be found to have a majority of votes, shall be then declared elected.

Declaration thereon.

62. When, on the final addition of votes by the Returning Officer, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidate to be declared elected, the Returning Officer shall give such additional or casting vote, but shall in no other case have the right to vote.

Casting vote of R. O.

63. The Returning Officer, within four days after such verification, shall transmit his return to the Clerk of the Crown in Chancery, that the candidate having the largest number of votes has been duly elected, and shall forward to each of the respective candidates, a duplicate or copy thereof, and such return shall be in the form schedule S to this Act:

Return of candidate elected.

The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which report he shall make any observation he may think proper as to the state of the ballot box or ballot papers as received by him:

Report with return.

Such return and report shall be sent through the Post Office, after being registered.

Transmission.

Adjournment,
if ballot boxes
are missing.

64. In case the ballot boxes should not have all been returned on the day fixed for adding up the number of votes given to the several candidates, the Returning Officer shall adjourn to a subsequent day, such subsequent day not being more than a week later than the day originally fixed, for the purpose of adding up the votes. 5

Provision in
case of loss of
ballot boxes.

65. In case the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the delay so fixed, the Returning Officer shall ascertain the cause of the disappearance of such ballot boxes, and shall call on each of the Deputy Returning Officers whose ballot boxes are missing, or on 10 any other person having the same, for the list, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate required, by this Act, the whole verified on oath, which oath the Returning Officer is hereby authorized to administer, and in case such lists or statements, or 15 copies thereof, cannot be obtained, he shall ascertain by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polling places, and he shall return the candidate having the majority of votes, and shall mention specially in his report to be sent with the return the 20 circumstances accompanying the disappearance of the ballot boxes, and the mode by which he ascertained the number of votes given to each candidate.

Notice of re-
turn in *Canada*
Gazette.

66. The Clerk of the Crown in Chancery shall, on receiving the return of any member elected to the House of Commons, 25 give notice in the ordinary issue of the *Canada Gazette* of the name of the candidate so elected.

Duty of Clerk
of the Crown
in Chancery.

67. The Clerk of the Crown in Chancery shall retain in his possession the papers transmitted to him by any Returning Officer, with the return, for at least one year, if the election is not contested 30 during that time, and, if the election be contested, then for one year after the termination of such contestation.

In what cases
only rejected
ballot papers
may be in-
spected.

68. No person shall be allowed to inspect any rejected ballot papers in the custody of the Clerk of the Crown in Chancery, except 35 under the rule or order of one of Her Majesty's Superior Courts, or a Judge thereof; such rule or order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election 40 or return; and, any such order, for the inspection or production of ballot papers may be made, subject to such conditions as to persons, time, place and mode of inspection or production, as the Court or Judge making the same may think expedient, and shall be obeyed 45 by the Clerk of the Crown in Chancery.

And as to
counted ballot
papers.

69. No person shall, except by order of a tribunal having cognizance of petitions complaining of undue returns or undue elections, be allowed to inspect any counted ballot papers in the custody of the Clerk of the Crown in Chancery; and such order may be made 50 subject to such conditions as to persons, time, place, and mode of opening or inspection as the tribunal making the order may think expedient.

Certain Acts
prohibited.

70. No person shall:—

First: Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper or the initials of the Deputy 55 Returning Officer signed thereon; or

Secondly: Without authority supply any ballot paper to any person; or

Thirdly: Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

5 *Fourthly:* Fraudulently take out of the polling place any ballot paper; or

Fifthly: Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the Election:

10 No person shall attempt to commit any offence specified in this section:

Any contravention of this section shall be a misdemeanor, and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer, or other officer engaged
 15 at the election, by a fine not exceeding *one thousand dollars*, or by imprisonment for any term less than *two years* with or without hard labour in default of paying such fine; and if he be any other person, by a fine not exceeding *five hundred dollars*, or by imprisonment for any term not exceeding six months with or without hard labour in default of paying such a fine.

To be misdemeanor, and how punishable.

71. The property of the ballot boxes, ballot papers, envelopes and marking instruments procured for or used at an election, shall be
 in Her Majesty.

Property of ballot boxes, &c.

72. Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act
 25 or omission, a penal sum not exceeding *five hundred dollars*.

Punishment of misfeasance by election officers.

73. After the close of every election the Returning Officer shall
 30 cause to be deposited in the custody of the Sheriff or of the Registrar of the county or registration division in which the nomination was held, the ballot boxes used at the election, and the Sheriff or Registrar shall, at the next ensuing election, deliver such ballot boxes to the Returning Officer named for such election.

Custody of ballot boxes after election.

74. Every officer, clerk and agent in attendance at a polling place, shall maintain and aid in maintaining the secrecy of the voting at such polling place; and shall not communicate before
 35 the poll is closed to any person any information as to whether any person on the voters' list has or has not applied for a ballot paper or voted at that polling place.

Provisions for maintenance of secrecy.

No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate for whom any voter at such polling place
 40 is about to vote or has voted.

No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate for whom any voter at such polling place is about to vote or has voted.

50 Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to the candidate for whom any vote is given in any particular ballot
 55 paper.

No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Punishment for contravention.

Any contravention of this section shall be punishable by fine not exceeding *two hundred dollars*, or by imprisonment for any term not exceeding six months, with or without hard labor, in default of paying such a fine. 5

Votes to be struck off candidate, for bribery, &c., in certain cases.

75. Where a candidate, on the trial of an election petition claiming the seat for any person, is proved to have been guilty, by himself or by any person on his behalf, of bribery, treating, or undue influence in respect of any person who voted at such election, or where any person retained or employed for reward by or on behalf of such candidate for all or any of the purposes of such election, as agent, clerk, messenger, or in any other employment, is proved on such trial to have voted at such election, there shall on the trial of such election petition be struck off from the number of votes appearing to have been given to such candidate, one vote for every person who voted at such election, and is proved to have been so bribed, treated, or unduly influenced, or so retained or employed for reward as aforesaid. 10 15 20

Personation, what shall be.

76. A person shall for all purposes of the laws relating to Parliamentary elections be deemed to be guilty of the offence of personation, who, at an election of a member of the House of Commons, applies for a ballot paper in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name. 25

Punishment.

The offence of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person, shall be punishable by a fine not exceeding *two hundred dollars*, or by imprisonment for a term not exceeding six months in default of payment of such a fine. 30

To be a corrupt practice.

77. The offence of personation shall be deemed to be a corrupt practice within the meaning of the Controverted Elections Act, and of this Act. 35

Disqualification of candidate guilty of personation.

78. If, on the trial of any election petition questioning the election or return for any Electoral District, any candidate or other person is found by the report of the judge, by himself or his agents, to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled or procured the commission at such election of the offence of personation by any person, his election shall be declared null and void, and such candidate or such other person shall be incapable of being elected or sitting in the House of Commons for any Electoral District during the Parliament then in existence, and during the then next Parliament. 40 45

Secrecy of vote protected.

79. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

GENERAL PROVISIONS.

Candidate may act as his own agent.

80. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend. 50

81. Where in this Act any expressions are used, requiring or authorizing any act to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in any wise the act or thing done.

As to provisions requiring presence of agents, &c.

82. The reasonable expenses incurred by the Returning Officer and by the other officers and clerks, under this Act, for printing, providing compartments, transmission of the packets, and reasonable fees and allowances for services rendered under this Act, shall be paid to the Returning Officer out of the Consolidated Revenue Fund of Canada, and shall be distributed by him to the several persons entitled thereto, which distribution he shall report to the Governor through the Secretary of State.

Election expenses, how paid.

83. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Mistakes of form only not fatal.

84. Every Returning Officer and every Deputy Returning Officer from the time they shall respectively have taken the oath of office until the day after the closing of the election, shall be a Conservator of the Peace invested with all the powers appertaining to a Justice of the Peace.

Returning Officer and D. R. O. to be conservators of peace.

85. Such Returning Officer or Deputy Returning Officer may require the assistance of Justices of the Peace, Constables or other persons present, to aid him in maintaining peace and good order at such election, and may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

May command assistance, &c., special constables.

86. Such Returning Officer or Deputy Returning Officer may arrest or cause to be arrested by verbal order, and place in the custody of any constables or other persons, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until any period not later than the close of the poll.

May arrest disturbers.

87. The Returning Officer or Deputy Returning Officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station, to deliver to him any fire-arm, sword, stave, bludgeon or other offensive weapon in the hands or personal possession of such person, and any person refusing to deliver such weapon shall be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding three months in default of payment of such fine.

May demand offensive weapons.

88. Every person convicted of a battery, committed during any day whereon any election, or any poll for any election, is begun, holden, or proceeded with, within the distance of two miles of the place where such election or such poll is begun, holden or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

Punishment of battery.

Strangers not
to enter poll-
ing district
armed.

89. Except the Returning Officer or his Deputy, or the Poll Clerk, or one of the constables, or special constables, appointed by the Returning Officer, or his Deputy, for the orderly conduct of the election or poll, and the preservation of the public peace thereat, no person, who hath not had a stated residence in the polling district for at least six months next before the day of such election, shall come during any part of the day, upon which the poll is to remain open, into such polling district, armed with offensive weapons of any kind, as firearms, swords, staves, bludgeons, or the like; nor shall any person whosoever, being in such polling district, arm himself, during any part of the day, with any such offensive weapons, and thus armed, approach within the distance of *one mile* of the place where the poll for such polling district is held, unless called upon to do so by lawful authority.

Entertain-
ment of elec-
tors forbidden.

90. No candidate shall, at any election, nor shall any other person, either provide or furnish drink or other entertainment at the expense of such candidate or other person, to any meeting of electors assembled for the purpose of the election, previous to or during such election, or pay for, procure or engage to pay for, any such drink or other entertainment; except only that nothing herein contained shall extend to any entertainment furnished to any meeting of electors by or at the expense of any person or persons at his, her, or their usual place of residence.

Flags, &c., not
to be furnished
or carried.

91. No candidate or any other person, shall furnish or supply any ensign, standard, or set of colours, or any other flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such Electoral District on the day of election, or within eight days before such day, or during the continuance of such election or the polling, by such person or any other, as a party flag to distinguish the bearer thereof and those who follow the same as the supporters of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person, for any reason, carry or use any such ensign, standard, set of colours, or other flag, as a party flag, within such electoral district on the day of any such election or polling, or within eight days before such day, or during the continuance of such election.

Ribbons or
favors not to
be furnished
or worn.

92. No candidate or any other person, shall furnish or supply any ribbon, label, or like favor, to or for any person whomsoever, with intent that the same should be worn or used within such electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by such person, or any other, as a party badge to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person use or wear any ribbon, label, or other favor, as such badge, within such electoral district, on the day of any such election or polling, or within eight days before such day, or during the continuance of such election.

Penalty for
contravention

93. Every person offending against any of the provisions of the four next preceding sections, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding *one hundred dollars*, or imprisonment not exceeding three months, or by both, in the discretion of the Court.

Taverns to be
closed.

94. Every hotel, tavern, or shop, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day appointed for the polling, in the polling districts in which the polls are held; and no spirituous or fermented liquors, or

drinks, shall be sold or given to any person within the limits of any polling district during the said period, under a penalty of *one hundred dollars* in every such case.

PREVENTION OF CORRUPT PRACTICES AT ELECTIONS.

95. The following persons shall be deemed guilty of bribery and shall be punishable accordingly :—

Certain acts to be deemed bribery.

(1.) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavor to procure, any money or valuable consideration, to or for any voter, or to or for any person on behalf of any voter, or to, or for any person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of such voter having voted, or refrained from voting at any election :

(2.) Every person who, directly or indirectly, by himself, or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or to endeavor to procure any office, place, or employment, to or for any voter, or to or for any other person, in order to induce such voter to vote, or refrain from voting, or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election :

(3.) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election :

(4.) Every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages or promises or endeavors to procure the return of any person to serve in the House of Commons, or the vote of any voter at any election :

(5.) Every person who advances or pays, or causes to be paid, any money to, or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery, or corrupt practices, at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election :

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *two hundred dollars*, to any person who shall sue for the same, with full costs of suit ; provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

Punishment for such offences.

96 The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly :—

Certain acts by voters to be deemed bribery.

(1.) Every voter who, before or during any election, directly or indirectly, himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or any other person for voting, or agreeing to vote, or for refraining, or agreeing to refrain from voting at any election : 5

(2.) Every person who, after any election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election : 10

Punishment for such offences.

And any person so offending shall be guilty of a misdemeanor, and shall also be liable to forfeit the sum of *two hundred dollars* to any person who shall sue for the same, together with full costs of suit.

Offence of treating defined.

97. Every candidate who corruptly by himself or by or with any person or by any other ways or means on his behalf, at any time either before, during or after any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for, any meat, drink, entertainment or provision to or for any person, in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of *two hundred dollars* to any person who shall sue for the same, with full costs of suit, in addition to any other penalty to which he may be liable therefor under any other provision of this Act ; and every voter who corruptly accepts or takes any such meat, drink, entertainment or provision, shall be incapable of voting at such election, and his vote if given, shall be utterly void and of no effect : 20 25 30

Giving meat or drink to electors.

And the giving or causing to be given to any voter on the nomination day or day of polling on account of such voter having voted or being about to vote, any meat, drink, or entertainment, by way of refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall forfeit the sum of *ten dollars* for each offence to any person suing for the same, with full costs of suit. 35

Threats of violence, &c., forbidden.

98. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts, or threatens the infliction by himself, or by or through any other person, of any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote, or refrain from voting, or on account of such person having voted, or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter, either to give or refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence, and shall be guilty of a misdemeanor, and shall also forfeit the sum of *two hundred dollars* to any person suing for the same, with full costs of suit. 40 45 50

Punishment.

Recital.]

99. And whereas doubts may arise as to whether the hiring of teams and vehicles, to convey voters to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted, that the hiring or 55

- promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighborhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the travelling and other expenses of any voter, in going to or returning from any election, are and shall be unlawful acts; and the person so offending shall forfeit the sum of *one hundred dollars* to any person who shall sue for the same; and any voter hiring any horse, cab, cart, waggon sleigh, carriage, or other conveyance for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall, *ipso facto*, be disqualified from voting at such election, and for every such offence shall forfeit the sum of *one hundred dollars* to any person suing for the same.

Paying for conveyance of voters to poll illegal.

Penalty.

- 100.** Every candidate who corruptly by himself or by or with any other person on his behalf, compels or induces or endeavors to induce any person to personate any voter, or to take any false oath in any matter wherein an oath is required under this Act, shall be guilty of a misdemeanor, and shall in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of *two hundred dollars* to any person suing for the same.

Subornation of personation, &c.

- 101.** The offences of bribery, treating, or undue influence, or any of such offences, as defined by this or any other Act of the Parliament of Canada, personation or the inducing any person to commit personation, or any wilful offence against any one of the six next preceding sections of this Act, shall be corrupt practices within the meaning of the provisions of this Act.

Certain offences to be corrupt practices.

- 102.** No person shall be excused from answering any question put to him in any action, suit, or other proceeding in any court, or before any Judge, Commissioner, or other tribunal, touching or concerning any election, or the conduct of any person there-at, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person other than an indictment for perjury, if the Judge, Commissioner, or President of the tribunal shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the Judge, Commissioner, or tribunal.

No excuse of privilege, &c., allowed for not answering questions in proceedings touching elections.

- 103.** Every executory contract, or promise, or undertaking, in any way referring to, arising out of, or depending upon, any election under this Act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law; but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election.

Contracts or promises relating to elections void.

PUNISHMENT FOR CORRUPT PRACTICES.

- 104.** If it is found by the report of any court, judge or other tribunal for the trial of election petitions, that any corrupt practice has been committed by any candidate at an election, or by his agent, whether with or without the actual knowledge and consent of such candidate, the election of such candidate, if he has been elected, shall be void.

Corrupt practice by candidate or agent to void election.

Effect of corrupt practice by a candidate.

105. If it is proved before any court, judge, or other tribunal for the trial of election petitions, that any corrupt practice has been committed by or with the actual knowledge and consent of any candidate at an election, or if he be convicted before any competent court of the misdemeanor of bribery or undue influence, he shall be held guilty of corrupt practices, and his election, if he has been elected, shall be void, and he shall, during the *seven* years next after the date of his being so proved or found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of that house, or of holding an office in the nomination of the Crown or of the Governor, in Canada. 5 10

Employing agent who has been guilty of corrupt practices.

106 If, on the trial of any election petition, any candidate is proved to have personally engaged at the election to which such petition relates, as a canvasser or agent in relation to the election, any person, knowing that such person has, within *eight* years previous to such engagement, been found guilty of any corrupt practice, by any competent legal tribunal, or by the report of any Election Committee of the House of Commons or of any Judge or other tribunal for the trial of election petitions, the election of such candidate shall be void. 15 20

Punishment of others than candidates for corrupt practices.

107. Any person other than a candidate, found guilty of any corrupt practice in any proceeding in which, after notice of the charge, he has had an opportunity of being heard, shall, during the *eight* years next after the time at which he is so found guilty, be incapable of being elected to, and of sitting in the House of Commons, and of voting at any election of a member of the House of Commons, or of holding any office in the nomination of the Crown or of the Governor, in Canada. 25

Removal of disqualification procured by perjury.

108. If at any time after any person has become disqualified under any of the *four* next preceding sections of this Act, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, are, upon the prosecution of such person, convicted of perjury in respect of such testimony, it shall be lawful for such person to move the court before which such conviction shall take place, to order, and such court shall, upon being satisfied that such disqualification was procured by reason of such perjury, order that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly. 30 35

PENALTIES AND PUNISHMENTS GENERALLY.

Liability of R. O. not returning candidate elected.

109. If any Returning Officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, such person may, in case it has been determined on the hearing of an election petition respecting the election for such electoral district, that such person was entitled to have been returned, sue the Returning Officer having so wilfully delayed, neglected or refused duly to make such return of his election, in any Court of Record in the Province in which such electoral district it situate, and shall recover a sum of five hundred dollars, together with all damages he has sustained by reason thereof, and full costs of suit, provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election. 40 45 50

Stealing or tampering with poll books.

110. If any person unlawfully, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its 55

lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, in, to or upon, or aids, counsels or assists in so taking, destroying, 5 injuring or obliterating, or making any erasures, addition of names, or interlineation of names, in, to or upon, any list of voters or writ of election, or any return to a writ of election, or any report, certificate or affidavit, or any document or paper, made, prepared, or 10 drawn out according to or for the purpose of meeting the requirements of this Act or any of them, every such offender shall be guilty of *felony*, and shall be liable to imprisonment in the penitentiary for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for 15 a period not less than two years, with or without hard labour: And it shall not be necessary in any indictment for such offence, to allege that the article in respect of which the offence is committed, is of any value or the property of any person.

Felony.

110. Any Returning Officer, Deputy Returning Officer, Election 20 Clerk or Poll Clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Act, shall for each such refusal or neglect forfeit the sum of *two hundred* dollars to any person suing for the same.

Neglect of duty by election officers.

112. Every person who aids, abets, counsels or procures the 25 commission of any misdemeanor under this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

113. All penalties and forfeitures (other than fines in cases of 30 misdemeanor) imposed by this Act, shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt or information, in any of Her Majesty's Courts in the Province in which the cause of action arose, having competent jurisdiction; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the Court, the offender shall be imprisoned in the common gaol of the place for any term 35 less than two years, unless such fine and costs be sooner paid.

Recovery of penalties and forfeitures.

114. It shall be sufficient for the plaintiff, in any action or suit 40 given by this Act, to state in the declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action or suit is brought, and that the defendant hath acted contrary to this Act, without mentioning the writ of election or the return thereof.

Allegations and proof in suits for penalties.

115. In any such civil action, suit or proceeding as last afore- 45 said, the parties to the same and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence, to the same extent and subject to the same exceptions as in other civil suits in the same Province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Act against the party or person giving it.

Evidence of husbands and wives.

116. It shall be lawful for any Criminal Court before which any 50 prosecution is instituted for any offence against the provisions of this Act, to order payment by the defendant to the prosecutor of such costs and expenses as appear to the Court to have been reasonably incurred in and about the conduct of such prosecution; but the court shall not make such order, unless the prosecutor before or 55 upon the finding of the indictment or the granting of the information, enters into a recognizance with two sufficient sureties, in the sum of *five hundred dollars*, and to the satisfaction of the court, to

Criminal Court may allow costs to prosecution in certain cases.

conduct the prosecution with effect and to pay the defendant his costs in case he be acquitted.

To defendant acquitted.

117. In case of an indictment or information by a private prosecutor for any offence against the provisions of this Act, if judgment be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, such costs to be taxed by the proper officer of the court in which the judgment is given. 5

Evidence of corrupt practice.

118. In any indictment or prosecution for bribery or undue influence, or any other corrupt practice, and in any action or proceeding for any penalty for bribery, or undue influence, or any other corrupt practice, it shall be sufficient to allege that the defendant was, at the election at or in connexion with which the offence is intended to be alleged to have been committed, guilty of bribery, or undue influence, or any other corrupt practice, describing it by the name given to it by this Act or otherwise, (as the case may require); and in any criminal or civil proceeding in relation to any such offence, the certificate of the Returning Officer in this behalf, shall be sufficient evidence of the due holding of the election and of any person named in such certificate having been a candidate thereat. 10 15 20

Production of writ of election, &c., not required.

119. It shall not be necessary on the trial of any suit or prosecution under this Act, to produce the writ of election or the return thereof, or the authority of the Returning Officer founded upon any such writ of election, but general evidence of such facts shall be sufficient evidence. 25

Power of Court or Judge trying an election petition to impose penalties.

120. Whenever it shall appear to the Court or Judge trying an election petition, that any officer, elector, or other person, has contravened any of the provisions of this Act, for which contravention such officer, elector, or other person, might be liable to a fine or penalty, (other than fines and penalties imposed for any offence amounting to a misdemeanor or felony,) such Court or Judge may order that such officer, elector, or other person, be summoned to appear before such court or Judge at the place, day and hour fixed in such summons for hearing the charge. 30

If, on the day so fixed for the summons, the party summoned do not appear, he shall be condemned on the evidence already adduced on the trial of the election petition to pay such fine or penalty as he may be liable to for such contravention, and in default of paying such fine, to the imprisonment imposed in such case under the provisions of this Act:— 40

And if on the day so fixed the party so summoned do appear the Court or Judge, after hearing such party and such evidence as may be adduced, shall give such judgment as to law and justice may appertain.

All fines recovered under this section shall belong to Her Majesty. 45

Proviso.

No fine shall be imposed under this section if it shall appear to the Judge or Court that the party has already been sued for the same offence, nor shall any such fine be imposed for any offence proved only by the evidence or admission of the party committing it.

Bribery, &c., not triable at Q. S.

121. No indictment for bribery or undue influence, personation or other corrupt practice shall be triable before any court of quarter or general sessions of the peace. 50

Legislation of suits, &c

122. Every prosecution for any misdemeanor under this Act, and every action, suit, or proceeding for any pecuniary penalty

given by this Act to the person suing for the same, shall be commenced within the space of one year next after the act committed, and not afterwards (unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court) and being commenced shall be proceeded with and carried on without wilful delay.

123. Every person taking any oath or affirmation under this Act, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

ELECTION EXPENSES.

10 **124.** No payment (except in respect of the personal expenses of a candidate) and no advance loan or deposit, shall be made by or on behalf of any candidate at any election, before or during or after such election, on account of such election, otherwise than through an agent or agents, whose name or names, address or addresses, have been declared in writing to the Returning Officer, on or before the nomination day, or through an agent or agents to be appointed in his or their place, as herein provided; and any person making any such payment, advance, loan or deposit otherwise than through such agent or agents shall be guilty of a misdemeanor:

No payment to be made except through authorized agent,

20 It shall be the duty of the Returning Officer, to publish on or before the nomination day the name and address or the names and addresses of the agent or agents appointed in pursuance of this section:

Names of agents to be published.

25 In the event of the death or legal incapacity of any agent appointed in pursuance of this section, the candidate shall forthwith appoint another agent in his place, giving notice to the Returning Officer of the name and address of the person so appointed, which shall be forthwith published as hereinbefore provided, by the Returning Officer.

In case agent cannot act.

30 **125.** All persons who have any bills, charges or claims upon any candidate for or in respect of any election, shall send in such bills, charges or claims within one month after the day of the declaration of the election, to such agent or agents as aforesaid, otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof; provided always that in the event of the death within the said month, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim, within one month of his obtaining probate or letters of administration, or of his becoming otherwise able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid; and provided also, that such bills, charges, and claims shall and may be sent in and delivered to the candidate, if and so long as, during the said month, there shall, owing to death or legal incapacity, be no such agent; and provided also, that the agent shall not pay any such bill, charge, or claim without the authority of the candidate, as well as the approval of the agent.

Bills and claims to be sent in within one month, or right to be barred.

50 **126.** A detailed statement of all election expenses incurred by or on behalf of any candidate, including such expected payments as aforesaid, shall within two months after the election (or in cases where by reason of the death of the creditor no bill has been sent in within such period of two months, then within one month after such bill has been sent in) be made out and signed by the agent, or if there be more than one, by every agent who has paid the same (including the candidate in cases of payments made by him) and delivered with the bills and vouchers relative thereto to the

Publication of detailed statement of expenses.

Penalty for mis-statement.	Returning Officer, and the Returning Officer for the time being shall at the expense of the candidate, within fourteen days, insert or cause to be inserted an abstract of such statement, with the signature of the agent thereto, in some newspaper published or circulating in the electoral district where the election was held :— and any agent or candidate who makes default in delivering to the Returning Officer, the statements required by this section shall incur a penalty not exceeding <i>twenty dollars</i> for every day during which he so makes default; and any agent or candidate who wilfully furnishes to the Returning Officer any untrue statement shall be guilty of a misdemeanor; and the said Returning Officer shall preserve all such bills and vouchers, and during the six months next after they shall have been delivered to him, shall permit any voter to inspect the same on payment of a fee of <i>twenty cents</i> .	5 10
Bills, &c., to be preserved.	127. No Returning Officer, or Deputy Returning Officer, for any electoral district, nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election for such electoral district; and if any Returning Officer, Deputy Returning Officer, or the partner or clerk of either of them so acts, he shall be guilty of misdemeanor.	15 20
Who may not act as agent for candidates.	128. The words "personal expenses" as used in this Act with respect to the expenditure of any candidate in relation to his election at which he is a candidate, shall include the reasonable travelling expenses of such candidate, and the reasonable expenses of his living at hotels, or elsewhere, for the purpose of and in relation to such election.	25
Personal expenses, what to be.		

FEEES AND EXPENSES.

NOTE.—*These provisions and all pecuniary penalties are intended to originate in Committee of Whole, and are printed only for the information of Members.*

129. The fees hereinafter mentioned, and no other, shall be allowed to the several officers hereinafter mentioned, respectively, for their services and disbursements at any election, that is to say :

Returning Officers in Rural Electoral Districts.

- (1.) Drawing proclamation.....*One Dollar*
- (2.) Paid printing *fifty* copies.....*Actual Cost* 30
- (3.) Mileage on posting the same, for each mile necessarily travelled, from place to place, to be taxed as Sheriff's mileage on summoning jurors.....*Ten cents per mile*
- (4.) Holding election and making return (if no contest,) including appointment of and swearing Election Clerk...*Ten Dollars* 35
- (5.) Election Clerk, one day.....*Two Dollars*
- (6.) Two Constables, one day (each).....*One Dollar* ;—

And the following additional charges in contested cases :—

- (7.) Appointing Deputies, and swearing them, each...*Fifty Cents*
- (8.) Furnishing copies of voters' lists, and list of electors voting when there are no voters' lists, when necessary, actual cost not exceeding.....*five cents for ten names* 40
- (9.) Mileage to deliver the same to deputies, when necessary (only one mileage for both ways, to be taxed as above,) per mile.....*ten cents*
- (10.) Making up and transmitting returns to the Clerk of the Crown in Chancery (including duplicates to each candidate, and all other necessary services connected therewith).....*Ten Dollars* 45

(11.) For services under sections and such amount as the Governor may think reasonable under the circumstances of the case.

- (12.) Postage.....Amount actually paid out.
- 5 (13.) Pay of Election Clerk, one day.....Two Dollars
- (14.) Mileage of Returning Officer and Election Clerk, going to and returning from the election on nomination day (each).....ten cents for every mile necessarily travelled.

Deputy Returning Officers.

- 10 (15.) Taking the polls, including all the services connected therewith, and making returns.....Four Dollars
- (16.) Paid Poll Clerk, one day.....Two Dollars
- (17.) Paid one Constable, one day.....One Dollar
- (18.) For each polling booth or polling station, actual cost, not exceeding.....Four Dollars

In Cities and Towns.

- 15 (19.) To Returning Officers in cities and towns, holding election and making return when no contest (exclusive of actual charge for printing).....Ten Dollars
- (20.) When the election is contested (exclusive of actual charge for printing).....Twenty Dollars
- 20 (21.) To Deputy Returning Officers, Election Clerks, Poll Clerks, and Constables, the same charge as at rural elections in rural polling places.
- (22.) For each polling booth or polling station, actual cost not exceeding ten dollars.

25 And such fees, allowances, and disbursements, shall be paid over to the Returning Officer, by warrant of the Governor, directed to the Receiver General, out of the Consolidated Revenue Fund of Canada, and shall be distributed by such Returning Officer to the several officers and persons entitled to the same under the provisions
30 of this Act, which distribution he shall report to the Governor through the Secretary of State.

Returning officers shall certify the correctness of the accounts of the respective Deputy Returning Officers. R. O. to certify accounts to D. R. O.

MISCELLANEOUS PROVISIONS.

35 **130.** Any person before whom it is hereby required or intimated by the form in any schedule to this Act, that any oath be taken, or any affirmation made in the manner herein provided, shall have power to administer the same, and shall do so gratuitously. Administration of oaths.

40 **131.** Where the Returning Officer or his Deputy is by this Act required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills, or such other means as he may think best calculated to give the information to the electors. Mode of giving notices.

45 **132.** If the time limited by this Act for any proceeding, or the doing of any thing under its provisions expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or holiday. Reckoning time.

133. In this Act the word "Election" means an election of a member to serve in the House of Commons; the words "Electoral District" mean any place in Canada entitled to return a member Interpretation

to the House of Commons; the word "oath" includes "affirmation" in cases where a solemn affirmation is by law allowed instead of an oath; and the Interpretation Act applies to this Act.

No hustings, &c. **134.** No hustings, show of hands, or indenture, shall be required at or with respect to any election. 5

Copies of this Act, &c., to be sent to R. Officers. **135.** One copy of this Act, and of such extracts from the election or other laws of the several Provinces of the Dominion and of such instructions approved by the Governor in Council, as may be required to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed) for the Returning Officer, and one for each of his Deputies, shall be transmitted, with the writ of election, to each Returning Officer. 10

86 V. c. 27 repealed. As to Provincial laws touching elections. **136.** The Act passed by the Parliament of Canada in the thirty-sixth year of Her Majesty's reign, intituled: "*An Act to make temporary provision for the election of members to serve in the House of Commons*," is hereby repealed, except only as to elections held, rights acquired or liabilities incurred before the passing of this Act; and no enactment or provision contained in any Act of the Legislature of the late Province of Canada, or any of the Provinces now composing the Dominion of Canada, respecting elections of members of the Elective House of the Legislature of any such Province, shall apply to any election of a member or members of the House of Commons, held after the passing of this Act, except only such enactments and provisions as may be in force in such Province at the time of such last mentioned election, relating to the qualification of electors and the formation of voters' lists, and which will apply for like purposes to elections of members of the House of Commons, as provided in this Act. 15 20 25

Short title. **137.** This Act may be cited as "The Dominion Elections Act, 1874."

SCHEDULE OF FORMS.

A.

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith;—To the Sheriff, (Registrar or other Returning Officer, as the case may be) of the County (or as the case may be) of _____, GREETING:

Whereas by the advice of Our Privy Council for Canada, We have ordered a Parliament to be holden at Ottawa on the day of _____ next, (omit this Preamble, except in the case of a General Election). We command you that, notice of the time and place of election being duly given, you do cause Election to be made according to law of a Member (or as the case may be) to serve in the House of Commons of Canada, for the Electoral District of _____, (except in case of a General Election, insert here in the place of _____, deceased, or otherwise, stating the cause of vacancy) and (except in the Electoral Districts mentioned in section two) that you do cause the nomination of candidates at such Election to be held on the day of _____ next,) and do cause the name (or names) of such member (or members) when so elected, whether he (or they) be present or absent, to be certified to our Clerk of the Crown in Chancery, on or before the day of _____ next.

Witness, Our Right Trusty and Well-beloyed, &c., Governor General (or Administrator of the Government) of Our Dominion of Canada, at Our City of Ottawa, the _____ day of _____ in the _____ year of Our Reign and in the year of Our Lord 18 _____

Indorsement.

Received the within Writ on the _____ day of _____ 18 _____

(Signed), A. B.,
Sheriff of (or as the case may be),
Returning Officer.

_____ B.

Oath of the Returning Officer.

I, the undersigned, A. B., Returning Officer for the Electoral District of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of _____, and that I will act faithfully in that capacity, without partiality, fear, favor or affection; So help me God.

(Signature.) A. B.
Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, 18 _____, A. B., the Returning Officer for the Electoral District of _____, took and subscribed before me, the oath (or affirmation) of office, in such case required of a Returning Officer, by "The Dominion Elections Act, 1874."

In testimony whereof, I have delivered to him this Certificate.
(Signature.) C. D.,
Justice of the Peace.

_____ C.

Commission of an Election Clerk.

To E. F. (set forth his legal addition and residence).

Know you, that in my capacity of Returning Officer for the Electoral District of _____, I have appointed, and do hereby appoint you, to be my Election Clerk, to act in that capacity according to law, at the approaching Election for the said Electoral District of _____, which Election will be opened by me, on the _____ day of the month of _____, 18 _____.

Given under my hand, this _____ day of _____, in the year 18 _____.

(Signature.) A. B.,
Returning Officer.

_____ D.

Oath of the Election Clerk.

I, the undersigned, E. F., appointed Election Clerk for the Electoral District of _____, solemnly swear (or, if he be one of

the persons permitted by law to affirm in civil cases, solemnly affirm), that I will act faithfully in my said capacity as Election Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favor or affection: So help me God.

(Signature.) E. F.,
Election Clerk.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the day of _____, 18____, E. F., Election Clerk for the Electoral District of _____, took, and subscribed before me, the oath (or affirmation) of office required in such case, of an Election Clerk, by the "The Dominion Elections Act, 1874."

In testimony whereof, I have delivered to him this Certificate under my hand.

(Signature.) C. D.,
Justice of the Peace,
or A. B.,
Returning Officer.

E.

Proclamation of the Returning Officer declaring the time and place fixed for the nomination of Candidates, and also the day for opening the Poll, and the polling stations and polling districts.

PROCLAMATION.

Electoral District of _____, to wit:

Public Notice is hereby given to the Electors of the Electoral District aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the _____ day of _____ 18____, I require the presence of the said Electors at (*describe the place where the Nomination is to take place*), in the County (or Township, or in the City or Town) of _____, on the _____ day of the month of _____, from noon until two of the clock in the afternoon, for the purpose of nominating a person (or persons, as the case may be), to represent them in the House of Commons of Canada; and that in case a Poll be demanded and allowed in the manner by law prescribed, such Poll will be opened on the _____ day of the month of _____, in the year _____, from the hour of nine in the morning till five of the clock in the afternoon in each of the Polling Districts, that is to say:

For the Polling District No. 1, consisting of (or bounded as follows, or otherwise describing it clearly) at _____, describing the Polling Station:—
(and so continuing for all the other Polling Districts and Stations in the Electoral District).

And further that on the _____ day of _____ at _____ I shall open the ballot boxes, sum up the votes given for the several candidates and return as elected the (one) or (as the case may be) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at _____, this _____ day of _____, in the year 18____.

(Signature.) A. B.,
Returning Officer.

F.

Nomination Paper, &c.

We the undersigned Electors of the Electoral District of
 hereby nominate (*names, residence and additions or descriptions*
of person or persons nominated) as a candidate (*or candidates*) at the
 election now about to be held of a member (*or members*) to repre-
 sent the said Electoral District in the House of Commons of Canada.

Witness our hands at _____ in the said Electoral District,
 this _____ day of _____ 18____.
 Signed, by the said electors, in presence }
 of _____, of _____ (additions.) }
Signatures with residence and additions.

I (*or we*) the said _____, nominated in the fore-
 going Nomination Paper, hereby consent to such nomination.
 Witness my (*or our*) hand (*or hands*) at _____, this
 day of _____ 18____.

Signed, by the said nominee, in presence }
 of _____, of _____, (additions.) }
Signature or signatures.

G.

Oath of Attestation of the Nomination Paper.

I, A. B., of _____, (*additions*) solemnly swear (*or if he*
be one of the persons permitted by law to affirm in civil cases, solemnly
affirm) that I know (*mentioning the names of the signers known to him*),
 and that they are duly qualified as Electors of the Electoral District
 of _____, to vote at an election of a member to serve in
 the House of Commons of Canada, and that they respectively signed
 the foregoing (*or within*) nomination paper in my presence; and
 further (*if the case be so*), that I know the said _____
 thereby nominated as a candidate (*or candidates*), and that he (*or*
 they) signed his consent to the nomination in my presence.

Sworn (*or affirmed*) before me, at }
 this _____, day of _____ }
 18____. } *Signature.*

Justices of the Peace.

The forms in this Schedule may be varied according to circumstances,
the intention of the Act being complied with; and the assent of the candi-
date may be sworn to by a separate elector, if the facts require it to be so.

H.

Return when there are no more candidates than members to be elected.

I hereby certify that the member (*or members*) elected for the
 electoral district of _____, in pursuance of the within written
 writ, is (*or are*) A. B. of _____ in _____, (and C. D. of _____
as in the nomination paper), no other candidate having been nomi-
 nated (*or the other or all other candidates having withdrawn as*
the case may be.)

(Signed,) _____ R. O., Returning Officer,

I.

Ballot paper and directions for voting :

Election for the Electora District of 18	1	DOE (John Doe, Township of Nepean, County of Carleton, Yeoman.	
	2	ROE (Richard Roe, of Town of Prescott, County of Grenville, Merchant.	×
	3	STILES. (Geoffery Stiles, of 10 Sparks Street, Ottawa, Physician.	
	4	STILES. (John Stiles, of 3 El- gin Street, Ottawa, Barrister-at-Law.	

The names of the candidates will be as in the nomination paper. The elector is supposed to have marked his ballot paper in favor of Richard Roe.

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

The voter is to vote only for one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit.

The voters will go into one of the compartments, and with a pencil there provided, place a cross opposite the name or names of the candidate or candidates for whom he votes, thus ×.

The voter will then fold the ballot, so as to show a portion of the back only, he will then place it in the envelope, which he will close in the usual way, and deliver to the Deputy Returning Officer, who will place it in the ballot box. The voter will then forthwith quit the polling station.

If a voter inadvertently spoils a ballot paper or envelope, he can return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper or envelope by which he can afterwards be identified, his vote will be void, and will not be counted.

If the voter takes a ballot paper or envelope out of the polling station, or put any ballot or other paper into the ballot box, he will be subject to imprisonment for a term not exceeding months, with or without hard labor.

J.

*Commission of a Deputy Returning Officer.*To G. H. (*insert his legal addition and residence.*)

Know you, that in my capacity of Returning Officer, for the Electoral District of _____, I have appointed, and do hereby appoint you to be Deputy Returning Officer for the polling district number _____, of the said Electoral District of _____, there to take the votes of the Electors by ballot according to law, at the polling station, to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll of such election for the said polling district on the _____ day of _____, at nine o'clock in the forenoon, at (*here describe particularly the place in which the Poll is to be held*), and there to keep the said Poll open during the hours prescribed by law, and to take at the said Polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said Polling place, and after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing the ballots, envelopes, voters' list, and other documents required by law, together with this commission.

Given under my hand, at _____, this _____ day of _____, in the year 18 _____.

(Signature.) A. B.,
Returning Officer,

K.

Oath of Deputy Returning Officer.

I, the undersigned G. H., appointed Deputy Returning Officer, for the _____ polling district, No. _____, of the Electoral District of _____, solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favor, or affection. So help me God.

(Signature,) G. H.,
Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken the oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H., Deputy Returning Officer for the _____ polling district No. _____ of the Electoral District of _____, took and subscribed the oath (*or affirmation*) of office, required in such case of a Deputy Returning Officer, by "The Dominion Elections Act, 1874."

In testimony whereof, I have delivered to him this certificate under my hand,

(Signature,) C. D.,
Justice of the Peace.
or, A. B.,
Returning Officer.

Commission of a Poll Clerk.

To I. J. (*insert his legal addition and residence.*)

Know you, that in my capacity of Deputy Returning Officer for the polling district, No. , of the Electoral District of , I have appointed, and do hereby appoint you to be Poll Clerk for the said polling district.

Given under my hand, at , this day of , in the year 18 .
(Signature.) G. H.,
Deputy Returning Officer.

M.

Oath of Poll Clerk.

I, the undersigned, I. J., appointed Poll Clerk for the polling district, No. , of the Electoral District of do solemnly swear (*or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm*) that I will act faithfully in my capacity of Poll Clerk, and also in that of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favor, or affection. So help me God.

(Signature,) I. J.,
Poll Clerk.

Certificate of the Poll Clerk having taken the Oath.

I, the undersigned, hereby certify that on the day of the month of , I. J., Poll Clerk, for the polling district, No. , of the Electoral District of took and subscribed before me the oath (*or affirmation*) of office required of a Poll Clerk in such cases by "The Dominion Elections Act, 1874."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature), C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

N.

Commission of a Poll Clerk by a Poll Clerk acting as Deputy Returning Officer.

To of (*insert his residence and legal addition*) know you, that in my capacity of Acting Deputy Returning Officer for the polling district No. of the electoral district of , in consequence of the decease (*or incapacity to act as the case may be*) of the Deputy Returning Officer for the said polling district, whose Poll Clerk I

was, I have appointed, and do hereby appoint you to be Poll Clerk for the said polling district, No. _____, of the said Electoral District.

Given under my hand at _____ this _____ day of _____ in the year 18 _____

(Signature.) P. C.,
Poll Clerk, Acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a Poll Clerk appointed by the Deputy Returning Officer.

Form of Voters' List.	Number of the Voters.	
	NAMES OF the VOTERS.	
	Their legal addition.	
	Their place of residence.	
	OWNERS.	
	Tenants or Occupants.	
	Residence or other qualification.	
	Objections.	
	Sworn or affirmed.	
	Voters refusing to be sworn or affirmed.	
Voters voting after others voted in their names.		

NOTE.—The qualification need not be inserted except where there are no provincial lists of voters.

P.

Oath of identity by voter receiving a ballot paper and envelope after another has voted in his name.

I solemnly swear, (or if he by one of the persons permitted to by law to affirm in civil cases, solemnly affirm) that I am A. B. of _____ (as on the voters' list) whose name is entered on the voters' list now shown me. So help me God.

Q.

Oath of the Deputy Returning Officer after the closing of the Poll.

I, the undersigned, Deputy Returning Officer for the polling-district No. _____, of the Electoral District of _____ do solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm), that to the best of my knowledge and belief, the voters' list kept for the said polling district, under my direction, hath been so kept correctly; and that the total number of votes polled in the said list is _____, and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation), will be to the end that the said ballot box being first carefully sealed with my seal may be transmitted to the Returning Officer according to law.

(Signature) G. H.,
Deputy Returning Officer.
Sworn before me at _____, in the County of _____,
, this _____ day of _____, 18 ____.
(Signature.) X. Y.,
Justice of the Peace.
or, A. B.,
Returning Officer.

R.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned, Poll Clerk for the _____ polling district No. _____, of the Electoral District of _____, do solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that the voters' list kept in and for the said _____ (as the case may be), under the direction of G. H., who has acted as Deputy Returning Officer therein, has been so kept by me under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of votes polled in the said list is _____; and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the polling station in the said polling district, (as the case may be) as the said votes were taken at the said poll by the said Deputy Returning Officer.

(Signature,) I. J.,
Poll Clerk.
Sworn (or affirmed) and subscribed before me, at _____
this _____ day of _____ the month of _____
, in the year _____
(Signature,) X. Y.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

S.

Return after a Poll has been Taken.

I hereby certify that the member (or members) elected for the Electoral District of _____, in pursuance of the within written writ, as having received the majority of votes lawfully given, is (or are) A. B., &c., (names, &c., as in the nomination paper.

(Signed,) R. O.,
Returning Officer.

1st Session, 3rd Parliament, 37th Victoria, 1874.

BILL.

An Act respecting Elections of the House of
Commons.

Received and read 1st Time, Tuesday, 7th
April, 1874.

Second reading, Friday, 10th April, 1874.

Hon. Mr. DORION

An Act to amend the Act to incorporate the Canadian
and Great Northern Telegraph Company.

WHEREAS the Canadian and Great Northern Telegraph Preamble.
Company have represented by their petition the necessity
of extending the time for the commencement and completion of
laying down an ocean telegraph cable from the north of Scotland
5 to Canada, *via* the Faroe Islands, Iceland, Greenland, through the
Straits of Belle Isle to Gaspé, or some convenient landing place
in the St. Lawrence; 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,
10 enacts as follows:—

1. The time limited for the commencement of the work by the
Act incorporating the said Company for the connection of Europe
and Canada by a telegraph cable shall be extended for a period of
two years from the passing of this Act, and the time for its com-
15 pletion shall also be extended to five years from the passing of
this Act, notwithstanding anything to the contrary in previous
Acts contained.

Time for com-
mencing and
completing
work, extended

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act to amend the Act to incorporate
the Canadian and Great Northern Tele-
graph Company.

Received and read, first time, Thursday, 9th
April, 1874.

Second reading, Friday, 10th April, 1874.

(PRIVATE BILL.)

Hon. Mr. HOLTON.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1874.

An Act to amend the Act to incorporate the Caughnawaga
Ship Canal Company.

WHEREAS the Caughnawaga Ship Canal Company, have ^{Preamble.}
represented by their petition, the necessity of extending ^{33 V., c. 47.}
the time for the commencement and completion of the said Canal,
to connect the waters of Lake Champlain with those of the St.
5 Lawrence, and of increasing the number of Directors in the said
Company; and it is expedient to grant the prayer of the said
petition; Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada enacts as
follows:—

10 1. The time limited for the commencement of the work by the ^{Time for com-}
Act incorporating the said Company, to construct a Canal to con- ^{mencement}
nect the waters of Lake Champlain with the St. Lawrence, shall ^{and completion}
be extended for a period of two years from the passing of this Act, ^{extended.}
and the time for the completion shall also be extended to five
15 years from the passing of this Act, notwithstanding anything to
the contrary in the said amended Act of incorporation contained,
as to the time of commencement and completion of said Canal.

2. The number of Directors of the Company shall after the pass- ^{Number of}
ing of this Act, consist of thirteen instead of nine as at present, ^{Directors in-}
20 and aliens as well as British subjects, and whether resident in the ^{creased.}
Dominion of Canada or elsewhere, may be shareholders in the ^{Aliens may be}
said Company; and all such shareholders shall be entitled to vote ^{Shareholders,}
on their shares equally with British subjects, and shall be also ^{&c.}
eligible to hold office as Directors or otherwise in the said Com-
25 pany; Provided that the President and at least three of the ^{Proviso.}
Directors shall be resident in Canada, and subjects of Her Majesty.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act to incorporate the
Caughnawaga Ship Canal Company.

Received and read first time, Thursday, 9th
April, 1874.

Second reading, Friday, 10th April, 1874.

(PRIVATE BILL.)

Hon. Mr. HOLTON.

OTTAWA :

Printed by L. B. Taylor, 29, 31 and 33 Rideau Street.

1874.

An Act to amend the Act incorporating the Confederation Life Association,

WHEREAS the Confederation Life Association has petitioned Preamble.
for an amendment of the Act passed in the thirty-fourth
year of Her Majesty's reign, intituled "*An Act to incorporate the*
Confederation Life Association;" and it is expedient to grant the
5 prayer of the said petition: Therefore Her Majesty, by and with
the advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. The General Board may by by-law fix the time for holding Time for hold-
ing annual
meeting, how
fixed.
10 the annual meeting of the Association, and change the same from
time to time as may be deemed expedient, so that the annual
meeting shall be held not later than the first day of May in any
year; and it shall be lawful to fix and hold the annual meeting to be
held next after the passing of this Act, at any time not later than
the first day of May, one thousand eight hundred and seventy-
15 five; and such meeting and all things done thereat shall be as
valid and effectual as if the meeting had been held in the present
year.

2. The General Board may by by-law fix the time for the Financial year,
and statements
under 31 Vict.,
c. 48, sec. 14.
20 ending of the financial year of the Association, and a statement
made up from the making of the last preceding statement to the
balancing day fixed by any such by-law shall be a sufficient com-
pliance with the fourteenth section of the "*Act respecting Insur-*
ance Companies," passed in the thirty-first year of Her Majesty's
reign, and chaptered forty-eight, notwithstanding that such
25 balancing day may be more than twelve months before the filing
of such statement.

3. The eighth section of the said Act in the preamble to this 34 Vict., c. 54,
sec. 8, amend-
ed.
Act mentioned is hereby amended by striking out the words "in
addition to *ex-officio* members."

30 4. The eighteenth and nineteenth sections of the said Act are Sections 18 and
19 repealed.
hereby repealed, and the following section is substituted therefor:—

"Whenever any holder of a policy shall have paid two or more New section.
annual premiums thereon, and shall fail to pay any further pre-
mium or shall desire to surrender the policy, the premiums paid
35 shall not be forfeited, but he shall be entitled to receive a paid-up
and commuted policy for such sum as the General Board may
ascertain and determine, or to be paid in cash such sum as the
General Board may fix as the surrender value of the policy; such

sums to be ascertained upon principles to be adopted by by-laws applicable generally to all such cases as may occur, provided he shall demand such paid-up and commuted policy or such cash payment while the original policy is in force, or within six months
5 after his failure to pay a premium thereon."

5. The twenty-first section of the said Act is hereby amended ^{Section 21.} by inserting the words "in or on" after the words "real estate or" ^{amended.} in the seventh line of the said section, and by striking out the proviso in the last three lines of the said section contained.

No. 5.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the
Confederation Life Association.

Received and read the first time, Thursday, 9th
April, 1874.

Second reading, Friday, 10th April, 1874.

(PRIVATE BILL.)

Mr. YOUNG.

OTTAWA:

Printed by I. B. Taylor, 29, 31 & 33, Rideau Street
1874.

An Act to consolidate the Mortgages and other Preferential Charges of the Grand Trunk Railway Company of Canada, and for raising further Capital, and for establishing a Superannuation and Provident Fund Association, and for other purposes.

WHEREAS the undertaking of the Grand Trunk Railway Company of Canada is charged with various mortgages, bonds, and other charges, at different rates of interest and variously secured, and it is desirable that the Company should be enabled by agreement to consolidate the same :—

And whereas, the Company are lessees in perpetuity, with the right of purchase of the International Bridge—the undertaking of which is also subject to mortgages and preference charges, the consolidation of which with the other charges affecting the undertaking of the Company is also expedient ;

And whereas, subject to provisions herein contained, it is expedient that the Company be empowered to raise a further sum of money for the general purposes of their undertaking by the issue of a limited amount of debenture stock, as herein after mentioned ;

And whereas it is expedient that a superannuation and provident fund for the officers and servants of the Company should be established, and that the Company should be empowered to assist and encourage such fund by contributing thereto, and that managers of the said fund should be appointed, and that rules should be established for the general government of the fund, and also for regulating the admission of salaried officers and clerks of the Company as contributing members, and that provision should be made for the alteration of such rules respectively ;

And whereas the objects aforesaid cannot be effected without the authority of Parliament ; 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 may, for all purposes, be cited as “The Grand Trunk Consolidated Debenture Stock Act, 1874.”

2. In this Act, except where repugnant to or inconsistent with the context, the following words or expressions have the following meanings :

The word “Company,” means “The Grand Trunk Railway Company of Canada.”

The expression “Arrangements Act,” means “The Grand Trunk Arrangements Act, 1862.”

The expression “preferential charges” means and includes the various bonds, mortgages, debentures, rents, payments, contributions, and liabilities mentioned or referred to in the schedules to this Act.

Power to acquire preferential charges by agreement.

3. It shall be lawful for the Company at any time hereafter to agree with the holder or holders of any of the preferential charges for the purchase, payment, or redemption of the same, upon such terms and conditions and at such price as may be agreed, or for the exchange of the same into the debenture stock hereinafter authorized to be created. 5

Power to create debenture stock.

4. The Company may for the purpose of this Act create and issue debenture stock to the nominal amount of eight millions of pounds sterling, and may attach to such debenture stock as and when created such fixed and perpetual interest not exceeding five 10 per centum per annum, payable half yearly or otherwise, and commencing at once or at any future time or times, at which the debenture stock is issued, or otherwise, as the Company think fit.

Debenture stock charged on undertaking.

5. The debenture stock as and when created shall, subject to the priorities of all other preferential charges then existing, be and 15 become the first charge upon and over all the Company's railways, works, rolling stock, plant, property, and effects whatsoever at the time being, including therein the interest of the Company of and in the said International Bridge, and in lines leased, worked, or otherwise held by the Company, and for that purpose shall rank 20 immediately after the Equipment Mortgage Bonds (No. 2) of the class defined by section three of "The Grand Trunk Railway Act, 1867."

Acquired securities to remain charged in favor of debenture stock.

6. From time to time as and when any preferential charge shall be purchased, exchanged, redeemed, or otherwise acquired by 25 the Company, the interest or annual income which would otherwise have been or become payable in respect of such preferential charge shall thenceforth be applied in aid of the interest payable on the debenture stock hereby authorized to be created, and the security to which such preferential charge would otherwise have 30 been entitled shall continue as security *pro tanto* for the benefit of the said debenture stock as if such preferential charge were still existing, and such interest shall continue payable, and such security shall continue to subsist in favor of debenture stock, until, by one or other of the means as aforesaid, the whole of the preferential 35 charges shall have been extinguished.

Holders of debenture stock to have right of voting.

7. The holders of the debenture stock hereby created shall have the same right of voting as preference shareholders of the Company now enjoy under the provisions of the Arrangements Act. 40

Debenture stock transferable and personal estate.

8. The debenture stock and the interest thereon shall be transmissible and transferable, in the same manner and according to the same regulations and provisions as the other stock of the Company, and shall in all other respects have the incidents of personal estate. 45

Interest on debenture stock.

9. The interest on debenture stock shall rank next to the interest payable on the preferential charges for the time being of the Company legally existing before the creation of such stock and immediately after the interest on Equipment Mortgage Bonds (No. 2) of the class defined by Section 3 of "The Grand Trunk 50 Railway Act, 1867," but the holders of debenture stock shall not as among themselves be entitled to any preference or priority.

10. The Company shall apply the whole of the debenture stock, or the proceeds thereof, hereby authorized to be created (except the nominal amount of one million two hundred and fifty thousand pounds, which, or the proceeds of which, may be applied for general purposes), in the purchase, redemption, exchange, or acquisition of preferential charges: Provided, however, That if the whole of the sum hereby directed to be applied in the acquisition of preferential charges be not required for that purpose the balance not so required may, after the acquisition of all preferential charges, be applied to general purposes.

Application
of proceeds
of debenture
stock.

11. A fund, to be called "The Grand Trunk Railway of Canada Superannuation and Provident Fund," shall be established for the payment of superannuation allowances to the officers and servants of the Company, or such of them as shall become and continue contributing members of the fund, or for payment of allowances to such officers and servants in case of sickness, or to their widows or children or other representatives in case of their death.

Establish-
ment of
superannua-
tion fund.

12. The fund shall be formed, invested, managed, and distributed in accordance with the rules and regulations contained in a scheme to be prepared by the Company, and sealed with their common seal within six months after the passing of this Act, until altered in accordance with the powers which for that purpose may be inserted in and contained in such rules and regulations, and afterwards in accordance with the rules and regulations that shall be for the time being in force under the provisions of the said scheme.

To be managed
in accordance
with regula-
tions.

13. The Company shall contribute annually to the said fund such sum as shall be provided by the said rules and regulations for the time being in force, being not less than one-half or more than three halves of the amount contributed during the year by the officers and servants of the Company in accordance with such rules and regulations. All sums so contributed by the Company for this purpose shall be considered as and form part of the "working expenses" of the said Company as defined by the Arrangements Act, and shall for all purposes of priority of payment be considered as a payment of wages due to the servants of the Company.

Contribution
by Company
to fund.

14. The said fund shall be vested and belong to the Committee for the time being having the management of the said fund under the provisions of this Act, and of the said rules and regulations for the time being in force as aforesaid; and such committee shall sue and be sued in the name of their secretary, and shall invest, manage, and distribute the same in accordance with the provisions of this Act and the said rules and regulations.

Vesting of
fund.

15. This Act shall not take effect unless and until submitted to a special general meeting of the Company, and accepted by a majority consisting of two-thirds of the votes of the persons present or represented by proxy entitled to vote; and the certificate in writing of the chairman of such meeting shall be taken as *prima facie* proof of its acceptance by the meeting, such certificate to be filed in the office of the Secretary of State of the Dominion of Canada; and copies certified by the said Secretary shall be taken and considered in all courts of law and equity as sufficient *prima facie* evidence of the contents thereof.

Acceptance of
Act by special
general
meeting.

SCHEDULES OF PREFERENTIAL CHARGES.

(Being the Schedules hereinbefore referred to.)

MEMORANDUM of Capital invested and amounts payable as Interest and Rent thereon, for cars hired and stations rented.

Particulars.	Net Capital.	Rate per cent.	Annual Payment.
	\$ cts.		\$ cts.
Stations.....	224,000 00	9½	20,400 00
Cars.....	1,787,299 42	10½	184,115 11
	2,011,299 42	10½	204,515 11
	£413,280 14 0	10½	£42,023 13 0

STATEMENT of Pre-Preference Interest charges and Capital-represented.

Particulars.	Amount of Capital.	Rate per cent.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Postal and Military Service Bonds.....	1,200,000 0 0	2 13		32,000 0 0
Interest on Lands (Mortgages).....	50,000 0 0	6 p.c.		3,000 0 0
Mortgage to Bank of Upper Canada.....	221,190 6 0	4 "		8,847 12 4
British American Land Company, Debentures (100,000 dols.).....	20,547 18 11	6 "		1,233 0 0
Montreal Seminary (100,000 dols.).....	20,547 18 11	6 "		1,232 17 6
Island Pond.....	90,000 0 0	6 "		5,400 0 0
Atlantic and St. Lawrence Capital:—				
Stg. A. and St. L., Bonds.....	309,900 0 0	6 "	18,594 0 0	
do do.....	100,000 0 0	6 "	6,000 0 0	
do do.....	147,300 0 0	6 "	8,838 0 0	
do Shares.....	583,100 0 0	6 "	34,986 0 0	
do do.....	309,900 0 0	6 "	18,594 0 0	
do do.....	130,400 0 0	6 "	7,824 0 0	
				94,836 0 0
U. S. Cy. Bonds (787,000 dols.).....	161,712 6 5	6 "	9,702 14 8	
do Shares (46,200).....	9,493 3 0	6 "	569 11 8	
				10,272 6 4
Annual Contribution to P. L. Sinking Fund.....				5,136 19 9
Detroit Line Capital:—				
Bonds.....	225,000 0 0	6 "	13,500 0 0	
Shares.....	225,000 0 0	4 "	9,000 0 0	
				22,500 0 0
Montreal and Champlain:—				
Consolidated Bonds.....	181,400 0 0	6 "	10,884 0 0	
Second Mortgage (370,000 dols.).....	76,027 7 10	8 "	6,082 3 9	
7 per cent. do.....	102,800 0 0	7 "	7,196 0 0	
				24,162 3 9
Buffalo and Lake Huron:—				
Preference Shares.....	525,135 0 0	} 5 "	(Rental) (*)	65,000 0 0
Active Bonds.....	763,758 0 0			
First Equipment Bonds.....	500,000 0 0	6 "		30,000 0 0
Second do.....	500,000 0 0	6 "		30,000 0 0
International Bridge Capital.....	273,000 0 0	7½ "		20,000 0 0
	£6,726,212 1 1	5½ p.c. average		£353,620 19 8

* Increased ultimately (1879) to £70,000.

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No. 6.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to consolidate the Mortgages and other Preferential Charges of the Grand Trunk Railway Company of Canada, and for raising further Capital, and for establishing a Superannuation and Provident Fund Association, and for other purposes.

Received and read first time, Thursday, 9th
April, 1874.

Second reading, Friday, 10th April, 1874.

[PRIVATE BILL.]

Mr. IRVING.

OTTAWA :

Printed by I. B. Taylor, 29, 31, & 33 Rideau Street

1874.

An Act to prevent Cruelty to Animals while in transit
by Railway or other means of conveyance within
the Dominion of Canada.

WHEREAS in the transportation of cattle, sheep, swine and other animals, by railway and steamer, within the Dominion of Canada, suffering from hunger, thirst and fatigue, is often inflicted upon them by long confinement in cars, and upon steamers and sailing vessels without rest, food, or water: and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by steamer and sailing vessels, within the Dominion of Canada; Therefore Her Majesty, by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1. No railway company within the Dominion of Canada, where railway forms any part of a line of road, over which cattle, sheep, swine or other animals are conveyed from one Province to another Province, or from the United States to or through any Province, or from any part of a Province to another part of the same; nor the owner or master of any steam, sailing or other vessel, carrying or transporting cattle, sheep, swine or other animals, from one Province to another Province, or within any Province or from the United States through or to any Province, shall confine the same in any car, boat, or vessel of any description, for a longer period than twenty-eight consecutive hours without unloading the same for rest, water and feeding for a period of at least six consecutive hours, unless prevented from so unloading and furnishing water and food by storm and other accidental and unavoidable cause. In reckoning the period of confinement, the time during which the animals have been confined without such rest and without the furnishing of food and water on any connecting railways from which they are received, whether in the United States or in Canada shall be included, it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

2. Animals so unladen shall be properly fed and watered during such rest by the owner or person having charge thereof, or in case of his default in so doing, then by the railway company, or the owner or master of the boat or vessel transporting the same, at the expense of the said owner or person in charge of such animals, and such railway company or owner or master of such boat or vessel, shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for any detention of such animals authorized by this Act.

3. Where animals are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the

Preamble.

Cattle, &c., on Railways and Steamboats not to be kept more than 28 hours without unloading them for food, rest, &c.

To be properly fed, &c., during such rest.

At whose expense.

Cars to be cleaned out.

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railway company then having charge of the cars in which they have been transported to clear the floors of the same, and to litter the same properly with clean saw-dust or sand before reloading them with live-stock.

Penalty for contravention. 4. Any railway company, owner or master of a vessel, having animals in transit as aforesaid, who shall knowingly and willfully fail to comply with the provisions of this Act, shall for each and every such failure to comply with its provisions, forfeit and pay as a penalty a sum not less than seventy-five dollars, nor more than five hundred dollars, in the discretion of the Court, for each case in which such offence is committed; Provided however that when animals are carried in any car, boat or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in regard to their being unladen shall not apply. 15

How the penalty may be recovered. 5. The penalty imposed by the next preceding section shall be recoverable by any person who will sue for the same by action of debt or information in any Court having jurisdiction in civil cases, to the amount of such penalty, in the place where the offence has been committed, with full costs of suit, which shall include all costs and charges which he shall or may have expended or incurred in, about, or for the purpose of the suit: And it shall be the duty of all Sheriffs and Chiefs of Police, and of their deputies and subordinates, to prosecute all offences against this Act which shall come within their knowledge. 20 25

Limitation of suits. 6. No person shall commence any action or proceeding for the recovery of penalty under this Act in manner hereinbefore provided, after the expiration of six months next after the committing of the offence.

Enforcement of lien on such cattle for food &c. 7. Any Corporation or person, entitled to lien under the second section of this Act, may enforce the same by suit in any Court having competent jurisdiction in civil cases to the amount claimed within the district where the food, care and custody, shall have been provided, or where the owner or custodian of the property resides. 30 35

No. 7.

1st Session, 3rd Parliament, 37 Victoria, 1

BILL.

An Act to prevent Cruelty to Animals w
in transit by Railway or other mean
conveyance within the Dominion
Canada.

Received and read the first time, Thursday,
April, 1874.

Second reading, Friday, 10th April, 1874.

MR. CHARLTON

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street
1874.

An Act to incorporate the Collins Bay Rafting and Forwarding Company.

WHEREAS the persons hereinafter named, have by their Preamble.
petition prayed that they may be incorporated for the purpose of establishing a Company in the City of Toronto, and at Collins Bay, for the transaction of the business of Shipping and Forwarding, to be called the "*Collins Bay Rafting and Forwarding Company*;" and whereas it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 1. Isaac Cockburn, James Murray, John McArthur, Alexander Certain persons incorporated
McArthur, Peter McArthur, William B. Scarth, James L. Scarth, and such other persons as may become shareholders in the Company to be by this Act created and their assigns shall be and they are hereby created, constituted, and declared to be a corporation,
15 body corporate and politic, under the name and style of the "*Collins Bay Rafting and Forwarding Company*." Corporate name.

2. The said Company are hereby empowered to construct, Business and general powers
acquire, charter, employ, navigate, and maintain all kinds of tugs, vessels, boats, and ships, used for navigation, trade, or other purposes, for the carriage and conveyance of rafts, timber, goods and passengers and other traffic, and to carry on all such business, including the general business of shipping and warehousing shipping agency, and to do all such matters as may be incidental to the carrying out of the objects of the Company as necessary or expedient to the more profitable prosecution thereof, with power to sell or mortgage any of the property of the Company real or personal and to make contracts with any persons or corporations whatever for the purposes of their business. The Directors shall have the power, if they think fit, to receive and take into the
20 stock of the Company, any steam or other vessel owned or built by any person or persons, assigning shares of the said Company in payment or part payment thereof: Provided always that the assent of a majority in number and value of the stockholders of the Company at a general meeting to be called for the purpose,
25 shall be procured. Vessels may be received as stock.

3. The Company may lease, construct, build or acquire by purchase or otherwise, and may hold absolutely or conditionally such real property, lands, tenements, roads, docks and buildings as may be necessary or convenient for the purposes of the Company, not
30 exceeding the yearly value of ten thousand dollars, with power to sell, let or lease, mortgage and dispose of and convey the same and others in their stead to acquire, not exceeding at any time the value aforesaid. Power to hold real estate.

- Further power of the Company.** The Company may also buy and sell timber of all kinds, and may buy, sell, have, hold, use, and enjoy all kinds of timber limits and licences from the Crown, and may from time to time, make advances on goods, wares, timber and lumber of every kind and description, and such advances may be made either in cash or negotiable paper made, endorsed, or accepted by the Company; and the Company may charge a commission on such advances not exceeding five per centum on the amount thereof, for which advances and commission the said Company shall have a lien upon such goods and securities. 5 10
- Capital stock and shares.** 4. The capital of the Company shall be one hundred thousand dollars, with power to increase the same as occasion may require to one million dollars, and shall be divided into shares of one hundred dollars each, which shall be held to be personal estate, and shall be assignable in such manner and form as may from time to time be prescribed by resolution of the Board of Directors in that behalf. 15
- Provisional Directors.** 5. The said Isaac Cockburn, James Murray, John McArthur Alexander McArthur, Peter McArthur, William B. Scarth, and James L. Scarth, shall be Directors of the said Company until a choice of Directors by election by the shareholders shall take place in the manner hereinafter prescribed, and the said Directors and their successors or any three of them shall have power to open books for the subscription of shares, to receive subscriptions to the stock of the Company, and to allot shares to the several subscribers; and no person shall hereafter be qualified to be a Director who does not hold in his own right ten shares of the capital stock of the Company. 20 25
- Stock books.**
- Qualification of Directors.**
- Annual general meeting.** 6. The annual meeting of the shareholders of the Company, for the transaction of the general business of the Company and election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place in the City of Toronto, and under such regulations with regard to notice as shall be determined by resolutions of the Board of Directors of the Company in that behalf; and the holding of such other meetings as may be found necessary or expedient may also be provided for by such resolutions. 30 35
- Commencement of operations, and first general meeting.** 7. As soon as seventy thousand dollars of the capital stock shall have been subscribed, and twenty per cent shall have been paid thereon, it shall be lawful for the Company to proceed with their operations under this Act; and as soon as convenient thereafter a first meeting of shareholders for the election of Directors and the transaction of business generally shall be held; and one week's previous notice of the time and place of holding the said first meeting shall be given by three of the Directors, in one or more newspapers published in the City of Toronto; and of subsequent annual meetings a like notice shall be given under the hand of the Secretary of the Company, unless otherwise prescribed by resolution of the Company as aforesaid; and all or any of the Directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business. 40 45 50
- Notice.**
- Votes and proxies.** 8. Each share shall entitle the holder thereof to one vote at all meetings of the Company and such vote may be given either

personally or by proxy, such proxy being also a shareholder, and having written authority: Provided always that no single shareholder shall be entitled to vote in his own right for any greater number of shares than one-third of the subscribed capital of the Company; and all questions shall be determined by the majority of votes given in respect thereof.

Proviso.

9. The Company shall have its head offices in the City of Toronto, and shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary and may appoint such other officers and may employ such agents as they from time to time judge expedient and may require, such Secretary, Officers, and Agents to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary, Officers, and Agents, such salaries and other remuneration as may be agreed on.

Head office and officers.

10. The Directors may make such calls upon the shareholders in respect of the shares subscribed or held by them respectively as they may from time to time deem expedient, and may impose penalties for failure of payment not exceeding two per centum at any one time upon the amount of the call or calls made, and likewise subject to such rules and conditions as may be imposed by resolution; they may declare forfeited all such shares as may be in arrear in respect of such call or calls or penalty, and such shares shall upon such declaration be and become forfeited in favor of the Company as well as the amount paid thereon, and shall thereupon be sold and disposed of in such manner as the Directors may see fit to direct and the nett proceeds applied in reduction of the claims of the Company against the shareholder in default; or the Directors may, in their discretion should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls upon such shares with or without interest and penalties or either, as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case until the shares shall have been paid in full.

Calls on shares

Forfeiture for non-payment of calls.

11. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls or for interest or penalties thereon, 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 in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties if any); and it shall only be necessary to prove that the defendant was a holder of a share or shares and that a call or calls had been made thereon.

What only need be declared in suits.

12. The Directors may pass resolutions, and may from time to time alter, repeal, amend, or wholly substitute others, for the government of the Company, its affairs, business, managers, officers, and servants, which resolutions shall be subject to approval or disallowance by the shareholders, and shall not be in force until approved of either at the annual or any special general meeting of the shareholders; and the same may among other things, besides comprehending all matters hereinbefore referred to as the

Directors may pass resolutions.

	subject of such resolutions, be made, subject to the general provisions of this Act, for the following objects and purposes, viz :—	
Directors.	1. To fix and determine the number of Directors, the manner of filling up vacancies that may occur between any annual elections, how many Directors shall constitute a quorum, and generally the manner in which their powers shall be exercised, including the appointment and control of subsidiary or local boards of Directors and agents.	5
Meetings.	2. The manner of calling meetings as well of the Directors as of the shareholders, and fixing the time for annual meetings.	10
Forfeiture.	3. The forfeiture of shares in arrear in respect of a call or calls, and the condition and manner in which such forfeiture shall be declared.	
Transfer books	4. The keeping of register and transfer books for shares, prescribing the manner in which transfers shall be made and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfer shall be allowed, also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon or in respect thereof.	15
Minutes and accounts.	5. The keeping of minutes of proceedings and the accounts of the said Company, and rectifying any errors which may be therein, the auditing of accounts, and the appointment of auditors.	20
Dividends.	6. The declaration and payment of the profits of the said Company and dividends in respect thereof.	25
Remuneration	7. The remuneration of Directors.	
Borrowing and lending money.	8. The borrowing or advancing of money for promoting the purposes of the Company, and the securities to be given by or to the said Company for the same.	30
Increase of capital stock.	9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions for and allotting shares for such increase, and making calls thereon and collecting the same.	
Other subjects	10. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company its shareholders and Directors by this Act.	35
Resolutions to be accessible.	And such resolutions shall be accessible at all reasonable hours to all persons interested therein.	40
Company may borrow money	13. The Company are authorized at any time to borrow to the amount and extent of seventy per cent. of their paid-up capital at such rate of interest as may be agreed upon.	
May become party to promissory notes, &c.	14. The Company may become a party to promissory notes and bills of exchange, cheques, agreements, deeds, mortgages, pledges, bottomry and other bonds, and may pledge and mortgage their property in the same manner as individuals can and may do ; but no such promissory note or bill of exchange shall be for a less sum than one hundred dollars, or be payable to bearer or be intended to be circulated as money or as the note of a bank.	45
Liability of shareholders	15. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatis-	55

ried in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder to the extent of the amount by him due on his shares.

16. The shareholders of the Company shall not as such be held 5 responsible for any act, default or liability whatever of the Company for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the Company beyond the amount due by them on their respective shares in the capital stock thereof. Liability limited.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Collins Bay
Rafting and Forwarding Company.

Received and read the first time, Thursday,
9th April, 1874.

Second reading, Friday, 10th April, 1874.

(PRIVATE BILL.)

Mr. COCKBURN.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to Incorporate the "London and Canada Bank."

WHEREAS the persons hereinafter named, and others, by Preamble.
 their petition have prayed that they may be incorporated
 for establishing a Bank in the City of Toronto; and it is expedient
 to grant the prayer of the said petition: Therefore Her Majesty,
 5 by and with the advice and consent of the Senate and House of
 Commons of Canada, enacts as follows:—

1. James O'Rielly, Peter Cameron, John M. Grover, Samuel Incorporation.
 Wilmot, John Harn Perry, Joseph Gould and Edward Douglas
 Armour, and such others as may become shareholders in the
 10 corporation to be by this Act created, and their assigns, shall be,
 and they are hereby created, constituted and declared to be a
 corporation, body corporate and politic, by the name of the Corporate
 "London and Canada Bank." name.

2. The capital stock of the said Bank shall be one million of Capital stock.
 15 pounds sterling, or five millions of dollars, divided into twenty
 thousand shares of fifty pounds sterling, or two hundred and fifty
 dollars each, which said shares shall be, and are hereby vested in
 the several persons who shall subscribe for the same, their legal
 representatives and assigns.

20 3. For the purpose of organizing the said Bank, and of raising Provisional
 the amount of the said capital stock, the persons hereinbefore Directors and
 mentioned by name shall be Provisional Directors thereof, and their powers.
 they, or a majority of them, may cause stock books to be opened
 after giving due notice thereof; upon which stock books shall and
 25 may be received the signatures and subscriptions of such parties
 or persons as desire to become shareholders in the said Bank; and
 such books shall be opened at Toronto and elsewhere at the
 discretion of the Provisional Directors, and shall be kept open as
 long as they shall deem necessary; and so soon as five hundred First meeting
 30 thousand dollars of the capital stock shall have been subscribed of shareholders
 upon the stock books, and one hundred thousand dollars thereof
 actually paid into some one of the present chartered banks in
 Canada, a public meeting shall be called of the subscribers
 thereof by notice published for at least two weeks in two news
 35 papers of the said city of Toronto; such meeting to be held in
 Toronto aforesaid, at such time and place therein as such notice shall
 indicate; and at such meeting the subscribers shall proceed to Election of
 elect seven Directors having the requisite stock qualification, who Directors.
 shall from thenceforward manage the affairs of the said corpora-
 40 tion, shall take charge of the stock books hereinbefore referred to,
 and shall continue in office until the first Wednesday in July,
 which shall be in the year next after the year in which they are
 so elected, and until their successors in office shall be duly elected;
 and immediately upon such election being had the functions of
 45 the said Provisional Directors shall cease.

Chief place of
business.

4. The chief place or seat of business of the said Corporation shall be in the City of Toronto, unless the Board of Directors first elected shall decide by resolution to fix the chief place or seat of business in the City of London, England, which last named place, if so decided on, shall be and remain thereafter such chief place or seat of business. 5

34 Vict., c. 5,
to apply.

5. The Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, and intituled "*An Act relating to Banks and Banking*," and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to Banks already in existence, or to Banks *en commandite*. 10

Bank must
obtain Treas-
ury Board
certificates.

6. The said Bank shall obtain from the Treasury Board within one year from and after the passing of this Act the certificate required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chaptered five; in default of which this Act shall become and be null and void, and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred shall 15
be forfeited. 20

Duration of
Act.

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

No. 9.

1st Session, 3rd Parliament, 37 Victoria, 18

BILL.

An Act to Incorporate the London
Canada Bank.

Received and read the first time, Thurs-
day 9th April, 1874.

Second reading, Friday 10th April, 1874.

(PRIVATE BILL.)

Mr. Ross, (East Durham

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau St.

1874.

An Act to regulate the construction and maintenance of
Marine Electric Telegraphs.

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

1. This Act shall apply—

5 (1.) To every Company or association of persons hereafter Application of
authorized by any special or general Act of the Parliament of Act.
Canada or under the provisions of this Act, to construct or main-
tain telegraphic wires or cables, in, upon, under or across any gulf,
10 bay or branch of any sea or any tidal water within the jurisdiction
of Canada, or the shore or bed thereof respectively, so as to connect
any province with any other province of the Dominion, or
to extend beyond the limits of any province.

(2.) To every Company authorized to construct or maintain such
15 telegraphs before the passing of this Act by any such Special or
General Act of the Parliament of Canada, or by any other Special
Act or Charter of any of the provinces constituting the Dominion,
and at the time of the passing of this Act in force in Canada.

2. The term "The Company" in this Act shall mean any Interpretation
Company or association of persons in the preceding section men-
20 tioned.

3. The Company shall not place any telegraphic wire, cable, or Limitation of
work connected therewith, in, under, upon, over, along or across powers of
any gulf, bay or branch of the sea, or any tidal water, or the shore Company.
or bed thereof respectively, except with the consent of all
25 persons and bodies having any right of property or other right
or any power, jurisdiction or authority in, over, or relating to
the same which may be affected, or be liable to be affected, by the
exercise of the powers of the Company.

4. Before commencing the construction of any such telegraph Plans of
30 or work as last aforesaid, or of any buoy or sea-mark connected works, &c., to
therewith, except in cases of emergency for repairs to any work be deposited in
previously constructed or laid, and then as speedily after the the Depart-
commencement of such work as may be, the Company shall ment of
deposit in the office of the Department of Marine and Fisheries Marine and
35 a plan thereof for the approval of such Department. The work Fisheries for
shall not be constructed otherwise than in accordance with such approval.
approval. If any work is constructed contrary to this provision,
the Department of Marine and Fisheries may, at the expense of
the Company, abate and remove it, or any part of it, and restore
40 the site thereof to its former condition.

5. The Company may, in or about the construction, mainten- Use of lights
ance or repairs of any such work, use on board ship or elsewhere and signals.

any light or signal allowed by any regulation to be made in that behalf by the said Department.

Abandoned or decayed work may be removed by Department.

6. If any such work, buoy or sea-mark is abandoned or suffered to fall into decay, the said Department may, if and as it thinks fit, at the expense of the Company, abate and remove it, and restore the site thereof to its former condition, and the said Department may at any time, at the expense of the Company, cause to be made a survey and examination of any such work, buoy or sea-mark, or of the site thereof. 5

Recovery by Department from Company of expenses, &c.

7. Whenever the said Department under the authority of this Act does in relation to any such work, any act or thing which the said Department is, by this Act, authorized to do at the expense of the Company, the amount of such expense shall be a debt due to the Crown from the Company, and shall be recoverable as such with costs, or the same may be recovered with costs, as a penalty is or may be recoverable from the Company. 10 15

Extent of Crown lands to be taken.

8. The Company may, with the consent of the Governor in Council, take and appropriate for the use of the Company for its stations, offices and works, but not alienate, so much of the land held by the Crown for the Dominion and the shore or bed adjacent to or covered by any gulf, bay or branch of the sea, or by any tidal water as is necessary for constructing, completing and using the telegraph and works of the Company. 20

Provincial lands may be acquired.

9. The Company may also acquire from any province of the Dominion any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the Company, and also alienate, sell and dispose of the same when no longer required for the purpose of the Company. 25

Extent of land to be taken by compulsory process, under Railway Act, 1868.

10. The Company may also acquire from any person or corporation any land necessary for the construction, maintenance and use of the telegraphic cable and works of the Company adjacent to or near the shore end or place of landing of the telegraph. And in case the Company and such person or corporation should fail to agree upon the possession or price of such land, the company is hereby empowered to enter upon and take such land, limited to an area of five acres, under the powers, authorities and provisions of the "*Railway Act of 1868*," the sections of which, in respect to compulsory powers for the acquisition of lands, are hereby declared to be applicable to any Company within this Act, and the powers, authorities and provisions contained in the said sections of "*The Railway Act of 1868*" are hereby declared to be vested in and exercisable by any such Company for the purpose aforesaid. 30 35 40

Works not to be proceeded with until plans, &c., submitted to and approved by Governor in Council.

11. The Company shall not be entitled to exercise any of the powers of this Act until the Company shall have submitted to the Governor in Council a plan and survey of the proposed site and location of such telegraph, and its approaches at the shore, and of its stations, offices and accommodations on land, and of all the intended works thereunto appertaining, nor until such plan, site and location have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said telegraph and works shall have been complied with. 45 50

12. The Company shall transmit all messages in the order in which they are received, and at equal and corresponding tariff rates, under the penalty of not less than fifty nor exceeding two hundred dollars, to be recovered with costs of suit by the person aggrieved; and the Company shall have full power to charge for the transmission of such messages, and to demand and collect in advance such rates of payment therefor as shall be fixed from time to time as the tariff of rates by the by-laws of the Company: Provided, however, that arrangements may be made with the proprietors or publishers of newspapers for the transmission for the purpose of publication of intelligence of general and public interest out of its regular order, and at less rates of charge than the general tariff rates.

Tariff of rates

Newspapers, &c.

13. Any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and government messages or despatches, shall always be transmitted in preference to any other message or despatch, if required by any person officially charged with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada, or by the Secretary of State for the Colonies on behalf of the Imperial Government.

Preferential messages.

14. If any person in the employment of the Company wilfully or negligently omits or delays to transmit or deliver any message, or by any wilful or negligent act or omission prevents or delays the transmission or delivery of any message, or improperly divulges to any person the purport of such message, he shall for every such offence be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Omitting or delaying to transmit messages by employee a misdemeanor.

15. Any person who shall wilfully or maliciously injure, molest or destroy any part of the cable, wires, lines, implements, instruments, posts, pillars, piers, abutments, anchorages, stations or works of the Company, or the material or property belonging thereto, or who shall in any way obstruct the working of the telegraph line of the Company shall on conviction of the offence be deemed guilty of misdemeanor and shall be liable to be punished in the manner provided by law for such offence.

Injury to property or works of Company a misdemeanor.

16. No Company or association of persons other than those mentioned in the first section of this Act, or which become incorporated in Canada under the next following section shall maintain, construct or use any telegraphic wire or cable connecting two or more provinces of the Dominion, or extending beyond the limits of any province in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada or the shore or bed thereof respectively: Provided that nothing in this section contained shall be construed to prohibit any existing Telegraph Company or association from continuing to receive and transmit messages over its line of marine telegraph, until such time as another Company, under the authority and within the provisions of this Act, has constructed and is operating a line of marine telegraph which has been determined by the Governor in Council to afford reasonable facilities for the trans-

Company extending its wire or cable beyond limits of any one Province must be incorporated under this Act.

Proviso as to existing Companies.

mission of marine telegraphic messages in lieu of the line or lines of such existing telegraph company or association, or to be a line for doing business over a route of a competitive nature.

Companies incorporated by Imperial Parliament to receive Charter from Governor of Canada.

17. In case any Company is now or shall hereafter be authorized by any special Act of the Parliament of Great Britain, or incorporated under the Imperial Joint Stock Companies' Act, or any other general Act of the Imperial Parliament or by Royal Charter for establishing or maintaining telegraphic communication in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may by letters patent under the Great Seal of Canada, and upon the terms and conditions to be contained therein, grant a charter to the persons forming such Company, upon the Company petitioning therefor, and such persons and others who may become shareholders in the Company shall be constituted a body corporate and politic by the same name, and with the same power and constitution in Canada for the said purpose and object of establishing and maintaining their said telegraph and works, within the jurisdiction of Canada, but any such grant shall be expressly subject to this Act, and conditional upon the Company doing, observing and performing the several provisions thereof, and such letters patent being published in *The Canada Gazette* with any order or Orders in Council relating to the said letters patent, shall have the like force and effect, as if the Company had been incorporated by special Act of Parliament, but no such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any Company or association which possesses any exclusive privilege of landing wire or cable for a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies in the first section of this Act mentioned, or which may become incorporated in Canada under the provisions of the — section of this Act, so that any Company incorporated or to be incorporated in Canada, may enjoy the same advantages in maintaining its marine telegraph line in and upon the same coast as the said Company which may possess such exclusive privilege.

Proviso: Charter to be subject to this Act.

Proviso, as to reciprocity in favor of Companies incorporated in Canada.

Right to amend reserved.

18. The Parliament of Canada may at any time amend, vary or repeal any of the provisions of this Act.

No. 10.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act to regulate the construction and maintenance of Marine Electric Telegraphs.

Received and read first time, Thursday, 3 April, 1874.

Second reading, Friday, 10th April, 1874.

Hon. Mr. BLAKE.

OTTAWA:

Printed by I. B. FARRER, 29, 31, and 33, Bideau street, 1874.

An Act to incorporate the Niagara Grand Island Bridge Company.

WHEREAS the persons hereinafter named, have petitioned Preamble.
 for power to build a railway bridge across the Niagara River at some point near Black Creek, in the County of Welland, and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Niagara Grand Island Bridge is hereby declared to be a Declaratory.
 work for the general advantage of Canada.

10 **2.** William A. Thomson, Isaac H. Allen, Edwin Hershey, John Certain persons incorporated.
 Flett, Lanty S. Lundy, Archibald McLachlin, Colin Macdougall, H. P. Smith and John Nice, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted
 15 and declared to be a body corporate and politic by the name of "The Niagara Grand Island Bridge Company;" and the said company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing
 20 the said bridge, or for the convenient using of the same, and also for the construction of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge, and to use any of the public highways for the purpose of constructing and working the same or any of them Corporate name and general powers.
 25 with the consent of the Municipal Council having jurisdiction over such highway.

3. The "Railway Act, 1868," is hereby incorporated with this Railway Act to form part of this Act.
 Act, and shall form part thereof, and be construed therewith as forming one Act.

30 **4.** The company hereby incorporated shall have full power Power to construct bridge.
 under this Act, to construct, maintain, work, and manage a railway bridge across the Niagara River for railway purposes, from some point at or near Black Creek, in the County of Welland, towards the Grand Island, in the State of New York, in the United States
 35 of America.

5. The company are hereby authorized to work trains by steam Power to work trains over the bridge, and into Welland.
 or horse power for local passengers and freight traffic between the State of New York and the County of Welland, over the bridge hereby authorized to be constructed, and to connect the said trains
 40 with other railways.

Provisional directors.

6. The persons named in the second section are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Their powers.

Subscriptions of stock.

Directors may exclude objectionable subscribers.

And allocate surplus stock.

All shareholders to have equal rights.

Capital.

First meeting of shareholders.

Election of directors.

Annual general meeting and election.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge, or upon the dissolution of the company from any cause whatever; and the said directors, or a majority of them, may, in their discretion, exclude any person from subscribing who, in their judgment, would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

8. All shareholders in the said company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

9. The capital stock of the said company shall be one million dollars, divided into ten thousand shares of one hundred dollars each.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the company, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada* and *Ontario Gazettes*, at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

11. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at Black Creek or elsewhere, as may be appointed by by-law, on the

first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

12. No person shall be elected a director of the said company unless he shall be the holder and owner of at least ten shares in the stock of the said company, and shall have paid up all calls made thereon. Qualification of directors.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the company beyond the amount unpaid on any stock held by him. Calls on shares.
Liability limited.

14. It shall be lawful for the directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money and issue bonds under the provisions of the Railway Act of 1868; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the directors at their marketable value. Power to issue bonds.
Mortgage.

15. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted, or endorsed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, as such, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, or secretary and treasurer of the company, so making, drawing, accepting, or endorsing any such promissory note or bill of exchange, be thereby subject individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank. Company may become parties to notes.
Form.
Proviso.

16. The said company shall not commence the said bridge, or any work thereunto appertaining, until the company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the Niagara River; and the said bridge shall have a draw in the Plans, &c., to be submitted to Governor in Council for approval.
Navigation of river not to be obstructed

unnecessarily
by bridge. main channel of the river, which said draw shall be of the width
of one hundred feet, and shall otherwise give free and unobstructed
passage to vessels of every description navigating the said river :
Draw in
bridge. from sundown until sunrise, during the season of navigation,
suitable lights shall be maintained upon the said bridge to guide 5
Lights. vessels approaching the said draw, and the use of the said bridge
shall be subject to such regulations as shall be from time to time
approved of by the Governor in Council.

Maintenance
of lights on
coffer dams,
&c. 17. It shall be the duty of the said company during the con-
struction of such bridge, to put up and maintain in the night time 10
during the season of navigation a good and sufficient light at each
end of any coffer dam or pier which may be erected by the said
company : Provided always, that before commencing the works of
the said bridge, or taking possession of any part of the beach or
land covered with water or other property of the Crown, the com- 15
pany shall obtain the consent of the Governor in Council, who may
impose such terms and conditions as he shall think proper before
granting permission to commence the works or take possession of
any property of the Crown as aforesaid : Provided the navigation
of such river shall not be unnecessarily obstructed by such 20
work.

Sale of land
not required
by company. 18. Whenever it shall become necessary, for the purpose of
procuring sufficient lands for stations or gravel pits, or other pur-
poses, for constructing, maintaining, and using the said bridge, to
purchase more land than is required for such stations or gravel 25
pits, or other purposes, the said company may purchase, hold, use,
or enjoy such lands, and also the right of way thereto, if the same
be separated from their bridge, in such manner, and for such pur-
poses connected with the constructing, maintenance, or use of the
said bridge, as they may deem expedient, and shall sell and convey 30
the same, or part thereof, not permanently required for the use of
the bridge.

Company may
lease bridge, 19. It shall be lawful for the said company to enter into any
agreement with any railway, or railroad company or companies 35
in the Dominion of Canada, or in the United States of America,
for leasing the said bridge, or the use thereof, at any time or
times, or for any period, to such railway or railroad company or
companies ; or for leasing or hiring from such company or com-
panies, any railway or railroad, or part thereof, or the use thereof ;
Or hire
railway, or for the leasing or hiring any locomotives, tenders, or movable 40
property ; and generally to make any agreement or agreements
with any such company or such companies, touching the use by
one or the other or others, of the bridge, or railway or railways,
Or rolling
stock, or
make agree-
ment for use. or railroad or railroads, or movable property of either or any of
them, or any part thereof, or touching any service to be rendered 45
by the one company to the other or others, and the compensation
therefor ; and any such railway or railroad company or companies
Railway com-
panies may
become stock-
holders, &c. may agree for the loan of its credit to, or may subscribe to and
become the owner of the stock of the company hereby created, in
like manner, and with like rights as individuals ; and any such 50
agreement shall be valid and binding, and shall be enforced by
courts of law, according to the terms and tenor thereof ; and any
company accepting and executing such lease shall be and is
empowered to exercise all the rights and privileges in this charter
conferred. 55

20. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near Black Creek as aforesaid, or in the State of New York, at or near some point on Grand Island, nearly opposite Black Creek, now constructed, or hereafter to be constructed, (including the cars of any other railway company which may be brought over such railway), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business pass over the said bridge.

Tariff rates to be same for all railways passing over bridge.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Arbitrators in case of disagreement.

Award to be final.

Proviso.

22. It shall be lawful for the said company to unite, amalgamate, and consolidate its stock, property and franchises, with the stock, property and franchises of any other company incorporated, or which may be incorporated, by the laws of the State of New York, one of the United States of America, for a similar purpose with the company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said company shall be by the laws of the State of New York, authorized to enter into such amalgamation or consolidation.

Power to unite with a New York Company.

23. The directors of the company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation; the number and names of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization, and the consolidation and amalgamation of the said corporation and the after-management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.

Power granted to directors to enter into agreement with New York Company, and regulate details.

New corporation may unite with any connecting lines of railway.

Agreement to be submitted to stockholders of each corporation.

Notice to be given.

Voting on agreement.

If adopted agreement to be filed with Secretary of State of Canada, and with the Secretary of State of New York.

Powers of consolidated corporation.

Property and rights of several corporations to be transferred to and vested in new corporation.

Rights of creditors protected.

And rights of suitors.

24. Such agreement shall be submitted to the stockholders of each of the said corporations, at a meeting thereof, to be held separately, for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Welland, and in the City of Buffalo, once a week for two successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same—each share entitling the holder thereof to one vote, and the said ballot to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporation shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of New York; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section and the filing of the said agreement, as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporation so consolidated and united, except as herein provided.

26. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal, and mixed, and all rights and interests appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided, however, that all rights of creditors, and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall henceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the

purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

27. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof, and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; under the provisions of the Railway Act of 1868.

28. At all meetings of the stockholders of the company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the directors of the said company may also, at any meeting of the board, vote by proxy—such proxy to be held by another director: Provided that no more than two proxies be held by one director, of the other directors, and not less than four directors shall be present in person at any meeting of the board of directors for the transaction of business.

29. The works shall be commenced within three years, and completed within six years from the passing of this Act.

30. The company shall have power to construct as part of, or in connection with the said railway bridge, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge, or at any time after the completion thereof, and in the event of their electing to construct such way or foot bridge, they may make, amend, repeal, re-enact, and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing the same.

New corporation may negotiate loans, &c.

Mode of voting at all meetings.

Proxies. Proviso.

Quorum at meeting of directors.

Limitation clause.

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AWAY

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1881

No. 11.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Niagara Grand
Island Bridge Company.

Received and read the first time, Thursday,
9th April, 1874.

Second reading, Friday, 10th April, 1874.

(PRIVATE BILL.)

Mr. THOMSON, (Welland.)

OTTAWA:
Printed by I. B. Taylor, 29, 31 and 33 Rideau Street,
1874.

An Act to repeal the Laws relating to Usury.

WHEREAS it is expedient to repeal the Laws at present in force in Canada relating to Usury : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

- 5 1. All the several Acts made and passed by any of the Legislatures of any of the Provinces now forming the Dominion of Canada, before the passing of the British North American Acts relating to Usury, shall be, and the same are hereby repealed. All Provincial Laws repealed.
- 10 2. Provided, always, that nothing therein contained shall prejudice or affect the rights or remedies of any person, or diminish or alter the liabilities of any person, in respect of any act done before the passing of this Act. Existing rights saved.
- 15 3. When interest is now payable upon any contract expressed or implied, the payment of the legal or current rate of interest,—or when upon any debt or sum of money interest is now payable by any rule of Law, the same rate of interest,—shall be recoverable as if this Act had not been passed. Rate of interest under existing contracts.

No. 12.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to repeal the Laws relating to
Usury.

Received and read First time, Friday, 10th
April, 1874.

Second Reading, Monday, 13th April, 1874.

Mr. PALMER.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1874.

An Act to amend the Act respecting the construction of the Intercolonial Railway.

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

- 1.** Section three of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled, "*An Act respecting the construction of the Intercolonial Railway*," with so much of any other part of the said Act as authorizes the appointment of any Commissioner or Commissioners for the construction and management of the said railway, or the continuance of any such Commissioner in office, or as may be in any way inconsistent with this Act, shall be repealed upon, from and after the day of , in the present year of our Lord one thousand eight hundred and seventy-four; and upon, from and after the said day the said Intercolonial Railway shall be a public work vested in Her Majesty, and under the control and management of the Minister of Public Works, and all works and property, real or personal, thereunto appertaining or constructed or acquired by the Commissioners under the said Act, shall be vested as aforesaid and under the control and management of the said Minister. 31 V. c. 13.
S. 3 repealed,
and the rail-
way and
works trans-
ferred to De-
partment of
Public Works.
- 2.** All the powers and duties vested or assigned by the Act hereby amended in or to the Commissioners appointed under it, shall, upon, from and after the said day, be transferred to and vested in the Minister of Public Works, and all contracts, bonds, agreements, or engagements lawfully entered into, by or with the said Commissioners, as such, shall enure to the use of Her Majesty, and may be enforced and carried out under the authority of the Minister of Public Works, as if they had been entered into with Her Majesty under the authority of the Act passed in the thirty-first year of Her Majesty's reign, intituled, "*An Act respecting the Public Works of Canada*." Powers and
duties of com-
missioners
transferred to
Minister of
Public Works.

31 V. c. 12.
- 3.** The powers of the Commissioners hereby transferred to the Minister of Public Works shall, as respects the said Intercolonial Railway and works, be in addition to any powers the said Minister may as such have with respect to the same as a public work under the Act last cited, and the Minister may, in any case relating to the said railway and works, exercise any powers given him by either of the Acts hereinbefore cited and applicable to such case. Powers to be
additional to
those now
vested in the
Minister.

No. 13.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to amend the Act respecting the
construction of the Intercolonial Railway.

Received and read the 1st time Friday, 10th
April, 1874.

Second Reading, Tuesday, 28th April, 1874.

HON. MR. MCKENZIE.

OTTAWA:
Printed by MacLean, Roger & Co.

An Act to amend the Act respecting the prompt and summary administration of Criminal Justice in certain cases, as respects the Province of New Brunswick.

IN amendment of the Act passed in the session held in the thirty-^{Preamble.}
second and thirty-third years of Her Majesty's Reign, and intitled: "*An Act respecting the prompt and summary administration of*^{32-33 V c. 32}
Criminal Justice in certain cases;" Her Majesty by and with the
5 advice and consent of the Senate and House of Commons, enacts as follows:

1. The expression, "a Competent Magistrate," in the said Act, shall, as respects the Province of New Brunswick, mean and include any Recorder, Judge of a County Court, or Police Magistrate, acting
10 within the local limits of his jurisdiction, as well as any functionary included by the said expression as respects the said Province under the terms of the said Act; and the expression, "the Magistrate," in the said Act, shall, as respects the said Province, mean a competent Magistrate, as above defined, and the said Act shall, from and after
15 the passing of this Act, be construed and have effect accordingly.

What certain expressions shall mean as respects New Brunswick.

BILL.

An Act to amend the Act respecting the prompt and summary administration of Criminal Justice in certain cases, as respects the Province of New Brunswick.

Received and read the first time, Friday, 10th April, 1874.

Second reading, Tuesday, 14th April, 1874.

HON. MR. DORION.

OTTAWA:

Printed by MacLean, Roger & Co.

An Act to Incorporate the "International Transportation Association."

WHEREAS the Honorable Charles Wilson, the Honorable Preamble.
Henry Starnes and Thomas M. Taylor, John Ogilvy, George
A. Drummond, Alexander Dennistoun, James S. Evans, John M.
Vernon Edward T. Taylor, Romeo H. Stephens, Andrew Robertson,
5 Maurice Cuvillier, Alexander Maurice Delisle, James Benning,
Joseph Barsalou, Alexander Molson, Theodore Hart, Harrison
Stephens, Andrew Wilson and Alfred Pinsonneault, Esquires,
all of the City of Montreal, Dominion of Canada, have
petitioned the Parliament of Canada, praying that they may be
10 incorporated, with such other persons as shall become associated
with them, as an Association under the name and style of the
"International Transportation Association," for the purpose of
establishing a through system of freights, between the Western
States and the interior of this Continent, and Europe, *via* Montreal
15 and *vice versa*; and it is expedient to grant the prayer of their
petition; Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts as
follows:—

1. The said Honorable Charles Wilson, the Honorable Henry
20 Starnes and Thomas M. Taylor, John Ogilvy, George A. Drum- Certain per-
mond, Alexander Dennistoun, James S. Evans, John M. Vernon, sons incorpo-
Edward T. Taylor, Romeo H. Stephens, Andrew Robertson, rated.
Maurice Cuvillier Alexander Maurice Delisle, James Benning,
Joseph Barsalou, Alexander Molson, Theodore Hart, Harrison
25 Stephens, Andrew Wilson and Alfred Pinsonneault, Esquires, all of
Montreal, together with such other person or persons as shall be
and become stockholders in the said Association, and their re-
spective heirs, executors, administrators, curators and assigns,
shall be and are hereby created a body politic and corporate by
30 the name of the "International Transportation Association," with Corporate
a common seal, and by that name may sue and be sued, plead and name and gen-
and be impleaded, in all courts of law or equity. eral powers.

2. The capital stock of the said Association shall be one million
of dollars, divided into ten thousand shares, of one hundred dollars
35 each, with power, at any annual general meeting of the association,
to increase the same, from time to time, to any amount, in one
hundred dollar shares, up to five millions of dollars: Provided
always that the said Association shall have paid up the sum of
fifty thousand dollars currency, before receiving any freight or
40 passengers. Previso.

3. The Association shall have power to own, build, buy, sell,
and charter ships and vessels of all kinds, and to employ them in
any lawful business whatsoever and wheresoever, and to build,
Powers and
business of the
Association.

own, lease or hire, all kinds of railway rolling stock, and to employ the same as they may see fit for the transportation of goods in the Dominion or between the Dominion and the United States, or in the United States, and to assist in the development of any artificial or natural channel of transport.

5

Association may hold real property for its own use.

4. It shall be lawful for the Association to purchase, rent, take, hold and enjoy, for them and their successors, as well in Canada as in such other places where it shall be deemed expedient for the purposes of the said Association to do so, either in the name of the said Association or in the name of Trustees for the said Association, such lands, wharves, docks, warehouses, offices, and other buildings, as they may find necessary and convenient for the purposes of said Association, and to sell, lease, mortgage or dispose of the same, and others purchase or acquire: Provided always, that the yearly income or value of such lands, docks, wharves, warehouses, offices and other buildings, within the Dominion, shall not exceed the sum of twenty-five thousand dollars, at any one point.

10

Proviso.

Charges for storage advances, &c.

5. The Association may charge on all property placed with them, or in their custody, a fair remuneration, or such sums as may be agreed upon for the storage, warehousing, wharfage, deckage, cooperage, elevating, or other care and labour, in and about such property, on the part of said company, over and above the regular freight and primage of the said merchandise which may have been carried by them.

25

Back charges on goods.

6. The Association shall have the power to recover all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due had upon such goods or commodities, while in their possession, and the said Association shall be subrogated by such payment in the rights and remedies of such persons for such charges.

30

Insurance on goods.

7. The said Association is hereby authorised to make contracts of insurance against all loss, damage or injury of the goods, vessels and effects entrusted to its safe keeping, either on sea, lake, river or land, upon which it may have made advances, to the full amount of the said advances or to the full value of said goods, vessels or effects, and may obtain policies in the name of the Association evidencing such insurance, and shall have a right to recover, from the insurers, the full amount of damages or loss, caused by any accident or casualty, against which it shall have been insured; and it may sue for and recover the amount of such loss and damage as owner of such goods, vessels and effects, and shall be deemed, for the purpose of such recovery, to be the owner of such goods and effects—any law, usage or custom to the contrary notwithstanding.

45

Transfer of Policy.

8. The said Association may also transfer to the owners, agents or pledgers of such goods, vessels and effects, its claim against the insurers, under any such policy of insurance, to the extent of any amount agreed upon between the association and such owners, agents or pledgers; and such transfer may be made by means of a certificate signed by the company, purporting that the effects held

50

by the company, and mentioned in such certificate, are insured under the policy (describing it) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorser of such certificate, and the holder of the certificate shall be entitled to recover from the insurers who issued the policy, such amount of loss or damage as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

9. The Association may at any time make advances on goods, wares, or other merchantable commodities transferred to or in its custody, or possession for transport or safe keeping, and such advances may be made either in cash or negotiable paper, made, endorsed or accepted by the Association—and the Association may charge a commission on such advances not exceeding five per centum on the amount thereof, and interest at the rate of eight per centum per annum, and the regular rate of exchange if the advances have been made in a foreign country, for which advances, commission, interest and exchange, the said Association shall have a lien upon such goods, vessels or effects until paid.

Association may make advances.

10. The Association, in the event of non-payment of freight, advances, and other charges when due, upon goods or effects in its possession or under its control, may sell at public auction or private sale the goods whereon such advances and other charges have been made, and retain the proceeds or so much thereof as shall be equal to the amount due to the Association, with charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods or effects shall take place under this Act until or unless, prior to the sale thereof, thirty days' notice of the time and place of such sale has been given by registered letter, transmitted through the post office to the owner of such goods or effects, unless otherwise provided in the contract between the parties; and in case any property deposited with the Association upon which it has made any advances shall from any cause decrease in value from the original fixed price per invoice or otherwise, the Association may give notice to the owner or agent or pledger by means of a registered letter or otherwise to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and in default thereof the Association may sell and dispose of such property at once by private or public sale.

Sale of goods for non-payment of freight or advances.

Provision in case goods are perishable.

11. The Directors of the said Association may call in the capital stock of the same, in such sums as they may see fit; Provided that no larger sum than ten per cent. of the amount subscribed shall be payable at any one time, and that at least three months shall elapse between each payment.

Calling in stock.

12. The business and affairs of the said Association shall be conducted and managed and its powers exercised by ten Directors, (five of whom shall form a quorum) elected by the shareholders, and who shall be severally shareholders to an amount of twenty-five shares of the said stock; five of the Directors shall be elected at each annual general meeting of the Association by the shareholders then present, or by proxy, as hereinafter provided, for the term of two years. The first five persons named in the next section shall retire one year after the first general annual meeting, but in every instance the retiring Directors shall be re-eligible, and the

Qualification and election of Directors.

Directors shall remain in office until their successors are duly elected. Any vacancy in the Board of Directors occasioned by death, resignation or otherwise, shall be filled by the Board of Directors by the appointment of a shareholder duly qualified, until the next annual or general meeting, at which meeting the vacancy or vacancies shall be filled by the election of a Director or Directors for the unexpired term. 5

Provisional Directors.

13. The Provisional Directors of the said Association shall consist of the Honorable Charles Wilson, Thomas M. Taylor, John Ogilvy, George A. Drummond, Alexander Dennistoun, Honorable Henry Starnes, James S. Evans, John M. Vernon, Edward T. Taylor and Romeo H. Stephens, all of the City of Montreal. The Provisional Directors after the passing of this Act shall have power to organize, to open subscription books for the subscription of stock therein, and generally to exercise the usual functions of Directors until the first general election as hereinafter provided. 10

Stock books.

Power to make by-laws and for what purposes.

14. It shall be lawful for the Association at any annual meeting or any regular meeting convened for the purpose, to make and pass such resolutions, and make such regulations and by-laws as shall appear to them proper and necessary to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of 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 Association, the security to be given by them to the Association, their remuneration and that of the Directors, the time at which meetings of the shareholders may be called, 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 Association, and from time to time to repeal, amend or re-enact the same; but every by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose, shall only have force and effect until the next annual meeting of the Association, and in default of confirmation thereat, shall from that time only cease to have force; and a register of all such by-laws shall be kept by the Association, which shall be open to the inspection of the public during regular office hours. 20 25 30 35 40

Certificates of shares to be issued.

15. The Directors of the Association shall from time to time issue to each of the shareholders respectively, certificates under the seal of the Association, of the number of the shares to which he is entitled; and he shall then be legal owner of such shares and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares; and such person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid. 45 50

Enforcing payment of shares, what only need be alleged.

16. Should the said Directors deem it more expedient, in any case, to enforce the payment of any unpaid instalment, than to forfeit or sell the said share therefor, it shall and may be lawful for the Association to sue for and recover the same from such 55

shareholder, with interest thereon, in an action in any court having civil jurisdiction to the amount claimed, and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares), and is indebted to the Association in the sum to which the calls in arrear may amount; and to maintain such action it shall be sufficient to prove the signature of the defendant to such acknowledgement, as hereinbefore mentioned, and that the calls in arrear have been made; and a certificate under the seal of the Association, or signed by any one or more of the Directors, shall be sufficient evidence of the calls having been duly made and being in arrear, and the amount due in respect thereof: Provided that nothing herein contained shall in any way affect the right of the said Association to forfeit the shares of any shareholder for non-payment of calls or subscriptions, whether after or before such judgment for recovery thereof.

17. The capital stock and increase thereof of the said Association is hereby directed and appointed to be laid out and applied in the first place to the preliminary expenses attending the establishment of the said Association, and all the rest, residue and remainder of such money for and towards carrying out the objects of the undertaking and the other purposes of the Association, and to no other use, intent, or purpose whatsoever.

18. The Association shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Association, shall, from time to time, be a discharge to the Association for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Association have had notice of such trust; and the Association shall not be bound to see to the application of the money paid upon such receipt.

19. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, may be registered as a shareholder upon such evidence being produced as shall from time to time be required by the Directors, and on production of a declaration and request in writing, in that behalf, signed by him, which declaration shall distinctly state the manner in which, and the party to whom such shares shall have been transmitted; and the signature thereto shall be attested by at least one witness, whom the said Company may require to be sworn before a judge of a court of record, or the mayor, provost or chief magistrate of a city, town, or borough, or municipality, or a public notary or, if from a foreign country, by the British Consul or Vice-Consul or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of his having agreed to become a shareholder. Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder may, instead of being registered himself, elect, by declaration of transmission to be made and executed as hereinbefore and hereinafter provided, to have some person, to be named

Transfer to nominee. by him, registered as a shareholder in respect of such share. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share. Every Evidence of transfer. such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require to 5 prove the title of the transferer, and shall be retained by the Company. Any transfer of the share or other interest of a deceased Transfer by personal representative. shareholder made by his personal representative shall, notwithstanding that his personal representative may not himself be a shareholder, be of the same validity as if he had been a shareholder 10 at the time of his execution of the instrument of transfer.

General annual meetings. **20.** The annual general meeting of the Association shall be held in the office of the Association, in the City of Montreal, on the third Monday of November in each year, for the purpose of electing five Directors for a term of two years, and for transacting 15 the general business of the Association. At this meeting the President of the Association, or in his absence the Vice-President, and in the absence of both, the Managing Director, or any other of the Directors, shall take the chair, and shareholders may appear in person or by proxy, as hereinafter provided. 20

Election of officers. **21.** The Directors elected at the annual meeting, or by a meeting convened for the purpose, together with the other five Directors, or any of them, shall assemble within two days after the annual election of said Directors, and shall then elect, from amongst themselves, by a majority of votes of those then present, 25 a President, and a Vice-President, and a Managing Director (who may be either the President or Vice-President), who shall hold office for one year, or until their successors are elected and enter upon the duties of their office; any of these officers may call meetings of the Directors as often as occasion may require. 30

Votes on stock, majority to decide. **22.** At all meetings of the shareholders held in pursuance of this Act, whether the same be annual or special, every shareholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed, or submitted for the consideration of 35 the said meetings, shall be finally determined by the majority of the votes of the shareholders present or voting by proxy, except in any case or cases otherwise provided for by this Act: Provided always, that no person shall be entitled to vote as proxy, at any meeting, unless he shall be a shareholder in the said Association, and 40 produce written authority as such proxy.

Voting to be by ballot; notice required of elections. &c. **23.** At all elections of Directors or other business of the Association, the voting shall be by ballot, and between the hours of ten o'clock *a.m.* and four o'clock *p.m.*, and thirty days notice must be given in at least one city newspaper, and by special notices 45 mailed to the address of the shareholders who shall have made known such address to the Association, stating whether the meeting is annual or special, and if special the principal object for which it is called.

Directors may appoint Local Boards of Management or Agents. **24.** The Directors of the Association may appoint Local Boards 50 of Management or Agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient, and the Directors may empower and authorise any such Board or Agent to do and perform any act or thing, or to exercise any powers

which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such Board or Agent, by virtue of the powers in them vested by such Directors, shall be valid and effectual to all intents and purposes, as if done by such Directors themselves, anything in this Act to the contrary notwithstanding.

25. The Directors shall cause an exact statement of the affairs, debts and assets of the Association to be made up to the first day of November in each year, which shall be submitted to the shareholders at each annual meeting, Annual statement of affairs.

26. The Association shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be recorded—the names of all persons who are or have been shareholders; the address and calling of every such person while such shareholder; the number of shares of stock held by each shareholder; the amounts paid in and remaining unpaid, respectively, on the stock of each shareholder; all transfers of stock, in their order as presented to the Association for entry, with the date and other particulars of each transfer, and the date of the entry thereof; the names, addresses and callings of all persons who are or have been Directors of the Association, with the several dates at which each became or ceased to be such Director. Books to be kept and so forth.

27. The Directors may refuse to allow the entry, in any such books, of transfer of stock whereof the whole amount has not been paid in; and no transfer made with the view of relieving the transferer from pre-existing debts of the Association, shall be valid or prevent any antecedent creditor from exercising his remedy against such transferer in the same way as if he had continued to be a shareholder in such Association. Directors may disallow entry of transfer in certain cases.

28. Every shareholder shall be permitted to examine the books of the Association, on making application, in writing, to the Directors, stating the reasons and objects of such examination; Providing always, that the business of the Association be not interrupted thereby. Examination of books by shareholders. Proviso.

29. The shareholders shall not, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction matter or thing, relating to or connected with the said Association, or the liabilities, acts or defaults of said Association, beyond the sum, if any, remaining due to complete the amount of the unpaid up portion of the shares subscribed for or held by them in the stock of the Association. Liability of shareholders limited.

30. The shares in the capital stock of the said Association shall be deemed personal estate, and shall be transferable as such. Shares to be personalty.

31. The Directors of the Association shall have power, if they think fit, to receive and take as stock of said Association, such steamers, propellers, sailing vessels, barges or any other kind of vessel, or any kind of railway rolling stock, or any kind of vehicle used for carrying goods and passengers as may have already been built or which may hereafter be built or acquired by any individual shareholder, for the purpose of this Association, at their cost or at Steamers and other vessels may be purchased and received in stock.

such valuation as shall be put upon them by persons mutually chosen to decide the same ; this provision shall apply to foreign-built vessels or rolling stock as well as native ; and any foreign vessel purchased, chartered or controlled by the Association, but sailed under a foreign register, shall enjoy the same rights and privileges 5 as if the said vessel were sailed under a British or Canadian register.

Contracts, &c.
made by Directors and so forth to bind Association.

32. Every contract, agreement or bargain by the Association, or by any one or more of the Directors on behalf of the Association, or by any Agent or Agents of the said Association, and every 10 promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by such Director or Directors on behalf of the Association, or by any such Agent or Agents, in general accordance with the powers to be devolved to and conferred upon them respectively under the said by-laws, shall be 15 binding upon the said Association, and in no case shall it be necessary to have the seal of the Association affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws ; nor shall the party 20 entering into, making or doing the same as Director or Agent be thereby subjected individually to any liability whatsoever.

Directors may borrow money, &c.

33. The Directors may from time to time resolve at any meeting specially called for such purpose, to borrow money on behalf of the Association, upon such rates of interest and upon 25 such terms as they may by such resolution determine ; and to effect such loan the Directors may authorise such Managing Director of the Association, the President or any two of the Directors to make and execute mortgages, issue, grant and consent to bottomry or other bonds or other instruments which may be 30 necessary, and to that end charge such property of the Association as they may by such resolution be authorized to so charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the Association, and either with or without power 35 of sale or other special provisions as the Directors at such meeting may deem expedient : Provided that the aggregate of the sum or sums borrowed or bonds issued shall not at any time exceed half the amount of the paid-up capital stock of the said Association, and no lender or purchaser of bonds so issued by said Association 40 shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Proviso.

Aliens may hold stock and vote, &c.
Proviso.

34. Aliens shall have the same right as British subjects to take and hold stock or shares in the Association, and to vote either as 45 principals or proxies, and shall be eligible to office : Provided always that the President, Managing Director and four other Directors reside in Canada, and be subjects of Her Majesty.

In suits by and against the Association, English laws of evidence to prevail.
Exception.

35. In all actions or suits at law by or against the Association, or to which the said Association may be a party, in the Province 50 of Quebec, recourse shall be had to the rules of evidence laid down by the laws of England, as recognised by the courts of the said Province in commercial cases, except for actions for real estate or incidental thereto, in the said Province, in which case the laws of the said Province shall prevail ; and no shareholder shall, in any 55

court whatever, be deemed an incompetent witness either for or against the Association, unless he be incompetent otherwise than as a shareholder.

36. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon or sold under execution. When shares are transferable.

37. If any writ of *saisie-arrêt* or attachment be served upon said Association in the Province of Quebec, it shall be lawful for the President, Managing Director, or for the Secretary or Treasurer thereof, or any Agent to be appointed as hereinbefore provided, in any such case to appear in obedience to the said writ to make the declaration by law required according to the exigency of such case, which said declaration, or the declaration of the said President, Managing Director, Secretary or Treasurer shall be taken and received in all Courts of Justice in the said Province as the declaration of the Association. Who may answer in cases of attachment

38. The Directors of the Association shall have power to impose penalties against employees of the Association to any amount not exceeding twenty-five dollars for each offence. Right of imposing penalties.

39. If at any time an election of Directors be not made or do not take effect at the proper time, the Association shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose. Provision on failure of election of Directors.

40. Every share which shall be forfeited, shall be deemed to be the property of the Association, and may be sold, reallocated or otherwise disposed of, upon such terms, in such manner, and to such person or persons as the Association shall think fit. Disposal of forfeited shares.

41. The Directors shall have power to issue paid-up stock in the Association in payment of the price of vessels, rolling stock, or real estate, or for any other purpose they may deem fit, and such paid-up stock shall be free from all calls whatsoever and from all claims and demands on the part of the Association or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Association and paid by the holder thereof in full. Power to issue paid-up stock. As price of purchase.

42. If at any time any municipal or other corporation civil or ecclesiastical, body politic, corporate or collegiate, or community, in Canada or elsewhere, shall be desirous of taking shares of the capital stock of the Association, or otherwise promoting the success of the undertaking by loans of money or securities for money at interest or *à constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges in respect thereof, as private individuals may do under and by virtue of this Act, anything in any ordinance or Act or instrument of incorporation of any such body, or any law or usage to the contrary notwithstanding. Municipal corporations may hold stock.

43. Suits at law and equity may be prosecuted and maintained between the said Association and any shareholder thereof, and no shareholder of the Association, not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit. Suits at law may be maintained between Association and shareholders.

Copy of By-law to be prima facie evidence.

44. A copy of any by-law of the Association under their seal and purporting to be signed by the President, Managing Director, or by any officer of the said Association, shall be received as prima facie evidence of such by-law in all courts of law or equity in Canada.

5

Indemnity to Directors.

45. Every Director of the Association and his heirs, executors, and administrators, shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur, in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Shareholders, bring executors, etc., not personally liable.

46. No person holding stock in the Association as an executor, administrator, 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 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.

Head office of Association.

47. The head office of the Association shall be in the City of Montreal, but the Directors may have offices and transact business wherever they may see fit.

1st Session, 3rd Parliament, 37 Victoria

BILL.

An Act to incorporate The Inter-Transportation Association.

Received and read, first time, Monday April, 1874.

Second reading, Tuesday, 14th April,

(PRIVATE BILL.

MR. MACENZ (Montreal

OTTAWA:

Printed by I. B. TAYLOR, 59, 51, & 53 Ride

1874

An Act to amend the Act 35 Victoria, Chapter 13, intituled "*An Act to re-adjust the Representation in the House of Commons.*"

WHEREAS by the Act passed in the thirty-fifth year of Her Majesty's reign, and intituled "*An Act to re-adjust the Representation in the House of Commons,*" the County of Huron was divided into three Ridings for the purpose of representation in the House of Commons, the said Ridings being called respectively the South, Centre and North Ridings,—the South Riding consisting of the townships of Goderich, Stanley, Hay, Stephen, Osborne and the Village of Clinton, and the said Centre Riding consisting of the Townships of Colborne, Hullett, McKillop, Tuckersmith, Grey, the Town of Goderich and the Village of Seaforth; and whereas the said Township of Tuckersmith by natural boundaries and geographical position should form part of the said South Riding; and whereas a large majority of the electors of the said Township of Tuckersmith have petitioned Parliament to be detached from the said Centre Riding, and to be attached to the said South Riding for the purpose of representation in the House of Commons; and it is desirable to grant the prayer of the said petition, and thus to make the said Riding as compact as may be, and to have the several municipalities comprising the same contiguous to each other: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Centre Riding of the County of Huron shall hereafter consist of the Townships of Colborne, Hullett, McKillop, Grey, the town of Goderich and the Village of Seaforth.

2. The South Riding of the said County of Huron shall hereafter consist of the Townships of Goderich, Stanley, Tuckersmith, Hay, Stephen, Osborne and the Village of Clinton.

3. This Act shall not affect the elections which have heretofore taken place for the present Parliament.

Preamble.

35 Vict., c. 13.

Centre Riding
of Huron.

South Riding.

Saving present
elections.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 35 Vict., cap. 13,
by detaching the Township of Tucker-
smith from the Centre Riding, and to
annex it to the South Riding of the
County of Huron.

Received and read, first time, Monday, 13th
April, 1874.

Second reading, Wednesday, 15th April, 1874.

Mr. CAMERON (Huron).

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1874.

An Act to incorporate The Maritime Insurance Company
of Canada.

WHEREAS the persons hereinafter named, have by their Preamble.
petition prayed that they may be incorporated for the pur-
pose of establishing a Company in the City of Montreal for the
transaction of the business of Marine Insurance, to be called the
5 "Maritime Insurance Company;" and whereas it is desirable to
grant the prayer of their petition: Therefore Her Majesty, by and
with the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. Theodore Hart, Andrew Allan, John Torrance, Hector Mac-
10 kenzie, Thomas Cramp, Nathaniel S. Whitney, Charles T. Hart,
Jacob H. Joseph, John Cowan, and such other persons as may
become shareholders in the Company to be by this Act created,
shall be, and they are hereby created, constituted, and declared
to be a corporation, body corporate and politic under the name
15 and style of the "Maritime Insurance Company," and shall have
power to acquire and hold real estate for the management of their
business not exceeding the yearly value of ten thousand dollars,
and the same to sell and dispose of and other to acquire as may
be deemed expedient; and to take and hold any real estate *bond*
20 *fide* mortgaged to the said Company by way of security, or con-
veyed to them in satisfaction or payment of any debt previously
contracted in the course of their dealings, or purchased at any sale
under any judgment, execution or decree, which may have been
obtained for such debt, or by virtue of any proceeding at law, or
25 in equity, or acquired by purchase to avoid loss to the Company,
and to hold the same for any period not exceeding five years,
during which time the said Company shall be bound to sell and
dispose of the same, or to institute the necessary proceedings for
that purpose where it is necessary to have recourse to any court
30 of law or equity therefor.

Certain persons incorporated.
Corporate name and powers.

2. The said Company shall have power and authority to make
with any person or persons all insurances connected with marine
risks of navigation and transportation by water, against loss or
damage either by fire or by peril of navigation of or to any vessel,
35 steamer, boat or other craft, either seagoing or navigating upon
lakes, rivers or navigable waters; and of or to any cargo, goods,
merchandise, specie, bullion, jewels, bank notes, bills of exchange
and other evidences of debt conveyed therein, or on any railway,
or stored in any warehouse or railway station while in transit;
40 and of and to any timber, or other property of any description
borne or carried by water; and of and to any freight, profit,
commission, bottomry or respondentia interest; and to cause
themselves to be re-insured, when deemed expedient, against any

Business of the Company.

loss or risk upon which they have made or may make insurance, and generally to do and perform all other matters and things necessary to such objects.

- Capital and shares.** **3.** The capital of the said Company shall be five hundred thousand dollars, consisting of five thousand shares of one hundred dollars each; but it shall be lawful for the said Company from time to time to increase the capital stock to an amount not exceeding in the whole one million dollars, by a resolution adopted by a majority of the shareholders present at a meeting expressly convened for that purpose. 5 10
- Increase.**
- Investment of funds.** **4.** It shall be lawful for the said Company, within the limits of Canada, to invest their funds or any part thereof, in loans upon public or landed securities, and the same to call in and to re-loan as occasion may require; and in the purchase of mortgages upon real estate, the public securities of the Dominion or any Province thereof, the bonds and debentures of any municipal corporation, or the stock of any incorporated bank in Canada; and to sell and transfer the same as occasion may require; Provided always, that the said Company shall not deal in any goods, wares or merchandise, other than such as they shall become possessed of by virtue of any insurance made thereon, and which may be abandoned to them. 15 20
- Proviso.**
- Provisional Directors.** **5.** The property, affairs and business of the Company shall be managed by a Board of not more than fifteen nor less than seven Directors, one of whom shall be chosen President and one Vice-President; which Board, in the first instance, shall be provisional, and until others shall be appointed as hereinafter provided, shall consist of the persons named in the first section of this Act, and they or a majority of them may cause stock books to be opened, upon which shall be recorded, the subscriptions of such persons as desire to become shareholders in the said Company. 25 30
- First election of Directors.** **6.** So soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, it shall be lawful for such subscribers to proceed to the election, by ballot, of a Board of Directors, at such time as the Provisional Board shall direct, giving fifteen days notice thereof in one newspaper at least, published in the City of Montreal; which Directors shall be subscribers, at the time of their election and during their continuance in office, to the amount of twenty-five shares each; and shall have power to choose from amongst themselves a President and Vice-President; and the said Directors shall hold office until the first annual general meeting of the shareholders thereafter: Provided always that the said Company shall not begin the business of insurance, until the sum of at least two hundred and fifty thousand dollars, shall have been subscribed, and ten per cent. paid up. 35 40 45
- Proviso.**
- Annual general meetings.** **7.** A general meeting of the shareholders of the said Company shall be held in the City of Montreal on such day of each and every year as a majority of the Directors may appoint, after giving thirty days' notice thereof in at least one newspaper published in the City of Montreal; and the stockholders present at such meeting either in person or by proxy, shall proceed to elect by ballot the Directors for the ensuing year; Provided that nothing herein contained shall be held to render the retiring Directors ineligible for re-election. 50
- Proviso.**

8. Each stockholder shall be entitled to one vote for each share he shall hold in his own name at least one month prior to the time of voting, upon which all calls then due shall have been paid; and all votes given at any meeting may be given either personally or by proxy, the holders of such proxies being stockholders authorized by writing under the hands of the stockholders nominating them; and any proposition at any such meeting shall be determined by a majority of the votes of the parties present including proxies; and if two or more persons have an equal number of votes, in such a manner, that a greater number of persons shall appear to be chosen as Directors than is provided for by this Act, then the Directors who shall have a greater number of votes or a majority of them, shall determine which of such persons so having an equal number of votes, shall be a Director or Directors, so as to complete the full number required to be elected.

Votes on shares.

Proxies.

Ties.

9. If any Director shall die, resign or become disqualified or incompetent to act as a Director, or shall cease to be a Director through any other cause, 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 such vacancy, shall continue in office until the first annual meeting thereafter.

Vacancies how filled.

10. 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 the affairs of the Company, of the funds, property and securities, shewing the amount of real estate, of bonds and mortgages and other securities and investments, and the amount due to and by the said Company.

Annual statement of affairs.

11. 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 to make an election of Directors in such manner as may have been regulated by the by-laws of the Company; and the Directors in office shall so continue until a new election shall have been made.

Provision in case of failure of election.

12. Any number of the Directors of the Company, being a majority thereof, shall have full power and authority to make, prescribe, and alter such by-laws, rules, or ordinances and regulations, as shall appear to them right, proper and needful, touching the government, management and well-ordering of the Company, its business and affairs, servants and agents; the rates and amount on any one risk of insurance; the terms and conditions of policies, and the mode of issuing the same; the calling of special general meetings; the management and control of local boards, and of the stock, property, estate, and effects of the Company; and also to call in any instalment or instalments of the subscribed stock, at such times or seasons and in such manner as they may see fit, giving due notice thereof as hereinafter provided; and also to declare and cause to be paid or distributed to the respective shareholders of the Company, any dividend or dividends, at such times and seasons as they may deem expedient; and also to appoint a Manager, Secretary, Treasurer and other officers, or any of them, with such salary or allowance to each as may be agreed upon, and to take security for the due performance of their respective duties

Powers of Directors as to by-laws.

as such Directors shall think advisable: Provided always, that for the purposes in this section set forth a majority of the Directors shall be present, except as hereinafter specially provided.

Meetings of
Directors.

13. There shall be, as may be fixed by the by-laws of the Company, a weekly, fortnightly, or monthly meeting of the Directors, and any three or more of the Directors shall be a quorum for the general management of the business and affairs of the Company; and at all meetings of the Directors all questions 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 a casting vote over and above his proper vote as a Director.

Signing
policies,
cheques, &c.

14. All policies, cheques and other instruments, issued or entered into by the said Company, shall be signed by the President or Vice-President and countersigned by the Manager or Secretary, or as otherwise directed by the rules and regulations of the Company in case of their absence; and being so signed and countersigned shall be deemed valid and binding upon the Company, according to the intent and meaning thereof.

Making of
calls and
recovery of
the same.

15. The Directors may make such calls upon the respective shareholders in respect of the shares subscribed or held by them respectively, as they may from time to time deem expedient; and if any shareholder refuse or neglect to pay to the said Directors, or to such person or persons as they may appoint, and at such place, the instalments called for, due or to become due upon any share or shares held by him, when required so to do, he shall forfeit his shares together with the amount paid thereon; and such forfeited share or shares may be sold by the Directors after such notice to the holders thereof as they may direct, and the money arising from such sale shall be applied for the purposes of this Act: Provided always, that the Directors shall have power to enforce such calls of payments by law; and in any action for the payment of calls, it shall be sufficient to prove that the defendant is the holder of one or more shares, 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 or any other matter whatever.

Transfer of
shares.

16. No transfer of any share or shares of the capital stock of the said Company shall be valid, until entered in the books thereof, according to such form as the Directors may from time to time determine; and until the whole of the said share or shares of the said Company are paid up, it shall be necessary to obtain the consent of the majority of the Directors to such transfer being made: Provided always, that no stockholder indebted to the said Company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured to the satisfaction of the Directors.

Proviso.

Liability of
shareholders
limited.

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

Shares per-
sonalty.

18. All shares in the said Company shall be deemed personal property.

19. No dividend shall be declared or paid out of the capital stock of the Company; nor shall any dividend out of the net profits be declared or paid unless the said capital shall be unimpaired. Dividends.

20. The operations and business of the Company shall be carried on at such place in the City of Montreal as the said Board may direct, but agencies with or without Branch Boards of Directors, may be established elsewhere as the said Board may deem expedient. Places of business.

21. Suits against the Company may be prosecuted or maintained by any shareholder therein, and no shareholder of the Company shall be incompetent as a witness in any proceedings by or against the Company. Suits by or against Company.

22. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance, as may from time to time be passed. Act to be subject to general Act.

No. 17.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The Maritime Insurance Company of Canada.

Received and read, first time, Tuesday, 14th
April, 1874.

Second reading, Wednesday, 15th April, 1874.

(PRIVATE BILL.)

Mr. MACKENZIE, (Montreal West.)

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,

1874.

An Act to incorporate the Hawkesbury and Lochiel
Junction Railway Company.

WHEREAS the persons hereinafter named, and others have by Preamble.
their petition represented that a branch line of railway to
be constructed from the Village of Hawkesbury to a point on the
line of the Montreal and City of Ottawa Junction Railway would
5 afford to the lower section of the Ottawa Valley direct railway
communication with the Cities of Ottawa and Montreal, and have
prayed to be incorporated as a Company for the purpose of construct-
ing such line; and it is expedient to grant their prayer: Therefore
Her Majesty, by and with the advice and consent of the Senate
10 and House of Commons of Canada, enacts as follows:—

1. The Honorable Donald Alexander Macdonald, M.P., the
Honorable John Hamilton, Senator, Archibald McNab, James
Fraser, Allan B. Macdonald, William Robertson, and J. P. Wills,
with all such other persons and corporations as shall become
15 shareholders in the Company hereby incorporated, shall be and
are hereby constituted a body corporate and politic by the name
of the "Hawkesbury and Lochiel Junction Railway Company,"
and shall have all the powers incident to railway corporations in
general, and the powers and privileges conferred on such corpora-
20 tions by *The Railway Act*, 1868, subject to the provisions herein-
after contained. Certain per-
sons incorp-
ated.

Corporate
name and
powers.

2. The said Company and their agents and servants may lay
out, construct and finish a double or single iron railway, of such
width or gauge as the Company see fit, from the River Ottawa,
25 at or near the Village of Hawkesbury, to some point on the line of
the Montreal and City of Ottawa Junction Railway in the Town-
ship of Lochiel. Power to build
Railway,
within certain
limits.

3. The capital stock of the said Company shall not exceed in
the whole the sum of six hundred thousand dollars, to be divided
30 into six thousand shares, of one hundred dollars each, which
amount shall be raised by the persons hereinafter named, and
such other persons and corporations as may become shareholders
in the said Company; and the money so raised shall be applied, in
the first place, to the payment of all fees, expenses and disburse-
35 ments for procuring the passing of this Act, and for making the
surveys, plans and estimates connected with the railway; and all
the rest and remainder of such money shall be applied towards
making, completing, and maintaining the said railway and other
purposes of this Act. Capital Stock
and shares,
and how to be
applied.

40 4. It shall be lawful for the said Company to receive either by
grant from Government or from any private individuals or corpo-
rations, as aid in the construction of the said railway, any vacant
Company may
receive aid in
land, &c., and
dispose thereof

lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts, or in payment of stock, and legally to dispose of the same and alienate the lands or other real or personal property for the purposes of the said Company, in carrying out the provisions of this Act. 5

Provisional
Directors and
their powers.

5. The Honorable Donald Alexander Macdonald, M.P., the Honorable John Hamilton, Senator, Archibald McNab, James Fraser, Wm. P. McDonald, Wm. Robertson, and J. P. Wills shall be, and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall 10 be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of share- 15 holders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board, under the Railway Act, may lawfully do.

Stock books.

The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties 20 desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of the said Company, shall be considered proprietors and partners in the same.

First meeting
of shareholders
and election of
Directors.

6. When and so soon as one tenth part of the capital stock (which capital stock shall not be less than three hundred thousand 25 dollars) shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid in, the said Directors, or a majority of them, may call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks' notice in one or more newspapers published at Ottawa, Montreal and 30 L'Orignal; at which said general meeting, and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect not less than five nor more than seven Directors in the manner, and qualified, as hereinafter provided, which said Directors shall 35 constitute a Board of Directors, and shall hold office until the last Tuesday in May in the year following their election.

Annual general
meetings for
like purposes.

7. On the said last Tuesday in May in each year thereafter, at the principal office of the said Company, there shall be held a general meeting of the shareholders of the Company, at which 40 meeting the said shareholders shall elect a like number of not less than five nor more than seven Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual meeting and election shall be published one month before the day of election, in one or more newspapers in 45 the Cities of Ottawa and Montreal and the Village of L'Orignal, or if there be no paper published in the said Village, then in the newspaper published nearest thereto; and the election for Directors shall be by ballot, and the persons so elected shall form the Board 50 of Directors.

Quorum of
Directors:
qualification.

8. A majority of the Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors: Provided however that no person shall be elected a Director unless he shall be the holder and owner of at least five shares of the 55

stock of the said Company, and shall have paid up all calls upon the stock.

9. The reeve or other chief municipal officer of any municipality or parish subscribing towards the said undertaking, a bonus of not less than five hundred dollars, or holding not less than five shares in the stock of the Company, shall be eligible to the office of Director.

Reeves of Municipalities eligible as Directors.

10. The Directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said Company, in such proportion as they may see fit, no such instalment exceeding ten per cent., and the Directors shall give one month's notice of each call, in such manner as they may appoint.

Calls by Directors: amount limited.

11. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the said President or Vice-President, or the Secretary and Treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: Provided however that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to promissory Notes, &c.

Provido.

12. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall be and form a first charge on the undertaking, lands, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures, without the necessity for any enregistration thereof; and such bonds or debentures shall be in such form and for such amount, and payable at such times and places as the Directors from time to time may appoint and direct; and the payment to the Treasurer of the Company, or to any other person appointed for the purpose, by any *bond fide* purchaser of any of the lands in the fourth section of this Act mentioned of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed, of such purchase money shall operate as a discharge of such charge in respect of the lands so paid for; and until other provisions be made therefor, the Treasurer of such Company, or other person so authorized, shall keep all moneys so received separate and apart from the ordinary funds of the Company, and the moneys so received shall be invested from time time in Government securities, or in the stock of some solvent and well-established chartered bank in Canada, for the formation of a fund for the payment of the interest in such debentures as it becomes due, and for their

Company may issue debentures chargeable on the Railway.

As to payments on lands so charged.

Form of bonds redemption at maturity. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of such bonds or debentures shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway under contract or to be constructed under and by virtue of this Charter, and no such debenture shall be for a less sum than one hundred dollars. 5

Connections with Montreal and City of Ottawa Junction Railway. 13. The Directors of the said Company, elected by the shareholders, in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with the Montreal and City of Ottawa Junction Railway Company, for the purpose of making any branch or branches to facilitate a connection with the railway of the said Company. 10

Company may lease their Railway to that company, and make agreements for a loan of the credit of that Company, &c. 14. The said Company are also hereby authorized and empowered to contract and agree with the said Montreal and City of Ottawa Junction Railway Company to assign, transfer or lease to that Company their railway or any part thereof, or any rights or powers acquired under this Act, and the surveys, plans, work, plant, stock, machinery or other effects belonging thereto, upon such terms and conditions and with such restrictions as the Directors may deem expedient; or the said Montreal and City of Ottawa Junction Railway Company may agree to loan its credit to, or may subscribe to and become the owner of the whole or part of the stock of the Railway Company hereby incorporated, in like manner and with the like rights as individuals: Provided that any such assignment, transfer, lease or arrangement shall have been sanctioned by the majority of votes of a special meeting of the shareholders called for the purpose of considering the same, on due notice given as provided by "*The Railway Act, 1868.*" 15

Proviso. 25

Aliens may hold shares and vote. 15. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Form of conveyance of land. 16. Any deed of conveyance of land to the said Company may be in the form of Schedule A., to this Act annexed, and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof, made before the officers usually authorized to receive the same, and a deed in such form, or in words of like import, shall be a legal and valid conveyance of the land and immoveables therein mentioned to all intents and purposes, and the registration thereof shall be of the same effect as if such deed were executed before a notary. 35 40

Time for commencing and completing the work. 17. The powers given by this Act shall be exercised by the commencement of the said railway within three years after the passing of the Act, and its completion within eight years therefrom. 45

Short title. 18. This Act shall be known and cited as the "*Hawkesbury and Lochiel Junction Railway Act.*"

SCHEDULE A.

Form of Deed of Sale.

Know all men by these presents, that I, A. B., in consideration of _____ paid to me by the Hawkesbury and Lochiel Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Hawkesbury and Lochiel Junction Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this _____ day of
one thousand eight hundred and _____

Signed, Sealed and Delivered }
in presence of

A.B.

[L.S.]

C.D.
E.F.

No. 18.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Hawkesbury and
Lochiel Junction Railway Company.

Received and read first time, Tuesday, 14th
April, 1874.

Second reading, Wednesday, 15th April, 1874.

(PRIVATE BILL.)

Hon. Mr. MACDONALD,
(Glengarry.)

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 & 33, Rideau Street

1874.

An Act to incorporate the Board of Trade of the Town
of Ingersoll.

WHEREAS James Noxon, Charles H. Sorley, Allan McLean, Preamble.

R. A. Woodcock, John Gayfer, P. J. Brown, J. M. Wilson,
R. Y. Ellis, Thos. Brown, Geo. K. Brown, L. J. Chadwick, C. E.
Chadwick, Jas. Gordon, Thos. Wells, Charles P. Hall, James McIn-
5 tyre, D. M. Robertson, A. R. Kerr, J. W. Wilson, Wm. C. Johnston,
J. L. Perkins, David White, Wm. Dundas, William Waterworth,
M. Walsh, John Walsh, J. O'Neill, T. H. Barraclough, O. B. Cald-
well, Wm. Runciman, M. B. Holcroft, James Battersby, Harry
Rowland, James F. McDonald, J. McCaughey, J. C. Galloway, E.
10 Casswell, H. Campbell, jun., D. H. Flook, J. S. Gurnett, James
Brady, Adam Oliver, Wm. S. King, Wm. C. Bell, A. N. Christopher,
Sam. Noxon, John Lewis, Thos. D. Millar, John Byron, Wm. J.
Battams, W. G. Wonham, Edwin Doty, Wright Sudworth, J. J.
Hoyt, Absalom Daly, John Kerr, Matthew Bixel and Robert Agur,
15 residents in the town of Ingersoll, in the County of Oxford and
Province of Ontario, have by their petition represented
that they have associated themselves together for some
time past, for the purpose of promoting such measures
as they have deemed important towards developing the
20 general trade and commerce of the Dominion of Canada and the
Town of Ingersoll in particular, and have further represented that
the said Association would be more efficient in its operations should
an Act of incorporation conferring certain powers on them and
their successors be granted; and whereas it is expedient to grant
25 the prayer of their said petition: Therefore Her Majesty, by and
with the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. The said James Noxon, Charles H. Sorley, Allan McLean, Incorporation.
R. A. Woodcock, John Gayfer, P. J. Brown, James M. Wilson,
30 Richard Y. Ellis, Thomas Brown, George K. Brown, L. J. Chad-
wick, Charles E. Chadwick, James Gordon, Thos. Wells, Chas. P.
Hall, James McIntyre, David M. Robertson, A. R. Kerr, David
White, J. W. Wilson, Wm. C. Johnston, J. L. Perkins, M. Walsh,
John Walsh, Wm. Dundas, William Waterworth, T. H.
35 Barraclough, O. B. Caldwell, Jeremiah O'Neill, M. B. Hol-
croft, James Battersby, Wm. Runciman, James F. McDonald,
J. McCaughey, J. C. Galloway, Harry Rowland, Edwin
Casswell, J. S. Gurnett, James Brady, H. Campbell, jun., D. H.
Flook, William S. King, Adam Oliver, Wm. C. Bell, Sam Noxon,
40 A. N. Christopher, John Lewis, T. D. Millar, W. G. Wonham, John
Byron, W. J. Battams, Edwin Doty, Wright Sudworth, Absalom
Daly, J. J. Hoyt, John Kerr, Matthew Bixel, and Robert Agur,
and such other persons residents of the Town of Ingersoll as are or
shall be associated with the persons above named for the purposes
45 of this Act in the manner hereinafter provided, and their successors,

- shall be and are hereby constituted a body politic and corporate by the name of "The Ingersoll Board of Trade," for the purposes mentioned in the preamble, and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter, and change at their will and pleasure; and they and their successors, by their corporate name, shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, or otherwise dispose of the same or any part thereof, from time to time and as occasion may require, and other estate, real or personal, to acquire instead thereof: Provided always that the clear annual value of the real estate held by the said corporation at one time shall not exceed ten thousand dollars, and provided also that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred upon them by this Act, or may be necessary to carrying the same into effect, according to its true intent and meaning.
- Corporate name and powers.**
- Proviso, as to real estate.**
- Application of funds and property.**
- Domicile. Service of process.**
- Council.**
- Provisional officers and members of council.**
- General meetings and elections.**
- 2.** The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally and of the town of Ingersoll in particular, or as may be necessary to attain the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.
- 3.** The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the said Corporation.
- 4.** For the management of the affairs and business of the said Corporation there shall be a Council, to be called "The Council of the Board of Trade," which shall from and after the first election hereinafter mentioned consist of a President, a first and second Vice-President, Secretary, Treasurer, and twelve other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties herein-after mentioned and assigned to the said Council.
- 5.** The said James Noxon shall be President, the said William S. King shall be first Vice-President, the said David M. Robertson shall be second Vice-President, the said Richard Y. Ellis shall be the Secretary, the said James M. Wilson shall be the Treasurer, and the said Thomas Brown, Edwin Casswell, A. R. Kerr, William Waterworth, Jeremiah O'Neill, Charles H. Sorley, Charles E. Chadwick, Allan McLean, Adam Oliver, James Battersby, R. A. Woodcock and James Brady, the other members of the Council, until the first election to be had under the provisions of this Act; and the Council hereby appointed, shall, until the said election, have all the powers assigned to the Council by this Act.
- 6.** The members of the said Corporation shall hold a general meeting every three months, that is to say, on the second Monday in January, April, July and October, at some place within

the Town of Ingersoll, of which notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days' previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council, and at the general meeting on the second Monday in the month of January, the members of the said Corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the said Corporation, one President, two Vice-Presidents, a Secretary, a Treasurer, and twelve other members of the Council, who, with the President, Vice-Presidents, Secretary and Treasurer, shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of January as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-law of the Corporation: Provided always, that if the said election shall not take place on the second Monday in the month of January, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be held.

General annual meeting.

Term of office.

Proviso, failure of election not to dissolve corporation.

7. If any member of the said Council shall die or resign his office, or be absent for four months continuously from the meetings of the said Council, without the cause of sickness or leave of absence obtained from the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said Corporation to be a member of the said Council in the place of the member so resigning or dying or being absent, and such new member so elected shall hold office until the next annual election, and no longer unless re-elected.

Elections to vacant seats in certain cases.

8. At any annual or general meeting of the said Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of the members present at such meeting shall be competent to do and perform all acts which either by this Act or by any by-law of the said Corporation, are or shall be directed to be done at any such general meeting.

Quorum at meetings.

9. Any member of the said Corporation intending to retire therefrom or resign his membership, may at any time do so, upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice.

Members resigning.

10. It shall be lawful for the said Corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said Corporation, providing for the admission and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the said

Power to make rules and by-laws.

Proviso, as to notice of proposed by law. Corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation.

Qualification of members. **11.** Each and every person then resident in the Town of Ingersoll, and being or having been a merchant, trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said Corporation; and at any general meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation; and if such proposition shall be carried by a majority of two-thirds of the members of the Corporation then present, he shall thenceforth be a member of the Corporation, and shall have all the rights and be subject to all the obligations which the other members possess or are subject to: Provided always, that any person not being a merchant or trader, mechanic, manager of a bank or insurance agent, shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Proposal and election. 5
10
15
20

Proviso, as to parties not qualified. 25

Special general meetings. **12.** It shall be lawful for the said Council, or a majority of them, by a notice, inserted in one or more newspapers published in the said Town of Ingersoll one day previous to the said meeting, or by a circular letter signed by the Secretary of the said Corporation, to each member, and mailed one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Meetings of Council. **13.** It shall be competent to the said Council to hold meetings from time, and to adjourn the same when necessary, and at the said meetings, to transact such business as may, by this Act, or by the by-laws of the Corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act and no other; and any five or more members of the Council lawfully met, (and of whom the President or either of the Vice-Presidents shall be one, or, in case of their absence, any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council, and at all general meetings of the Corporation, the President, or in his absence the first Vice-President, or in his absence the second Vice-President, or, if all be absent, any member of the Council then present who may be chosen for the occasion shall preside, and shall, in all cases of equality of votes upon any division, have a casting vote.

By-laws to be framed. **14.** It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the said Council best adapted to promote the welfare of the said Corporation, and the purposes of

this Act, and to submit the same for adoption at a general meeting of the said Corporation called for that purpose, in the manner hereinbefore provided.

15. All subscriptions of members due to the said Corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the said Corporation shall be paid to the Secretary thereof; and in default of payment, may be recovered in any action brought in the name of the said Corporation; and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Payment and recovery of subscriptions, penalties, &c.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant, at the time of making such demand, was or had been a member of the said Corporation, and that the amount claimed on account of such subscription, penalty or otherwise, was standing unpaid upon the books of the said Corporation.

17. The meetings of the Council shall be open to all members of the said Corporation, who may attend at the same but who shall take no part in any proceedings thereat; and minutes of the proceedings, at all meetings whether of the Council or of the Corporation, shall be entered in books to be kept for that purpose by the Secretary, and the entries thereof shall be signed by the President of the Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation, free from any charge.

Meetings of Council to be open.

Minutes.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said Corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rules adopted by them, or under any by-law of the said Corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Board of Arbitration.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or either of the Vice-Presidents of the said Corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration; and

Members of Board of Arbitration to be sworn.

this oath shall be kept among the documents of the said Corporation.

Members of Council may be Arbitrators **20.** Any member of the Council of the said Corporation may at the same time be a member of the said Board of Arbitration.

Powers of Arbitration. **21.** The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of the submission and the provisions of this Act.

Affirmation instead of oath. **22.** Any person who may by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath may, in such case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case where an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Rights of the Crown saved. **23.** Nothing in this Act shall affect any rights of Her Majesty Her heirs or successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE

(Form of Submission to the Board of Arbitration.)

KNOW ALL MEN that the undersigned and the undersigned *(if there be more parties, that is more separate interests, mention them)* having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of _____ dollars to perform the award to be made by the Board of Arbitration of the Board of Trade of the Town of Ingersoll, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the Town of Ingersoll, on the day of _____ A.D., 18 _____

Signed and sealed in the presence of _____

A. B. [L.S.]
C. D. [L.S.]
E. F. [L.S.]

FORM OF OATH

(To be taken by Members of the Board of Arbitration.)

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the Board of Trade of the Town of Ingersoll, and that I will in all cases in which I shall act as Arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor, or affection, of or for any party or person whomsoever. So help me God.

[Faint, illegible text, likely bleed-through from the reverse side of the page.]

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to incorporate the Board of Trade
of the Town of Ingersoll.

Received and read, first time, Tuesday, 14th
April, 1874.

Second reading, Wednesday, 15th April, 1874.

Mr. OLIVER.

OTTAWA :

Printed by L. B. TAYLOR, 29, 31, and 33, Rideau Street,

1874.

An Act to amend the Act incorporating "The Royal Canadian Insurance Company."

WHEREAS "The Royal Canadian Insurance Company" have, Preamble.
 by their petition, prayed for certain amendments to their
 Act of Incorporation, passed in the Session held in the thirty-sixth 36 V., c. 99.
 year of Her Majesty's reign, and being chapter ninety-nine of
 the Acts of that Session; 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 as follows:

1. The said Company shall, in addition to the powers vested
 in them by the said Act, have power and authority to make and Further powers of insurance on risks by water.
 10 effect contracts of insurance with any person or persons, body or
 bodies politic or corporate, against loss or damage of or to sea-
 going or lake-going ships, boats, vessels, steamboats, or other crafts
 navigating the ocean, lakes, rivers, high seas or any other navigable
 waters whatsoever, from any port or ports in Canada to any other
 15 port or ports in Canada, or to any British or foreign port or ports
 upon the ocean, lakes, rivers or other navigable waters aforesaid,
 or from one foreign port to another foreign port, or from any
 foreign port or ports to any port or ports in Canada or elsewhere,
 upon all or any of the seas, lakes, rivers and navigable waters
 20 aforesaid; and against any loss or damage of or to the cargoes or
 property conveyed in or upon such ships, boats, vessels, steam-
 boats or other craft, and the freight due or to grow due in respect
 thereof; or of or to timber or other property of any description
 conveyed in any manner upon all or any of the seas, lakes, rivers
 25 and navigable waters aforesaid; and, generally, to do all matters
 and things related to or connected with marine insurances, on all
 or any of the seas, lakes, rivers and navigable waters aforesaid;
- And the said Company shall also have power to effect contracts And on r by fire.
 of insurance with any person or persons, body or bodies politic or
 30 corporate, against loss or damage by fire in Great Britain, or in
 any of her dependencies, or in foreign countries, on any houses
 stores, or other buildings whatsoever; and also on any goods,
 chattels or personal estate whatsoever, including such as may be
 carried by railway or be stored in any railway station or ware-
 35 house, for such time or times and for such premiums and consider-
 ations, and under such modifications and restrictions, and upon
 such conditions as may be bargained or agreed upon, or set forth,
 by and between the Company and the person or persons, body or
 bodies politic or corporate, agreeing with them for such insurance;
 40 and to cause themselves to be re-insured against any loss or risk Re-insurance.
 they may incur in the course of their business, or to insure any
 other Insurance Company against any loss or risk which such other
 Company may incur in the course of their business; and generally
 to do and perform all other necessary matters and things con-
 45 nected with and proper to promote those objects.

Establishing
agencies.

2. For all or any of the purposes aforesaid, it shall be lawful for the Directors of the said Company to establish agencies, for the carrying on of the business of the Company, at any port or place in the Dominion of Canada, the United States of America, or elsewhere, and in so doing, to appoint and from time to time to 5 remove such agents and local boards as they in their discretion may deem advantageous to the interests of the said Company, and to remunerate such agents and local boards, and invest them with such powers as they may deem necessary.

Holding real
estate.

3. The said Company shall have power to acquire and hold, for 10 the purposes of their business, such real estate in the Dominion of Canada or elsewhere, not exceeding in annual value at any one place, the sum of ten thousand dollars, current money of Canada, as the Directors of the Company may deem necessary or expedient, and likewise such real estate in the Dominion of Canada 15 or elsewhere, as the Directors may find it necessary or expedient, from time to time, to accept in payment of debts due to the said Company, or to purchase at sales on judgments obtained for such debts, and shall also have power to alienate and convey any or all such real estate: Provided always, that the said Company shall 20 not retain and hold any such real estate as they may so accept in payment of debts or purchase at sales on judgments obtained for such debts, for a longer period than five years.

Company may
hold United
States' securi-
ties for pur-
poses of
deposit.

4. It shall also be lawful for the Company to purchase and hold, 25 for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the United States of America, to such an amount as may be required to be deposited with the Federal Government, or the Government of any of the different States of said United States, for the purpose of doing 30 business therein.

Qualification
of a director.

5. No person shall be elected as a Director of the said Company unless he be a registered shareholder, owning absolutely, and in his own right and not in trust, not less than one hundred shares of the capital stock of the Company, and be not in arrear in 35 respect of any call thereon.

Rights of
aliens.

6. Aliens, whether resident in Canada or elsewhere, shall have the same rights as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies, and shall be eligible to office as Directors or otherwise; provided always that the President, Vice-President and a majority of the Directors 40 shall reside in Canada, and be subjects of Her Majesty.

Disqualifica-
tion of a
director.

7. Whenever a Director shall have absented himself from the meetings of the Board of Directors during three consecutive months, unless by leave of absence by the Board, or shall become notoriously insolvent or bankrupt, or shall cease to be a registered 45 owner, as aforesaid, of one hundred shares of the capital stock of the Company, his office shall, *ipso facto*, become vacant.

Annual gen-
eral meeting
and ballot.

8. The annual general meeting of the Shareholders shall be held on the first Thursday in February in each year, or, if that day be a holiday, on the next succeeding day, at the hour of two 50 of the clock in the afternoon, and the ballot for the election of Directors shall be kept open for two hours, at the expiration of which time the ballot shall be closed, and when so closed, no person shall have a right to vote, on any pretence whatever.

9. Special meetings of the Shareholders may be called, for any day not a Sunday or holiday, by order of the President, or, in his absence, of the Vice-President, or on the requisition of at least ten Shareholders, representing not less than one thousand shares of the capital stock of the Company.

10. All meetings of Shareholders may be held in such place in the City of Montreal, as the Directors may select; and notices of all such meetings shall be given by advertisement during the ten days preceding the day fixed for the meeting, in an English and a French newspaper published in the City of Montreal, and in such other manner as the Directors may deem fit:—

The quorum at all such meetings shall consist of twelve Shareholders, and no person shall be entitled to act or vote as proxy at any such meeting unless he be a registered Shareholder of stock owned absolutely in his own right and not in trust.

11. The Company may enforce payment of all calls and interest thereon by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action has accrued to the Company; and a certificate purporting to be under the seal of the Company, and to be signed by any officer of the Company, to the effect that the Defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law as *prima facie* evidence to that effect.

12. Any such Certificate as last aforesaid, or a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings, as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

13. It shall be lawful for the Directors of the said Company, with the consent of the majority in value of the Shareholders present at any meeting of Shareholders, to increase the capital stock of the said Company, from time to time, to an amount not exceeding in all the sum of ten millions of dollars.

14. So much of the said Act incorporating the said Company as is contrary to or inconsistent with the provisions of this Act is hereby repealed.

No. 20.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating
"The Royal Canadian Insurance Com-
pany."

Received and read first time, Tuesday, 14th
April, 1874.

Second reading, Wednesday, 15th April, 1874.

(PRIVATE BILL.)

Mr. BOYER.

OTTAWA :
Printed by J. E. TAYLOR, 29, 31 and 33 Rideau Street.
1874.

No. 21.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act to incorporate
" *La Banque d'Hochelaga.* "

Received and read the first time, Tuesday,
14th April, 1874.

Second reading, Wednesday, 15th April, 1874.

(PRIVATE BILL.)

Mr. JETTÉ.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate Lamb's Water-Proof Gum Manufacturing Company.

WHEREAS Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, William A. Gunn, John Geary and Charles P. Smith have, by their petition, represented that the said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand and Isaac Waterman are the proprietors of certain patents granted by the Dominion of Canada and other countries, to the said Daniel Martin Lamb, for certain new and useful inventions and discoveries in and for the manufacturing of Vulcanizable Water-Proof Gum, and that they are desirous of acquiring such patents and of manufacturing Vulcanizable Water-Proof Gum in accordance with the said patents, and carrying on business connected therewith in the several Provinces of Canada, and in the United States of America and the territories thereof, and they are desirous of obtaining an Act of Incorporation, conferring upon them all necessary powers for the same and praying for such incorporation; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, William A. Gunn, John Geary and Charles P. Smith, and such other persons as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate by the name of "Lamb's Water-Proof Gum Manufacturing Company," and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

2. The capital stock of the Company shall be six hundred thousand dollars divided into six thousand shares of one hundred dollars each; and such capital stock may from time to time be increased, as the wants of the Company may require, by a vote of not less than three-fourths in value of the shareholders present in person or by proxy, at a meeting of the Company called for that purpose, to an amount not exceeding one million two hundred thousand dollars.

3. The Company may become the assignees of a patent of the Dominion of Canada, bearing date the thirtieth day of June, in the year of Our Lord One thousand eight hundred and seventy-three, granted to the said Daniel Martin Lamb, of the Town of Strathroy, in the County of Middlesex, Machinist, for new and

Preamble.

Certain persons incorporated.

Corporate name and general powers.

Capital stock and shares.

Increase of capital stock.

Company may acquire certain patents.

useful improvements in the production of Water-Proof Gum called
 or known by the title or name of "Lamb's Water-Proof Gum;" a
 certain other patent of the Dominion of Canada, bearing date the
 seventeenth day of June, in the year of Our Lord One thousand
 eight hundred and seventy-three, granted to the said Daniel Martin 5
 Lamb for a new and useful art of producing Water-Proof Gum
 called or known by the title or name of "Lamb's process of pro-
 ducing Water-Proof Gum;" a certain other patent of the Dominion
 of Canada, bearing date the fifth day of December, in the year of
 Our Lord One thousand eight hundred and seventy-three, granted 10
 to the said Daniel Martin Lamb for new and useful improvements
 in manufacturing and treating Vulcanizable Gum and Hydro-
 Carbon Oils called or known by the title or name of "Lamb's
 Gum and Oil Process;" a certain other patent of the Dominion of
 Canada, bearing date the fifth day of December, in the year of 15
 Our Lord One thousand eight hundred and seventy-three, granted
 to the said Daniel Martin Lamb for a new and useful Compound
 Vulcanizable Gum called or known by the title or name of
 "Lamb's Vulcanizable Water-Proof Gum;" and a certain other
 patent of the Dominion of Canada, bearing date the fifth day of 20
 December, in the year of Our Lord One thousand eight hundred
 and seventy-three, granted to the said Daniel Martin Lamb for a
 new and useful improvement in apparatus for purifying and
 filtering oils called or known by the title or name of "Lamb's
 Combined Oil Filter;" a certain patent of the United States of 25
 America, bearing date the twenty-fourth day of June, in the year of
 Our Lord One thousand eight hundred and seventy-three, granted
 to the said Daniel Martin Lamb for a new and useful improvement
 in the production of Water-Proof Gums; a certain other patent
 of the said United States, bearing date the twenty-fourth day of 30
 June, in the year of Our Lord One thousand eight hundred and
 seventy-three, granted to the said Daniel Martin Lamb for a new
 and useful improvement in the production of Water-Proof Gum;
 a certain other patent of the said United States, bearing date the
 twenty-fourth day of June, in the year of Our Lord One thousand 35
 eight hundred and seventy-three, granted to the said Daniel
 Martin Lamb for a new and useful improvement in preparing
 Water-Proof Gums from Flax seed and other substances; a certain
 other patent of the said United States, bearing date the eighteenth
 day of November, in the year of Our Lord One thousand eight 40
 hundred and seventy-three, granted to the said Daniel Martin Lamb
 for a new and useful improvement in Compound Vulcanizable Gums;
 a certain other patent of the said United States, bearing date the
 eighteenth day of November, in the year of Our Lord One thousand
 eight hundred and seventy-three, granted to the said Daniel 45
 Martin Lamb for a new and useful improvement in treating
 Vulcanizable Gums and Caoutchouc; and a certain other patent
 of the said United States, bearing date the eighteenth day of
 November, in the year of Our Lord One thousand eight hundred
 and seventy-three, granted to the said Daniel Martin Lamb for a 50
 new and useful improvement in apparatus for Purifying and
 Filtering Oils, and of all rights under the said letters patent or
 any or either of them, and of any other patents which have here-
 tofore been or may hereafter be granted for the manufacture of
 Vulcanizable Water-Proof Gums, or for improvements in the 55
 manufacture or treating of Vulcanizable Gums and Hydro-
 Carbon Oils, or for any of the purposes or objects to which the
 said letters patent or any or either of them relate, and whether
 such patents have been or may be granted by or from Canada or

any other Country, and may work and manufacture the same according to the several specifications thereof, and may sell and dispose of and assign any such patents or any part of or interest in them or the use of the same, under royalties or upon such other terms as from time to time they may see fit, and they may also buy or acquire and manufacture any of the articles or compositions of matter to which the said several patents or any or either of them relate, and sell and dispose of the same.

Further powers of the Company.

4. The principal office and place of business of the Company shall be at the City of London, in the Province of Ontario, unless and until otherwise, at any time or times, provided by by-law of the Company; and the business and operations of the Company may be carried on in any part or parts of the Dominion of Canada, and of the United States of America, as the Directors may from time to time determine; and the said Company shall have power from time to time to lease or purchase and to hold any real estate which they shall deem necessary for the purposes aforesaid, except that the annual value of any such real estate, in the Dominion of Canada, shall not exceed twenty-five thousand dollars, and so often as any property or real estate, so purchased and acquired, ceases to be necessary for the purposes of the Company, they shall, when the Company finds it expedient so to do, sell or dispose thereof; and the Company may also from time to time and as their business may require, purchase, lease or build any workshops, machinery or other works and appliances in any part of Canada or of the said United States, which the Company may think necessary and proper for their purposes or for the exercise of the powers by this Act conferred, and the same or any part of them, when the Company find it expedient, shall be disposed of.

Chief place of business.

Power to hold real estate.

5. The affairs of the Company shall be managed by a Board of not less than three or more than nine Directors, who shall be shareholders in the said Company: until otherwise provided by by-law five of the Directors shall form a quorum.

Directors.

6. The said Daniel Martin Lamb, Marvin Knowlton, Andrew McKenzie, Joseph Atkinson, James Durand, Isaac Waterman, George M. Gunn, John Geary and Charles P. Smith shall be Directors of the Company until replaced by others duly appointed in their stead.

First Board of Directors.

7. The subsequent Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at such times, in such wise and for such term, not exceeding one year, as the by-laws of the Company may prescribe.

Subsequent Directors.

8. In managing the business of the Company, and in making any contracts for the purposes of the Company, the Directors of the Company shall possess and exercise all the powers of the Company.

Powers of Directors.

9. The Directors shall have power to contract for, purchase, and acquire, upon such terms and conditions as they may think fit, the several patents of invention hereinbefore mentioned as heretofore issued and all rights and privileges thereto belonging, and in any such contract for purchase or any purchase thereof, may agree to pay and may pay therefor in paid up stock or in bonds of the Company, and shall have the like powers in reference to any other

Patents may be paid for in stock or bonds.

patents which have been heretofore or may hereafter be granted and acquired or to be acquired by the Company as hereinbefore provided, and any other matters or things which are hereinbefore authorized to be purchased or acquired by the Company, and any such contract for purchase or acquisition and the terms thereof shall be binding upon the Company. 5

Company may borrow money: to what amount, in what manner, and on what security.

10. In case a by-law authorizing the same is sanctioned by a vote of not less than three-fourths in value of the shareholders then present in person or by proxy at a general meeting duly called for considering the by-law, the Directors may borrow money upon the credit of the Company and issue the bonds or debentures of the Company, and may sell the said bonds or debentures at such prices as may be deemed expedient or be necessary, but no such bonds or debentures shall be for a less sum than one hundred dollars; and such bonds or debentures and the coupons for interest attached thereto may be made payable at such place as the Directors shall think fit; and such bonds or debentures shall, without registration or filing of the same, be and be taken as an hypothec, mortgage and pledge (according to the rank and priority which may be therein mentioned) upon the real and personal property, patent rights, privileges and revenues of the Company then existing and thereafter acquired, and each holder of the said bonds or debentures shall be deemed a mortgagee and incumbrancer *pro rata* with the other holders of bonds of the same issue, rank and priority, upon all and every the property of the Company hereinbefore mentioned: And no lender shall be bound to enquire into the occasion of any such loan or into the validity of any by-law authorizing the same or the purpose for which such loan is required: Provided that each issue of bonds or debentures shall state the rank and priority of such issue. 30

Proviso.

Voting by bondholders.

11. The Company may give to the holders of such bonds or debentures the right to vote as if the same were stock, and such right to vote may or may not be expressed on the face of such bonds or debentures.

When calls may be made.

12. Until otherwise provided by by-law of the Company, no call shall be made in respect of stock of the Company unless and until the same be sanctioned by a vote of the shareholders, representing at least three fourths of the amount of the subscribed stock, present in person or represented by proxy at a meeting of the shareholders called for that purpose. 40

32, 33 Vict., c. 12 to apply.

13. Except in so far as the same is inconsistent with the provisions of this Act, the "*Canada Joint Stock Companies Clauses Act 1869*," is hereby incorporated with this Act, except sections eighteen and thirty-nine of the same, which said sections are hereby excepted from incorporation herewith. 45

An Act to authorise Joseph Meunier to build a Toll-bridge over the River L'Assomption, in the Province of Quebec.

WHEREAS the construction of a Toll-bridge over the River L'Assomption, in the Parish of St. Paul l'Hermite, in the County of L'Assomption, in the Province of Quebec, will greatly tend to promote the welfare and intercourse of the inhabitants of the said Parish and of the adjacent Parishes, and the convenience of the public generally; and whereas Joseph Meunier, trader, of the Parish of Repentigny, has by a petition presented by him for that object prayed to be authorised to construct a Toll-bridge over the said River L'Assomption at the place above mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Joseph Meunier is hereby authorised to erect and construct, at his own cost and expense, a solid and sufficient Toll-bridge over the said River L'Assomption, at the place called St. Paul l'Hermite, in the County of L'Assomption, in the Province of Quebec, and to erect and construct a Toll-house and Toll-gate, with other dependencies and approaches to or upon the said Bridge; and also to do and execute all such other matters and things as shall be necessary, useful or advantageous for erecting and constructing, keeping up and maintaining the said intended Bridge, Toll-house, Toll-gate and other dependencies, according to the true intent and meaning of this Act.

2. For the purpose of erecting, building, maintaining and supporting the said Bridge, the said Joseph Meunier shall, from time to time, have full power and authority to take and use all land reasonably required on either side of the said River L'Assomption, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, doing as little damage as possible, and making just and reasonable compensation for the damage so caused, and the value of the land so taken or occupied as aforesaid.

3. The said Bridge and the said Toll-house, Toll-gate and dependencies to be erected thereon or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall from time to time be found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said Joseph Meunier for ever; provided that, after the expiration of fifty years from the passing of this Act, it shall be lawful for Her Majesty, her heirs and successors, to assume the possession and property of the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying the said Joseph Meunier the then full and intrinsic value of such Bridge

Preamble.

Authority to
build Bridge
and depend-
encies.And take land,
&c.Bridge, &c.,
vested in J.
Meunier.

Proviso : and other dependencies ; Provided also that nothing herein contained shall be construed to prevent the Municipality of the Parish of St. Paul l'Hermitte or that of the County of L'Assomption from acquiring at any time the said Bridge, Toll-house, Toll-gate and dependencies, and the ascents and approaches thereto, upon paying to the said Joseph Meunier the full and intrinsic value, which the same shall, at the time of such assumption, bear and be worth, with an addition of twenty-five per cent. upon the actual value thereof ; and that after such assumption of the said Bridge it shall become a free Bridge, and shall for ever thereafter be vested in and maintained by the Municipality aforesaid as such free Bridge.

Tariff of tolls on the said Bridge. 4. When and so soon as the said Bridge shall be erected and built and made fit and proper for the passage of travellers, cattle, horses and carriages, it shall be lawful for the said Joseph Meunier from time to time and at all times, to ask, demand, receive, take, sue for, recover, to and for his own proper use, benefit and behoof, for pontage, as or in the name of toll or duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say :—

	\$	cts.	
For every vehicle drawn by one horse or ox.....	0	10	
For every vehicle drawn by two horses or two oxen.....	0	15	
For every vehicle drawn by three horses or three oxen.....	0	20	25
For every vehicle drawn by four horses or four oxen.....	0	25	
For every horse, ox or cow.....	0	05	
For every sheep, hog, calf or colt.....	0	03	
For every horse with its rider.....	0	10	30
For every foot passenger.....	0	03	

Exemptions. But every person going to or returning from divine service on Sunday, or *Fêtes d'Obligation*, or going to or returning from a funeral, and all children on their way to their college classes or their schools shall be exempted from the payment of the above tolls : Provided always that such persons or children shall not be exempt from such payment unless they pass on foot.

Tolls may be diminished and again increased. 5. It shall be lawful for the said Joseph Meunier to diminish the said tolls, or any of them, and then afterwards, if he sees fit, again to augment the same or any of them, so as not to exceed in any case the rates by this Act authorised to be taken ; and the said Joseph Meunier shall affix, or cause to be affixed, in some conspicuous place at or near the said Toll-gate, or upon the said Bridge, a table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, he shall cause such alteration to be affixed in manner aforesaid.

Tolls vested in Joseph Meunier. 6. The said tolls shall be, and the same are hereby vested in the said Joseph Meunier for ever, provided that if Her Majesty shall in the manner and after the expiration of the time herein-before mentioned, assume the possession of the said bridge, then the said tolls shall from the time of such assumption appertain and belong to Her Majesty, her heirs and successors, who shall from thenceforth be substituted in the place and stead of the said Joseph Meunier, for all and every the purposes of this Act.

7. If any person shall forcibly pass through the said Toll-gate, or over or upon the said Bridge without paying the said toll, or any part thereof, or shall interrupt or disturb the said Joseph Meunier, or any person or persons employed by him in building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding ten dollars, or be imprisoned for a period not exceeding ten days in the common gaol of the district.
8. So soon as the said Bridge shall be passable and opened for the use of the public, and for so long a time as the same shall so remain, no person whatsoever shall erect any bridge or bridges, nor shall use for purposes of ferriage boats of any description whatever, for the passage of any person, cattle or vehicle whatsoever, for hire or otherwise, across the said River, within the distance of two miles above and two miles below the said Bridge, measuring along the banks of the said River and following its windings; and any person who shall build any toll-bridge or toll-bridges, or any free bridge, or bridge of any description whatsoever over the said River within the limits aforesaid shall, without prejudice to any proceedings which may be instituted against him by the said Joseph Meunier before any court, to cause the said bridges to be destroyed, and to cause his privileges to be otherwise respected, pay to the said Joseph Meunier treble the tolls hereby imposed for all persons, cattle, horses and carriages passing over such bridge or crossing by means of such ferry or ferries.
9. If any person shall maliciously pull down, burn, destroy or injure the said Bridge, or any part thereof, or the Toll-gate, or Toll-house, or other dependencies to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.
10. The said Joseph Meunier to entitle himself to the benefits and advantages to him by this Act granted, shall, and he is hereby required to erect and complete the said Bridge, Toll-house, Toll-gate, and dependencies, within four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said Joseph Meunier shall cease to have any right, title or claim in or to the tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Joseph Meunier shall not by the said tolls, or in any other manner or way, be entitled to any reimbursement of the expense he may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Joseph Meunier shall, and he is hereby required to repair or restore the same within two years from the time when the said Bridge shall, by any court of competent jurisdiction, in and for the District of Joliette, be ascertained to be impassable or unsafe, and notice thereof to him by the said court shall have been given; and he shall also be bound to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if, within the time

Penalty for passing without paying tolls, &c.

Other bridges and ferries prohibited within certain limits. Penalty.

Penalty for injuring or destroying Bridge.

Period for completing Bridge.

Penalty if not so completed.

If the Bridge becomes impassable or unsafe.

Forfeiture if not repaired in due time.

last mentioned, the said Bridge be not repaired or rebuilt, as the case may require, then the said Bridge, or such part thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty ; and after such default to repair and
 5 rebuild the said Bridge, the said Joseph Meunier shall cease to have any right, title or claim in or to the said Bridge, or to the remaining parts thereof, and the tolls hereby granted, and his and each and every of his rights in the premises, shall be wholly and for ever terminated.

10 11. The penalties hereby inflicted shall, upon proof of the offence, respectively, before any one or more Justices of the Peace or Magistrates for the District of Joliette, or before any other Court of competent jurisdiction, either by the confession of the offender or by the oath of one or more credible witness or wit-
 15 nesses (which oath such Justice, Court or Magistrate is hereby empowered and required to administer), be levied by distress and sale of the goods and chattels of such offender, by warrant, signed by such Justice or Justices of the Peace, or Magistrate, or issued by such Court, and the overplus, after such penalties and the
 20 charges of such distress and sale are deducted, shall be returned, on demand, to the owner of such goods and chattels ; and one-half of such penalties, respectively, when paid or levied, shall belong to Her Majesty, and the other half to the person suing for the same.

25 12. The said Bridge shall be built upon piers placed at a distance of not less than forty feet from each other, and the height of the arches of the said Bridge shall be not less than five feet above the level of high water ; and the said Bridge shall be provided with
 30 a swing, so constructed as to allow a space not less than forty feet in width for the passage of rafts and vessels.

Enforcement
of penalties.

Height of piers
and width of
arches.

Swing bridge.

BILL.

An Act to authorise Joseph Meunier to build a Toll-bridge over the Rivière des Quatre Rivières, in the Province of Québec.

Received and read, first time, Tuesday, April, 1874.

Second reading, Wednesday, 15th April, 1874.

(PRIVATE BILL.)

Mr. J.

OTTAWA :

An Act to incorporate a Company for the construction of a canal to connect the waters of Lake Ontario and Lake Huron.

WHEREAS the opening up and making navigable the line of inland waters between the Georgian Bay and the Bay of Quinte, would advance the general interests of Canada, by affording a new and expeditious avenue for the transport of the products of the Western States and the Canadian Territories, *en route* to the markets of Europe, and would facilitate the communication between the Eastern and Western Provinces of the Dominion—and whereas the several persons hereinafter named are desirous to construct and maintain canals and other works to effect such purpose, and they desire to be incorporated; and it is expedient to incorporate them accordingly; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1. Mossom Boyd, of Bobcaygeon, in the County of Victoria Esquire, Darcy Edmond Boulton, of the Town of Cobourg, Esquire, William Cluxton, of the Town of Peterborough, Esquire, the Honourable James Cockburn, of the Town of Cobourg, James Hall, of the Town of Peterborough, M.P., the Honourable Billa Flint, of Belleville, George Henry Gordon, of Trenton, Esquire, James Brown, of Belleville, M.P., Joseph F. May, of Chisholm's Rapids, Esquire, Robert Strickland, of Lakefield, Esquire, William H. Scott, of Peterborough, Esquire, Herman H. Cook, of Toronto, M.P., S. Casey Wood, of Lindsay, M.P.P., Alexander Smith, of Peterborough, Esquire, George Dormer, of Lindsay, Esquire, James Frederick Dennistoun, of Peterborough, Esquire, George Hilliard, of Peterborough, Esquire, George Albertus Cox, of Peterborough, Esquire, Henry Calcutt, of Ashburnham, Esquire, shall be Provisional Directors of the Company hereby incorporated, and together with such other person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the works hereby authorized to be made, and their several and respective executors, administrators and assigns, being proprietors of such share or shares, are and shall be united into a Company for carrying on, making, completing and maintaining the said Canals and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Huron Trent Valley Canal Company*, and by that name shall have perpetual succession, and shall have a common seal, and other the usual powers and rights of bodies corporate, not inconsistent with the other provisions of this Act, and by that name shall and may sue and be sued, and may purchase, acquire and hold lands (which word throughout this Act shall be understood to include the land and all that is upon or below the surface thereof, and all the real

Certain persons incorporated.

Corporate name and powers.

rights and appurtenances thereunto belonging) for them and their successors or assigns, for the use of the said canals and works; and also to alienate and convey any of the said lands purchased or acquired for the purpose aforesaid, and any person or persons, bodies politic or corporate, may give, grant, bargain, sell or convey to the said Company, and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to construct, make and complete, and maintain canals, locks, dams, cuttings and such other works as shall be requisite to connect, deepen and render navigable the chain of lakes, rivers and interior waters lying between the Georgian Bay, at or near the mouth of the River Severn and the Bay of Quinte, at or near the mouth of the River Trent.

Limits within which the canal shall be made.

Plan of the canals, &c., to be approved by the Governor in Council

Government maps, &c., to be open to the Company.

Power to the Company to set out and survey lands necessary for their works, &c.

To get and place materials.

To erect buildings, machinery, &c.

Bridges and other works.

2. Provided always, that before the said Company shall break ground or commence the construction of the said works, the plan, location, dimensions, and all necessary particulars of the canals and locks, bridges and other works therewith connected, shall have been submitted to and shall have received the sanction of the Governor in Council; and all maps, plans, surveys, levels, reports and documents, relating to the said interior line of navigation, now in possession of the Government, or copies thereof, shall be open to the said Company to aid it in the prosecution of its works, and the preparation of the map or plan and book of reference herein-after mentioned.

3. For the purposes of this Act, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof, as they shall think necessary and proper for making the said intended canals and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended canals and other works, and to dig, cut, trench, get, remove, take, carry away and lay, earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended canals and other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended canals or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon their lands, such and so many houses, warehouses, toll houses, watch houses, telegraphs or other signals, weighing beams, cranes, steam engines and other engines, tow-paths, machines and other works, as the said Company shall think requisite and convenient for the purposes of the said canals and works, and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any bridges, passages over, under or through the said intended canals, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers

and brooks for the making, using, maintaining and repairing of the said intended canals, and to turn any such brook, river or water course, and to change its course; and the said Company, their servants and agents, shall have the right to enter upon any property
 5 or lands adjacent to the said canals on which there may be found quarries of stone requisite for constructing the locks and other works of the said canals and other works, and to quarry and take stone therefrom for the said purposes, compensating the owners as hereinafter provided and to construct, erect, make and do all other
 10 matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving and completing of the said intended canals and other works, and in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be in
 15 the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners and proprietors of, or the persons interested in the lands, tenements and hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or
 20 of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen and all other persons whatsoever for what they or any of them shall do
 25 by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

To open quarries.

Other works necessary for the canals.

As little damage as possible to be done, and compensation to be made.

4. For the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for the Province of Ontario, and by an engineer or engineers by them to be appointed, cause
 30 to be taken and made surveys and levels of the lands through which the said intended canals are to be carried, together with a map or plan of such canals and of the course and direction thereof, as finally approved by the Governor in Council, and of the said lands through which the same is to pass, and the lands
 35 intended to be taken for the several purposes authorized by this Act so far as then ascertained, and also a book of reference for the said canals, on which shall be set forth a description of the said several lands and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company,
 40 and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified; copies thereof shall be deposited in the office of the Secretary of State of Canada and in the office of the Clerk of the Peace for the
 45 County of Peterborough and in the office of the Company, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of State or to the said Clerk of the Peace at the rate of ten cents for every one
 50 hundred words, and the said triplicates of the same plan or map and book of reference so certified, or a true copy thereof certified by the said Secretary of State or by the Clerk of the Peace aforesaid, shall severally be and are hereby declared to be good evidence in the Courts of Law and elsewhere in Canada.

Company to take surveys and levels of the lands through which the canal is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies may be taken, &c.

55 5. The said Company shall at each and every place where any of the said canals shall cross any highway, erect and keep good and sufficient draw-bridges to the satisfaction of the Governor in
 Bridges where the canal shall cross high-ways.

Council, which shall be kept shut except when vessels are passing, so that the public thoroughfare may be as little impeded as possible; and shall not in making the said canals cut through or interrupt the passage on any public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section, the said Company shall incur a penalty of ten dollars. 5

What quantity of land may be taken.

6. The lands or grounds to be taken or used without the consent of the proprietors for the said canals and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed one hundred and fifty yards in breadth, except in places where basins and other works are required to be cut or made as a necessary part of the Canal, as shown on the plan approved by the Governor in Council. 15

Provision for deviation, errors in book of reference, &c.

7. The said Company may make, carry, or place, their said intended canals and works into and across or upon the lands of any person or party whomsoever in the line shown on the plan aforesaid (or within the distance of five hundred yards from such line, except at the points of entering the rivers aforesaid, where they shall be confined to the line shown on the said plan), although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of, or party entitled to convey, or interested in such lands. 20 25

Company may use beaches, &c.

8. The said Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lake which the said canal may cross, start from or terminate at, as may be required for the wharves and other works of the said Company for making easy entrances to their said canals and other works which they are hereby authorized to construct, and they may also construct such dams and works as they may deem requisite to stop the waste of water from the lakes and rivers, and to economize the same for the use of their line of navigation, subject always to the right of compensation to any parties injured. 30 35

Company may lease water-power, &c.

9. The said Company shall have the power to use, sell, lease, rent or otherwise dispose of, for their sole use and benefit, any water brought by their said canals and works, which may not be required for the purposes thereof, but which may be used or found useful and applicable to drive any machinery in mills, warehouses, manufactories or otherwise, on such terms as they may deem expedient and advisable. 40

LANDS AND THEIR VALUATION.

After any lands have been set out,

10. After any lands shall be set out and ascertained in manner aforesaid, for making and completing the said canals and other works, and other the purposes and conveniences hereinbefore mentioned:— 45

Certain parties may convey to Company.

1. All Corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, 50

their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *feme-coverts*, or other persons seized, possessed of, or interested in any lands, may contract, sell or convey unto the
5 Company all or any part thereof :

2. Any contract, agreement, sale, conveyance and assurance so made, under the preceding sub-section, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Company, the fee simple in the lands in such deed described,
10 freed and discharged from all trusts, restrictions and limitations whatsoever ; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act ;

Contract or agreement for sale.

3. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided.

Disposition of purchase money.

4. Any contract or agreement made as it may be by any party authorized by this Act to convey lands, and made before the
20 deposit of the map or plan and book of reference, and before the setting out or ascertaining of the lands required for the canal or works of the Company, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement,
25 and although such land may, in the meantime, have become the property of a third party ; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award ;

Contract before deposit of map.

5. All Corporations or parties who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands ; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall
35 be fixed and all proceedings shall be regulated in the manner herein prescribed ; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid,
40 the canal and works and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the proper Registry Office of the County.

Fixed rent to be paid in certain cases.

6. Whenever there is more than one party proprietor of any
45 land as joint tenant or tenants in common, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one-third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining
50 proprietor or proprietors as joint tenant or tenants in common and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be ;

As to proprietors being joint tenants, &c.

7. After the deposit of the map or plan and book of reference,
55 and after notice thereof given for one month in at least one newspaper, published in the County, the Company may apply to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the

Application to owners after deposit of map.

canals and works ; and in the case of Indian lands application shall be made to the Secretary of State, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them, shall be settled as follows, that is to say :

Deposit to be general notice. 8. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties proprietors of the lands and the powers and privileges which will be required for the canals and works ;

Notice to party what to contain. 9. The notice served upon the party shall contain :
 a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;
 b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted ; And such notice shall be accompanied by the certificate of a sworn Surveyor for the Province of Ontario, disinterested in the matter, and not being the Arbitrator named in the notice :

That the land, if the notice relate to the taking of land, shewn on the said map or plan, is required for the canals or other works or is within the limits of deviation hereby allowed :

That he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and,

That the sum so offered is, in his opinion, a fair compensation for the land, or for the damages as aforesaid.

If the owner be absent or unknown. 10. If the opposite party is absent from the County in which the lands lie, or is unknown, then, upon application to the Judge of the County Court for the County accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid (but without a certificate,) to be inserted three times in the course of one month in a newspaper published in the County, to be named by the Judge ;

Party not accepting offer and not appointing an arbitrator. 11. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a sworn surveyor for the Province of Ontario, to be sole Arbitrator for determining the compensation to be paid as aforesaid ;

If he appoints one. Third arbitrator. 12. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence) then the Judge of the County Court shall, on the application of the party or of the Company (previous notice of at least two clear days having been given to the other party), appoint a third Arbitrator

Duties of arbitrators. 13. The Arbitrators, or two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the County in

which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole
 5 Arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days' notice, or to which some meeting at which the third Arbitrator was present, had been adjourned;
 10 and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required;

Award by majority.

14. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased
 15 value that would be given to any lands or grounds through or over which the canal will pass, by reason of the passage of the canal through or over the same, or by reason of the construction of the canal, and to set off the increased value that will attach to the said lands or grounds against the inconvenience, loss or damage
 20 that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid.

Increased value by canal to be considered.

15. The award given by any sole Arbitrator shall never be for a less sum than that offered by the Company, as aforesaid, and if
 25 in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the Arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be
 30 taxed by the Judge;

Costs, how paid.

16. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be
 35 deemed wilful and corrupt perjury, and punishable accordingly;

Power to examine parties or witnesses on oath.

17. The Judge by whom any third Arbitrator or sole Arbitrator is appointed, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged,
 40 either by the consent of the parties or by order of the Judge, as it may be for reasonable cause shown on the application of the sole Arbitrator or one of the Arbitrators, after one clear day's notice to the others, then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them;

Time for making the award.

18. If any Arbitrator appointed by the Judge, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of an Arbitrator appointed by the Judge, the Judge upon the application of either party, being satisfied by
 50 affidavit or otherwise of such death, disqualification, refusal, or failure, may appoint another Arbitrator in his place; and in the case of any Arbitrator appointed by the parties, the Company or party respectively may appoint an Arbitrator in the place of his or their Arbitrator so deceased or not acting, notifying the
 55 other party or his or their Arbitrator of such appointment, but no re-commencement or repetition of prior proceedings shall be required in any case; and in case of failure to make such appointment by either party, the Judge shall do so, after five days' default after notice calling on him or them to fill the vacancy;

Arbitrator dying.

- Desisting from notice and giving a new one. 19. Any such notice for lands, as aforesaid, may be desisted from and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist; 5
- Certain persons not disqualified as arbitrators. 20. The Surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin, to any member of the Company, 10 provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge, after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the 15 Judge;
- Time for objecting. 21. No cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such 20 Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be 25 held not to have appointed an Arbitrator;
- No objection allowed after a certain time. 22. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award states clearly the sum awarded, 30 and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award;
- Awards not voidable for want of form. 23. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to 35 receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been 40 awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the County, or to a Bailiff, as he may 45 deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;
- Possession on payment or tender of compensation or rent. 24. Such Warrant may also be granted by the Judge, without such award or agreement, on affidavit to his satisfaction that the 50 immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the canal or works with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be 55 awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;
- Warrant of possession.
- Warrant in certain cases of necessity before award.
- Security in such case.

25. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;
- 10 26. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the Court of Chancery for Ontario, with the interest thereon for six months, and may deliver to the proper officer an authentic copy of the conveyance, or of the award if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, or to do the thing required, and proceedings shall thereupon be had for the confirmation of the title or right of the Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the officer shall state that the title of the Company (that is, the conveyance or award,) is under this Act, and shall call upon all persons entitled to the lands or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;
- 20 27. Such judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower), as well as any mortgage or incumbrance upon the same; and the Court shall make such order for the distribution, payment, or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the provisions of this Act and to law, shall appertain;
- 25 28. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the officer, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the interest for such further period as may be right.
- 30 29. If the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance, or agreement, shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.
- 35 30. With regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this

Compensation to stand in place of the land.

Proceedings if the Company has reason to fear incumbrances.

Effect of judgment of confirmation of title.

Costs, how paid.

Interest.

If the compensation do not exceed \$80.

Proviso as to cases where this Act shall not have been complied with.

Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights of the Company and of other parties, shall be governed by the ordinary rules of law. 5

Actions for indemnity limited.

11. All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be brought within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing 10 or committing such damage shall cease, and not afterwards.

Penalty on persons obstructing the use of the canal.

12. If any person by any means or in any manner or way whatsoever, obstructs, or interrupts, the free use of the said canal or the works incidental or relative thereto or connected therewith, such person shall for every such offence incur a forfeiture or 15 penalty of not less than *five dollars* nor exceeding *forty* dollars; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the County, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the 20 Receiver General, and be applied for the public uses of Canada, and the support of the Government thereof.

How recoverable and applicable.

Punishment of persons breaking down or obstructing or damaging the canal or works.

13. If any person or persons wilfully or maliciously, and to the prejudice of the said canal or other works authorized to be made by this Act, break, damage, or destroy the same, or any part 25 thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, vessels, engines, machines, or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief to, or wilfully or maliciously obstruct the free use of the said canal or works, or 30 obstruct, hinder, or prevent the carrying on, completing, supporting and maintaining the said intended canal or works, such person or persons shall be adjudged guilty of *felony*, and shall be punished in like manner as felons are directed to be punished by law in such manner as the law directs in cases of simple larceny, in the discre- 35 tion of the Court.

Company to contribute among themselves the necessary sums for carrying on their undertaking.

14. And to the end that the said Company may be enabled to carry out so useful an undertaking, the said Company and their successors may raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a com- 40 petent sum of money for the making and completing the said canal, and all such other works, matters, and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said canal and other works: Provided always, that the before-mentioned Provisional Directors, 45 or a majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said 50 undertaking, and pay such deposit as may be required by the said Provisional Directors or the majority of them on the sum subscribed for, shall thereby become a Member of the Corporation, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned 55

Proviso. Books of subscription to be opened.

by name as Members of the said Corporation: Provided always, that the sum so raised shall not exceed the sum of five million dollars in the whole, except as hereinafter mentioned, and that the money so raised shall be laid out and applied in the first place for 5 and towards the payment and discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue, and remainder of such money for and towards making, completing 10 and maintaining the said canal, and other the purposes of this Act, and to no other use, intent, or purpose whatever.

Proviso.
Capital limited.

Order of charges on the capital: certain preliminary expenses to be first paid.

Capital to be divided into shares of \$100 each.

To be personal property and transferable.

Rights of shareholders to profits, &c.

Their liabilities.

Interest to be allowed on stock paid up before the canal is finished.

If the capital be insufficient the Company may raise a further sum.

15. The said sum of five million dollars, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons as shall or may at any time 15 become a subscriber or subscribers to the said canal, shall be divided into equal parts or shares of one hundred dollars, currency, per share; and the shares shall be deemed personal estate, and shall be transferable as such; and the said shares shall be and are hereby vested in the said several subscribers 20 and their several and respective executors, administrators, and assigns, proportionally to the sums they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, and all and every person or persons, their several and respective successors, executors, administrators and assigns, 25 who shall severally subscribe and pay the sum of one hundred dollars, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said canal, shall be entitled to and receive, after the said canal shall be completed, the entire and net distribution of the profits and advantages that shall and may arise 30 and accrue by virtue of the money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, person or persons, having such property or shares in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional 35 sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

2. Interest shall be allowed to all subscribers of stock in the said Company on the sums by them respectively paid in on their respective subscriptions, at the rate of six per cent per annum 40 from the time the same is paid until the canal is opened for business, to be paid by the issue of new stock of the Company at par, provided that no fraction of a share shall be issued and no subscriber shall be entitled to an issue of stock for this purpose, until the interest due such subscriber shall be equal to at least one share 45 of the said stock.

16. In case the said sum of five million dollars be found insufficient for the purposes of this Act, then the said Company may raise and contribute among themselves in manner and form aforesaid, and in such shares and proportions as to them shall seem 50 meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended canal and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of five million dollars; and every subscriber towards raising such further or 55 other sum of money, shall be a proprietor in the said undertaking, and have a like right of voting in respect of his, her or their share in the said additional sum so to be raised, and shall also be liable

to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of five million dollars.

5

Company may borrow a limited sum of money.

17. The said Company may from time to time lawfully borrow either in Canada or elsewhere, such sum or sums of money not exceeding at any time the amount paid up, as they may find expedient, and at such rate of interest per annum as they may think proper, any thing in the laws of Canada to the contrary notwithstanding; and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places as the shareholders may deem advisable, and such bonds or debentures shall constitute a privileged charge upon the tolls, revenues and other moveable property of the said company, and a charge without registration upon all the immoveable property thereof, as security ranking on such moveable and immoveable property according to the rates of the issue by the Company of such bonds or debentures, as if duly registered at such dates respectively, for the due payment of the said sums and the interest thereon; but no such debenture if payable to bearer shall be for a less sum than four hundred dollars.

And charge their property.

Votes of proprietors according to the number of their shares.

18. The number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when in conformity to the provisions of this Act the votes of the members of the said company are to be given, shall be in proportion to the number of shares held by him, that it to say: one vote for any less number than five shares, and each holder or proprietor of every five shares and upwards, shall have two votes for every five shares; and all proprietors of shares may vote by proxy, if they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the following effect, that is to say:

Proprietors may vote by proxy.

Form of appointment of proxy.

" I of one of the members of "The Huron Trent Valley Canal Company." do hereby nominate, constitute and appoint of to be my proxy, and in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the members of the said company, or any of them, in such manner as he the said shall think proper according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand and seal, the day of in the year "

Questions to be decided by majority of votes.

And such vote or votes by proxy shall be as valid as if the principal or principals had voted in person; and every question, election of proper officers, or matters or things which shall be proposed, discussed or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decisions and acts of the said Company.

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19. Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to sit as Directors, and to vote either as principals or proxies. Aliens may vote, &c.

20. No member of the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the Company beyond the extent of his or her share in the capital of the Company not paid up. Liabilities of shareholders limited.

21. The first general meeting of the members of the Company for putting this Act into execution, may be held at Peterborough whenever sufficient shares have been subscribed for; provided that public notice thereof be given during one week in at least one newspaper, and signed by at least three of the subscribers to the said undertaking holding among them at least one hundred shares; and at such said general meeting, the members assembled, with such proxies as shall be present, shall choose nine Directors, being each a proprietor of not less than ten shares in the said undertaking, in such manner as is hereinafter directed, and may also proceed to pass such rules and regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act, or with the laws of Canada. The first general meeting of the proprietors to be held at Peterborough. To elect a board of nine directors. Qualification.

22. The Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year, and in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any by-law, an annual general meeting of the members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such members holding together one hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of the members is necessary to be held, such five or more of them may cause fifteen days notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any by-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings, respectively; and the members are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matter so specified only; and all such Acts of the Members or the majority of them, at such special meetings assembled (such majority not having either as principals or proxies less than one hundred shares), shall be as valid to all intents and purposes as if the same were done at annual meetings: Provided always, that it shall and may be lawful for the said members at such special meetings, (in like manner as at annual meetings,) in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign or be removed as aforesaid; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors. Annual election of directors. Special meetings of proprietors may be called. Proceedings at special meetings. Proviso: Vacancies among the directors how filled. Proviso.

23. At each of the said annual meetings of the members of the said Company, five of the said Directors shall retire, the order Five Directors to retire annually.

Proviso. of retirement of the said first elected Directors being decided by ballot, but the Directors then or at any subsequent time retiring, shall be eligible for re-election: Provided always that no such retirement shall have effect, unless the members shall at any such annual meeting proceed to fill up the vacancies thus occurring in the direction. 5

Directors to elect a President; 24. The Directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, 10 and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may in like manner elect a Vice-President who shall act as Chairman in the absence of the President. 15

And Vice-President.

Five Directors to be a Quorum. 25. Any meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company: Provided always, that no one Director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, and the President or the Vice-President when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, shall, when presiding at a meeting of the Directors in case of a division of 25 equal numbers, have the casting vote, and no other; And provided also, that the Directors shall from time to time be subject to the examination and control of the said annual and special meetings of the said members as aforesaid, and shall pay due obedience to all by-laws of the Company, and to such orders and directions, in 30 and about the premises, as they shall from time to time receive from the said members at such annual and special meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained; And provided also, that the Act of any majority of a quorum of the Directors present at any 35 meeting regularly held shall be deemed the act of the Directors.

Casting vote of Chairman.

Proviso: Directors subject to the control of Meetings.

Proviso: Acts of a majority to be valid.

No contractor, &c. to be a Director. 26. No person concerned or interested in any contract or contracts, under the said Company, shall be capable of being chosen a Director, or of holding the office of Director.

Three Auditors to be appointed yearly— 27. Every such annual meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Directors and Managers and other officer and officers to be by the said Directors appointed or by any other person or persons whatsoever, employed by or concerned for or under them in and about the 45 said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place as shall be thought convenient by them; and the said Directors chosen under the authority of this Act shall have power from time to time to make such call or calls of money from 50 the proprietors of the said Canal and other works to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided however, that no call do exceed the sum of twenty dollars for every share of one hundred dollars; and provided also, that no 55

To audit all accounts.

Power of the Directors to make calls.

Proviso: calls how to be made.

calls be made but at the distance of at least three calendar months from each other: And the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing ordering and directing the work and workmen, and in placing and removing managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize the Secretary or his deputy to affix the common seal of the Company to any act, deed, by-law, notice or other document whatsoever; and any such act, deed, by-law, notice or other document bearing the common seal of the Company, and signed by the President, Vice-President, or any Director, or by any officer by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the name and affix the said seal thereto, be liable to be called in question by any party except the Company; and the Directors shall have such other and further powers as being vested in the Company by this Act, shall be conferred upon the said Directors by the by-laws of the Company, except such as are hereby expressly directed to be exercised by the members at annual or special meetings.

Other powers of the Directors.

Further powers may be conferred by By-law.

28. The owner or owners of one or more shares in the said undertaking, shall pay his, or her or their shares and proportion of the money to be called for as aforesaid to such bankers and at such time and place as the said Directors shall appoint and direct, of which notice shall be given by at least four insertions thereof in the course of three months, in some newspaper as aforesaid, or in such other manner as the members of the Company shall by any by-law direct or appoint; and if any person or persons neglect or refuse to pay his, her or their rateable or proportional part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they neglecting or refusing shall forfeit a sum not exceeding the rate of twenty dollars for every four hundred dollars of his, her or their respective share or shares in the said undertaking; and in case such person or persons neglect to pay his, her or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof and all money paid thereon; all which forfeitures shall go to the rest of the proprietors of the said undertaking, their successors and assigns, for the benefit of the said proprietors in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof: Provided always, that in case any person or persons neglect or refuse to pay any such call or calls at the time and in the manner required for that purpose, the said Company may sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company, that certain sums of money were duly called for upon such share or shares by the said Company under the authority of and in the

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

Proviso: Amount of calls may be sued for.

What shall be alleged and proved in such suit.

manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the Attorney or Solicitor acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them, or to mention any other special matter whatever, and the defendant shall not plead the general issue, but may by a plea in denial traverse any particular matters of fact alleged in the declaration, or specially plead some particular matters of fact in confession and avoidance.

Forfeitures to be declared at some general meeting.

29. No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some annual or special meeting of the said Company assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said canal and works.

Company may remove any Director, &c.

30. The said Company shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed; and to revoke, alter, amend or change any of the by-laws or orders prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and the time and place of assembling, and manner of voting and of appointing Directors, only excepted,) and shall have power to make such new rules, by-laws and orders for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said canal and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever travelling upon or using the said canal and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such by-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such by-laws, or orders, as to such general meeting shall seem meet, not exceeding the sum of forty dollars, for every offence: such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said by-laws and orders being put into writing under the common seal of the said Company, shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same: and the said by-laws and orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of

May make By-laws, &c.

Penalties under by-laws limited.

By-laws to be in writing, and published.

Law or Equity to justify all persons who shall act under the same; and any copy of the said by-laws or any of them purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such by-laws in any Court without further proof; Provided always, that no by-laws of the said Company, fixing or altering the tolls on the said canal, or affecting others than the members or officers of the said Company, shall have force or effect until it shall have been confirmed by the Governor in Council: Provided, also, that no tolls, rates, or dues shall be levied on said canal otherwise than under such a by-law.

Certified copies to be evidence.

Proviso: Certain by-laws to be subject to approval of the Governor in Council.

31. The several proprietors of the said canal or undertaking may sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed duly executed by seller and purchaser, shall be delivered to the said Directors or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than *twenty-five cents* shall be paid, and the said Secretary is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Proprietors of the said canal may dispose of their shares and how.

Transfer to be notified to the Company.

30 32. The sale of the said shares shall be in the form following, varying the names and description of the contracting parties as the case may require:—

Form of the transfer of shares.

“ I, A. B., in consideration of the sum of _____ paid to me by
 “ C. D., of _____ do hereby bargain, sell and transfer to the
 35 “ said C. D., _____ share (or shares) of the stock of the
 “ *Huron Trent Valley Canal Company*, to hold to him, the said
 “ C. D., his heirs, executors, curators, administrators and assigns,
 “ subject to the same rules and orders and on the same conditions
 “ that I held the same immediately before the execution hereof.
 40 “ And I, the said C. D., do hereby agree to accept of the said
 “ _____ share (or shares) subject to the same rules, orders and
 “ conditions. Witness our hands and seals the _____ day of _____,
 “ in the year _____.”

The form.

Provided always, that no such transfer of any share shall be valid until enregistered in a transfer book to be kept for that purpose, nor until all calls or instalments then due thereon shall have been paid up.

Proviso.

33. The said Directors may and they are hereby authorized to nominate and appoint the Bankers, Secretary, Treasurer, Solicitor and servants of the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and in proper books shall be kept a true and perfect account of the names and places of abode of the several members of the said Company, and of the several persons who shall from time to time become owners and proprietors of, or

Directors may appoint a treasurer and clerks, &c.

Register of shareholders.

entitled to any share or shares therein, and of all the acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Company may establish tolls on the canal.

How recovered if not duly paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso against monopoly.

Half yearly accounts to be made up.

Dividends to be made from time to time.

Proviso: Capital not to be impaired.

34. The said Company may from time to time, and at all 5
times hereafter, ask, demand, take and recover, to and for their
own proper use and behoof, for all passengers, goods, wares, mer-
chandize and commodities, of whatever description, transported
upon the said canal, or vessels using the same, such tolls as they
may deem expedient; which said tolls shall be from time to time 10
fixed and regulated by by-laws of the Company or by the
Directors if thereunto authorized by the said by-laws, and shall
be paid to such person or persons, and at such places near to the
said canal, in such manner and under such regulations as the said
Company or the said Directors shall direct and appoint; and in 15
case of denial or neglect of payment of any such rates or dues or
any part thereof on demand, to the person or persons appointed to
receive the same as aforesaid, the said Company may sue for and
recover the same in any court having competent jurisdiction, or
the person or persons to whom the said rates or dues ought to be 20
paid, may and he is, and they are hereby empowered to seize and
detain such vessels, goods, wares, merchandize or other commodi-
ties for or in respect whereof such rates or dues ought to be paid,
and to detain the same until payment thereof; and in the mean-
time the said vessels, goods, wares, merchandize or other com- 25
modities, shall be at the risk of the owner or owners thereof; and
the said Company or the said Directors shall have full power,
from time to time, at any general meeting, by by-law, to lower or
reduce all or any of the said tolls, and again to raise the same as
often as it shall be deemed necessary for the interests of the said 30
undertaking: Provided always, that the same tolls shall be pay-
able at the same time and under the same circumstances upon all
vessels and goods, and upon all persons, so that no undue advan-
tage, privilege or monopoly may be afforded to any person or class
of persons by any by-law relating to the said tolls. 35

35. And in order to ascertain the amount of the clear profits
of the said undertaking—The said Company, or the Directors for
managing the affairs of the said Company, shall and they are
hereby required to cause a true, exact and particular account to
be kept and semi-annually made up and balanced to the first day 40
of January and the first day of July in each year, of the money
collected and received by the said Company or by the Directors
or Managers and Servants of the said Company or otherwise for
the use of said Company by virtue of this Act, and of the charges
and expenses attending the erecting, making, supporting, main- 45
taining and carrying on their works, and all other receipts and
expenditure of the said Company or the said Directors; and at
the general meetings of the members of the said Company, to be
from time to time holden as aforesaid, a dividend shall be made
out of the clear profits of the said undertaking, unless such 50
meetings shall declare otherwise; and such dividend shall be at
and after the rate of so much per share upon the several shares
held by the members of the said Company, as such meeting or
meetings shall think fit to appoint or determine: Provided always,
that no dividend shall be made whereby the capital of the said 55
Company shall be in any degree reduced or impaired, nor shall
any dividend be paid in respect of any share, after a day

appointed for the payment of any call for money in respect thereof, until such call shall have been paid.

- 36.** Provided always, that in all cases where there shall be a fraction of a mile in the distance which vessels, goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.
- 37.** The said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper containing all the tolls payable under this Act.
- 38.** Any enactments which the Parliament of Canada may hereafter deem it expedient to make, or any Order in Council which the Governor General may hereafter deem it expedient to pass, with regard to the exclusive use of the canal by the Government at any time, or the carriage of Her Majesty's mail or Her Majesty's forces and other persons and articles, or the rates be paid for carrying the same, or in any way respecting the use of any electric telegraph, or other service to be rendered by the Company to the Government shall not be deemed an infringement of the privileges intended to be conferred by this Act.
- 39.** The said Company shall within six calendar months after any lands shall be taken for the use of the said Canal, or undertaking, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.
- 40.** So soon as conveniently may be after the said Canal shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof, denoting the distance, to be erected and maintained at the distance of every mile from each other.
- 41.** The said Company shall take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Managers and collectors for the time being of the money to be raised by virtue of this Act, for the faithful execution by such Managers and collectors of his and their office and offices respectively.

Fractions in distance, or weight how calculated.

Tables of tolls to be publicly affixed.

Provision as to services to the Government.

Company to make fences, &c., if required.

Canal to be measured and miles marked.

Treasurer, receiver and collector to give security.

42. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any by-laws to be made in pursuance thereof (of which by-laws, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the County, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward) be levied with costs by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said Canal or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the County wherein he is convicted there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Forfeitures under this Act, how recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

Appeal by persons aggrieved.

Limitation of actions for things done under this Act.

As to contravention of this Act not otherwise punishable.

Her Majesty may assume the works.

43. Any person or persons who thinks himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, may within four calendar months after the doing thereof, appeal from the conviction or order in the manner provided by the "*Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders.*"

44. If any action or suit be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

45. Any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof, or by law, the same be forfeited by such contravention.

46. Her Majesty, Her heirs and successors may, at any time, assume the possession and property of the said Canal and works and of all the rights, privileges and advantages of the Company (all which shall after such assumption be vested in Her Majesty, Her heirs and successors) on giving to the said Company one

- week's notice thereof, and on paying to the said Company the value of the same to be fixed by three Arbitrators, or the majority of them, one to be chosen by the Government, another by the Company, and a third Arbitrator by the said two Arbitrators, the
- 5 Arbitrators having full power to consider in the valuation the expenditure of the Company, the business of the Canal, and its past, present, and prospective business, with interest from the time of the investment thereof at eight per cent., deducting, however, all dividends declared and paid to the shareholders.
- 10 47. The said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in this Act within two years after the passing thereof, and to make and complete the said Canal from the Bay of
- 15 Quinte to Georgian Bay in manner aforesaid, within five years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said two years, or if the whole of the stock of the said Company be not subscribed and at least ten per centum thereon paid up and
- 20 either expended for the purposes of this Act, or deposited in some chartered bank or banks in Canada within two years from the passing of this Act, or if the said Canal be not so made and completed within the period of five years, so as to be used by the public as aforesaid, then and in either case this Act and every
- 25 matter and thing therein contained shall cease and be utterly null and void.
48. The said Company shall annually submit to the Parliament of Canada, within the first fifteen days after the opening of each Session thereof, after the opening of the said Canal or any part
- 30 thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of the vessels, passengers and freight that have been conveyed along the said Canal; and no further provisions
- 35 which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.
49. Nothing herein contained shall affect or be construed to
- 40 affect, in any manner or way whatsoever, the rights of Her Majesty, Her heirs and successors, or of any person or persons, or of any bodies politic, such only excepted as are herein mentioned.
50. If any lock, canal, dam, slide or boom, bridge, or other work the property of the Government of Canada, whether now in
- 45 the possession of the said Government or leased to any corporation or person, is taken possession of by the Company for the purposes of its undertaking, or is in any way affected by the works of the Company, the Company shall be bound to pay to the said Government, corporation or person, as the case may be, such
- 50 indemnity as shall be fixed and ascertained in the manner hereinbefore provided in respect of lands and their valuation.
51. The said Company shall not proceed to break ground or commence the construction of the said Canal until shares to the amount of eight hundred thousand dollars shall have been taken

Map and book of reference to be deposited, and the Canal completed within certain periods, or this Act to be void.

Company annually to submit detailed accounts to Parliament.

Further provisions may be made.

Saving of Her Majesty's rights, &c.

Provision for compensation if Government works are affected.

What must be done before commencing operations.

in the capital stock of the said Company, and ten per cent. thereon shall have been paid into the hands of the Treasurer or Banker of the said Company, nor until the said election of Directors hereinbefore in that behalf provided shall have been held.

Company not
exempted from
any general
canal law.

52. Nothing herein contained shall be construed to except the Canal by this Act authorized to be made, from the provisions of any general Act which may be passed during the present or any future Session of Parliament, and no further provision which Parliament may make for enforcing any of the provisions of this Act, or for protecting the public or the rights of private parties shall be deemed an infringement of the rights of the said Company. 5 10

Tolls on parts
of Canal com-
pleted.

53. The said Company may upon having completed any Canal connecting one lake or navigable water with another, impose tolls on vessels passing through, after submitting the by-law fixing the rate of tolls, and obtaining the approval of the same by the Governor in Council. 15

Aid from
Municipal
Councils.

54. Any municipal corporation may either lend, or absolutely give, aid to the Company by bonus, debentures or otherwise to assist them in their undertaking, provided by-laws for the purpose are submitted to and passed by the ratepayers in accordance with the municipal laws of the Province of Ontario. 20

Interpretation
—"land."

55. In the interpretation of the land valuation sections of this Act, the word "land" shall also include water and land covered with water, and all rights acquired by owners on the banks of rivers and lakes, and by owners of milling and manufacturing privileges. 25

"Canal."

56. The word "canal," besides its proper signification, shall also, where the context will admit, include every kind of work entered into for the improvement of the navigation under this Act, such for example as dam work, cutting filling, stopping water, altering water courses and all or any work calculated to aid in keeping up and preserving the supply. 30

Declaratory.

57. The works contemplated herein and to be performed by the Company hereby incorporated are hereby declared to be works for the general advantage of the Dominion of Canada. 35

1st Session, 3rd Parliament, 37 Victoria

BILL.

An Act to incorporate the Huron
Valley Canal Company.

Received and read, first time, Tuesday
April, 1874.

Second reading, Wednesday, 15th April,

Mr. H.

See printed copy

No. 25.]

BILL.

[1874.

An Act to make further provision for the management of Permanent Building Societies in the Dominion of Canada.

WHEREAS it is expedient to make further provision for the management of Permanent Building Societies in the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

1. The Directors of any Permanent Building Society in the Dominion of Canada may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such Society: Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the Shareholders of such Society upon a vote of two-thirds of the capital stock represented at such meeting.

Directors may make by-laws.

2. No Shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by such Society, beyond the extent of his shares in the capital of such Society not then paid up.

Liability of shareholders limited.

3. Any such Society may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of such Society, to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said Society: Provided always, that all borrowers from any such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules.

Society may lend money to others than its members.

4. Section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

C. S. U. C. c. 53, s. 22 repealed.

“ 22. Any such Society may purchase mortgages upon real estate, debentures of municipal corporations, Dominion or Provincial stock or securities, and they may re-sell all such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate upon any such securities at such rates of discount or interest as may be agreed upon.”

New section.

5. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment

Repayment and recovery of money advanced.

of mortgage to be made of such real estate, and of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the Society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes. 10

C. S. U. C.
c. 53, s. 38 re-
pealed.

New section.

6. Section thirty-eight of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

“38. It shall be lawful for any such Society to receive money on deposit, and also for the Board of Directors of any such Society to issue debentures of such Society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable and payable not less than one year from the issue thereof; and the paid-in and subscribed capital of such Society shall be liable for the payment of such debentures, and for any amounts received on deposit by such Society: Provided always that the amount of deposits held at any one time shall not exceed the amount of paid-up capital of such Society, and that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society, and shall not exceed an amount equal to twice the amount of capitalized, fixed and permanent stock in such Society not liable to be withdrawn therefrom. The debentures of such Society may be in the form of Schedule A to this Act or to the like effect.” 30

Interest may
be demanded
in advance.

7. Any such Society may, and is hereby empowered to, demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by such Society under and by virtue of this Act. 35

Powers of
Directors.

8. The President, Vice-President and Directors of any such Society shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws to be made for management of such Society; and the Directors shall, and may, lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted by a general meeting of such Society. The Directors may use and affix, or may cause to be used and affixed, the seal of such Society to any document or paper which in their judgment may require the same, they may make and enforce the calls upon the shares of the respective Shareholders, they may declare the forfeiture of all shares on which such calls are not paid, they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such 55

Society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of such Society as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age. They may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such Society by the Parliament of Canada for the performance and fulfillment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

9. It shall be lawful for the Directors of any such Society from time to time to appoint such and so many officers, solicitors and agents, either in Canada or elsewhere, and so many servants as they may deem expedient for the management of the affairs of such Society, and to allow to them such salaries and allowances as may be agreed upon between them and such Society; and in addition to their powers heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of any such Society, and for providing for the due management of the affairs of such Society in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others: Provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting any such Society; and all by-laws of any such Society shall be reduced to writing, and shall have affixed thereto the common seal of the Society, and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all Courts of Justice in Canada, of such by-laws or extract from them, and that the same were duly made and are in force; and in any action or proceeding at law criminal or civil or in equity, it shall not be necessary to give any evidence of the seal of such Society: and all documents purporting to be sealed with the seal of any such Society, attested by the President, Treasurer or Manager thereof, shall be held to have been duly sealed with the seal of such Society.

10. Section forty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

"42. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable or in the hands of any such Society, may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall, from time to time, be sufficient discharge to the Society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt."

11. A member of or depositor with any such Society having a sum of money in the funds thereof not exceeding hundred dollars may, from time to time, nominate any person (such person or persons) being within the statute of distributions

Appointment
of officers.

Proviso.

By-laws.

C.S.U.C. c. 53
s. 42 repealed.

New section.

Member may
nominate a
successor.

Funds belong-
ing to intes-
tate member
to whom paid.

Proviso.

as successor or successors at death of such member or depositor, provided that such nomination is made in writing and duly deposited with the Secretary or Manager of the Society; and upon receiving satisfactory proof of the death of the nominator, the Society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor. And if any member or depositor with a Society, under this Act, having in the funds thereof a sum of money not exceeding hundred dollars, shall die intestate and without making any such nomination, then the amount due shall be paid to the person who shall appear to the Society to be entitled, under the statute of distributions, to receive the same without taking out letters of administration, upon the Society receiving satisfactory evidence of death and intestacy, and that the person so claiming is entitled as aforesaid: Provided that whenever the Society after the decease of any member or depositor has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the Society; but, nevertheless, such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. And in case of a sale of property mortgaged to the Society any surplus over and above the amount due to the said Society and costs derived from sale under power of sale of any property mortgaged to the said Society where the mortgagor or his assigns shall have died intestate shall be and is hereby declared to be personal property whether such sale took place before or after the death of the mortgagor or person entitled to the equity of redemption, except that in all cases the widow of the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the Society shall have the like powers as to paying such surplus without probate, as is conferred upon Societies in case of depositors and members dying intestate.

C.S.U.C. c. 53
s. 20 repealed.

New section.

12. Section twenty of chapter fifty-three of the Consolidated Statutes for Upper Canada hereby is repealed, and the following substituted therefor:

"20. Every such officer or other person appointed to any office in anywise concerning the receipt of money or for the performance of any other service shall, upon being required by the Directors, furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Society."

Operations
may be
extended to
all Canada.

13. Any Permanent Building Society formed under the provisions of any general Act of the Parliament of the late Province of Canada or of the Dominion of Canada in that behalf, may exercise all the powers appertaining to such Society in any Province of the Dominion of Canada.

Application of
Act.

14. This Act shall apply only to any such Society having a paid-up capital of not less than _____ dollars in fixed and permanent stock, not liable to be withdrawn therefrom.

SCHEDULE A.

Debenture No. Transferable \$ Society
 Under the authority of an Act of Parliament of Canada
 Vic., Cap.
 The President and Directors of the Society
 promise to pay to or bearer the sum of
 dollars, on the day of
 in the year of Our Lord One thousand eight hundred and
 at the Treasurer's office here, with interest at the rate of per
 cent per annum, to be paid half-yearly on presentation of the proper
 coupon for the same as hereunto annexed, say on the
 day of , and the day of
 in each year at the office of the Treasurer here (or their agents
 in .)
 Dated at , the day of , 18 .
 For the President and Directors of the Society.
 C. D. A. B.
 Secretary.

COUPON.

No. 1. \$ on
 Half-yearly dividend due of 18 , on
 Debenture No. issued by this Society on the
 day of , 18 for \$ at per cent per
 annum, payable at the office of the Treasurer, , (or at the
 Society's agents)
 For the President and Directors.
 C. D. A. B.
 Secretary.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to make further provision for the
management of Permanent Building
Societies in the Dominion of Canada.

Received and read first time, Wednesday, 15th
April, 1874.

Second reading, Thursday, 16th April, 1874.

Mr. Moss.

OTTAWA :

Printed by I. B. TAYLOR, 20, 31 and 33, Rideau Street.

1874

An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario.

(Reprinted as amended in Committee of the Whole.)

WHEREAS it is expedient to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Proam'to

1. The Directors of any such Permanent Building Society, may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of any such Society: Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the Shareholders of such Society upon a vote of two-thirds of the capital stock represented at such meeting; notice being given of the proposed changes in the notice calling such meeting.

Directors may make by-laws.

2. No Shareholder of any such Society shall be liable for or charged with the payment of any debt or demand due by such Society, beyond the extent of his shares in the capital of such Society not then paid up.

Liability of shareholders limited.

3. Any such Society may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of such Society, to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the said Society: Provided always, that all borrowers from any such Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers, but not to any other rules.

Society may lend money to others than its members.

4. Section twenty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:—

C. S. U. C. c. 53. s. 22 repealed.

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

New section.

Repayment
and recovery
of money
advanced.

5. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate, and of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the Society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

C. E. U. C.
c. 53, s. 38 re-
pealed.

6. Section thirty-eight of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, subject to the provisions of the 12th section of this Act, and the following substituted therefor:—

New section.

“38. It shall be lawful for any such Society to receive money on deposit, and also for the Board of Directors of any such Society to issue debentures of such Society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable and payable in the Dominion of Canada, or elsewhere, not less than one year from the issue thereof: Provided always that the aggregate amount of money deposits in the hands of such Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by such Society, and shall not exceed the amount of capitalized, fixed and permanent stock in such Society not liable to be withdrawn therefrom by more than one-third of the total amount of the said capitalized stock: Provided further, that the amount of cash actually in the hands of any such Society, or deposited in any chartered Bank, shall be deducted from the sum total of the liabilities which such society may be authorized to incur as above stated.”

The debentures of such Society may be in the form of Schedule A to this Act or to the like effect.

Interest may
be demanded
in advance.

7. Any such Society may, and is hereby empowered to, demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by such Society under and by virtue of this Act.

Powers of
Directors.

8. The President, Vice-President and Directors of any such Society shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating such Society, subject to the rules or by-laws of such Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws of such Society; and the Directors shall, and may, lawfully exercise all the powers of such Society, except as to such matters as are directed by law to be transacted by a general meeting of such Society. The Directors may use and affix, or may cause to be used and affixed, the seal of such Society to any document or paper which in their judgment may require the same, they may make and enforce the calls upon the shares of the

respective Shareholders, they may declare the forfeiture of all shares on which such calls are not paid, they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf
 5 of such Society, and enter into all contracts for the execution of the purposes of such Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of such Society, for the time being, in such manner as they shall deem
 10 expedient and conducive to the benefit of such Society as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age. They may do and
 15 authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to such Society by the Parliament of Canada for the performance and fulfillment of any conditions or provisions from time to time prescribed by the said Parliament in
 20 giving such further powers and authorities or in altering or repealing the same respectively or any of them.

9. All by-laws of any such Society shall be reduced to writing, and shall have affixed thereto the common seal of the Society, and any copy or extract therefrom, certified under the signature of the
 25 Secretary or Manager, shall be evidence in all Courts of Justice in Canada, of such by-laws or extract from them, and that the same were duly made and are in force; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of such Society; and all documents
 30 purporting to be sealed with the seal of any such Society, attested by the President, Treasurer or Manager thereof, shall be held *prima facie* to have been duly sealed with the seal of such Society.

10. Section forty-two of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following
 35 substituted therefor:—

"42. Such Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable or in the hands of any such Society, may be sub-
 40 ject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, shall, from time to time, be sufficient discharge to the Society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then
 45 be subject, and whether or not such Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt."

11. Section twenty of chapter fifty-three of the Consolidated Statutes for Upper Canada is hereby repealed, and the following
 50 substituted therefor:

"20. Every such officer or other person appointed to any office in anywise concerning the receipt of money shall furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the
 55 Society, and any person entrusted with the performance of any other service, may be required by the Directors to furnish similar security."

Application of
Act.

12. This Act shall apply only to any such Society having a paid-up capital of not less than 200,000 dollars in fixed and permanent stock, not liable to be withdrawn therefrom, and shall extend and apply to every such Society constituted or incorporated under the provisions of the Acts hereinbefore mentioned, or of the Consolidated Statutes for Upper Canada, chapter fifty-three or under any Act of the Legislature of the late Province of Canada, or of the Parliament of Canada; and any rights, powers or privileges of any such Society, contrary to the provisions of this Act, are hereby repealed. 10

Amalgama-
tion.

13. It shall be lawful for any such Society to unite, amalgamate, and consolidate its stock, property, business and franchises with the stock, property, business and franchises of any other such Building, Saving or Loan Society, incorporated or chartered, within the Province of Ontario, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation. 15

Agreement.

14. The Directors of the two Societies proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—pre- 20
scribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount or par value 25
of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to 30
perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

To be sub-
mitted to
stockholders.

15. Such agreement shall be submitted to the stockholders of each of the said Societies at a meeting thereof to be held 35
separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each shareholder of the said Societies respectively at his last known post office address or place of residence, and also by a 40
general notice to be published in a newspaper published at the chief place of business of such Societies once a week for two successive weeks. At such meetings of stockholders, such agree- 45
ment shall be considered and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon the said agreement by the 50
Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, the agreement so adopted and the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the said agreement shall from thence be taken and 55
deemed to be the agreement and act of consolidation and amal-

gamation of the said Societies, and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

16. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several societies, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

Completion of consolidation.

17. Upon the consummation of such act of consolidation as aforesaid, all and singular the business, property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock, mortgages or other securities, subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding legal or equitable by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Property and rights.

18. The choice and removal of the Auditors of the Society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Society, and the Auditors shall not necessarily be shareholders: Provided that in case of the death or failure to act of any such Auditor, the Directors may appoint an Auditor in his place, and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them respectively.

Auditors.

19. Such Society shall, on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as the Minister of Finance may require:—

Returns.

- 1st. The amount of stock subscribed;
- 2nd. The amount paid in upon such stock;
- 3rd. The amount borrowed for the purposes of investments and the securities given therefor;
- 4th. The amount invested and secured by mortgage deeds;
- 5th. The value of real estate under mortgage;
- 6th. The amount of mortgages over due and in default;
- 7th. The amount of mortgages payable by instalments.

And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President,

Vice-President, or other functionary for the time being at the head of such society, and the other the Manager or Auditor of such society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares, deposits and debentures issued and outstanding, as he verily believes is correct; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good; and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, such Society shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that such Society is insolvent, the Minister of Finance may, by a notice in the *Canada Gazette*, declare the business of such Society to have ceased; and if the Minister of Finance shall, in any case, suspect any such statement to be wilfully false, he may depute some competent person to examine the books and enquire into the affairs of such Society and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that such Society is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books or such information as would enable him to make a sufficient report, the Minister of Finance, may by notice in the *Canada Gazette*, declare the business of such Society to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of such Society to have ceased, he may before so doing give notice to such Society and afford the same an opportunity of making any explanation it may be advisable to make, and all expenses attending such periodical statements, and the publication thereof shall be borne by such Society.

SCHEDULE A.

Debenture No.	Transferable	Society
Under the authority of an Act of Parliament of Canada		
Victoria, Chapter,		
The President and Directors of the		Society
promise to pay to		or bearer the sum of
	dollars, on the	day of
in the year of Our Lord One thousand eight hundred and		
at the Treasurer's office here, with interest at the rate of per		
cent per annum, to be paid half-yearly on presentation of the proper		
coupon for the same as hereunto annexed, say on the		
day of		and the day of
in each year at the office of the Treasurer here (or their agents		
in)		
Dated at		, the day of
For the President and Directors of the		, 18 .
C. D.		Society.
Secretary.		A.B.

COUPON.

No. 1.

\$

Half-yearly dividend due of 18 , on
 Debenture No. issued by this Society on the
 day of , 18 for \$ at per cent per
 annum, payable at the office of the Treasurer, , (or at the
 Society's agents)

For the President and Directors.

C. D.
Secretary.

A. B.

(Faint, mirrored text from the reverse side of the page, including "No. 1.", "SECRETARY", and "THE SOCIETY'S AGENTS")

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to make further provision for the
management of Permanent Building
Societies in the Dominion of Canada.

*Reprinted as amended in Committee of
the Whole.*

Mr. MOSS,

OTTAWA

Printed by I. E. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to amend the general Acts respecting Railways, in such manner as to provide for the greater safety of life and protection of property upon Railways in Canada.

IN amendment of the general Acts respecting Railways, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Any person employed upon a railway train either in the carriage of passengers, or of merchandise, wood, minerals, rails, peat or sand, and who shall be drunk while on such railway train, shall be deemed guilty of misdemeanor. Punishment of employé drunk on a train.
2. Every railway company running passenger trains on its line of railway shall have and employ upon these trains the most fit and proper apparatus and arrangements for establishing every communication by means of the car platforms or frames, so as to admit of a passage without danger, from one car to another while the train is in motion. Communication between cars.
3. Every such company shall use the automatic apparatus known as "self-coupling," to connect one car with another, or to disconnect the one from the other, the locomotive, tender, carriages or trucks used either for the transport of passengers or freight. Self-coupling apparatus.
4. Every railway company refusing to conform to the requirements contained in the next preceding section of this Act, shall be liable to forfeit to Her Majesty a sum or penalty not exceeding *two hundred dollars* for each and every day that such negligence shall continue. Penalty for contravention.
5. The present Act shall come into force on the first day of *May*, one thousand eight hundred and seventy-five. Commencement of Act.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

Act to amend the general Acts relating to
Railroads, so as to provide for the greater
security of life, and for the protection of
property on the Railroads in Canada.

Received and read first time, Friday, the
17th April, 1874.

Second reading, Monday, the 20th April, 1874.

Mr. DELORME.

OTTAWA:

Printed by L. B. FAYLOR, 29, 31, and 33, Rideau Street,

1874.

**An Act to amend the Act incorporating the St. Lawrence
Tow-Boat Company.**

WHEREAS the St. Lawrence Tow-Boat Company have, by Preamble.
petition, prayed for certain amendments to their Act of in-
corporation, it is expedient to grant their prayer: Therefore Her
Majesty, by and with the advice and consent of the Senate and
5 House of Commons of Canada, enacts as follows:—

1. The said St. Lawrence Tow-Boat Company shall hereafter Name of Com-
pany changed.
be called the "St Lawrence Navigation Company," but such
change of name shall not affect in any respect any contract or ob-
ligation made with or by or due to the said Company, and any
10 suit now pending may be continued in the name of the said St.
Lawrence Tow-Boat Company to final judgment and execution
in that name, and without any *reprise d'instance*.

2. The annual meeting of the Company shall hereafter take When annual
general meet-
ing shall be
held.
place on such day between the fifteenth day of January and the
15 fifteenth day of March, and at such hour and place as shall be fix-
ed from time to time by the Directors; and the balance sheet, state-
ments and reports referred to in the eleventh section of the Act
incorporating the said Company, shall be submitted to such annual
meeting, and auditors may be appointed thereat instead of at a
20 general meeting of shareholders called for those purposes, as pro-
vided by the said eleventh section.

No. 27.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the
St. Lawrence Tow Boat Company.

Received and read first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

(PRIVATE BILL.)

Mr. CARON.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

No. 28.]

BILL.

[1874.

An Act to provide for the removal of obstructions from
Navigable Rivers.

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

1. All logs, rafts, or pieces of timber sunken in any navigable river below the head of navigation for a period of time not less than a year, shall be considered as having been abandoned by the owner, and any person or persons removing such sunken timber shall become the proprietor of the same.
- 5
- Timber sunk over a year, to be property of finder.

No. 28.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to provide for the removal of
obstructions from Navigable Rivers.

Received and read first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

Mr. MILLS.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

See reprinted copy

No. 29.]

BILL.

[1874.

An Act to amend an Act to incorporate the Maritime Warehousing and Dock Company.

WHEREAS the Maritime Warehousing and Dock Company, Preamble.
incorporated by the Act of the Parliament of Canada, 36 Vict., c. 112.
passed in the thirty-sixth year of Her Majesty's reign, chaptered
one hundred and twelve, have by their petition prayed for
5 amendments to their said Act of incorporation; 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 as follows:—

10 **1.** The second section of the Act cited in the preamble to this
Act is hereby amended by adding at the end of the said second
section the following words: "And the Company shall have
power to receive upon storage, deposit or otherwise, bullion, specie,
plate, stock, bonds, promissory notes and evidences of debt, upon
such terms as may be agreed upon between the parties." Section 2
amended;
further powers

15 **2.** The word "goods" wheresoever it occurs in the fourth, fifth,
sixth, twenty-eighth, twenty-ninth, thirtieth and thirty-fourth
sections of the said hereby amended Act, and wheresoever it occurs
in this Act, shall be held and interpreted to include in its signifi-
cation all bullion, specie, plate, stock, bonds, promissory notes and
20 evidences of debt, which the Company are hereby authorized to
receive upon storage, deposit or otherwise. Interpretation
"goods."

3. In addition to the advances which the Company is author-
ized by the Act hereby amended to make, the said Company is
hereby authorized and empowered to make advances upon goods,
25 wares and merchandise stored elsewhere than in, at or on the
Company's warehouses, wharves, stores, lumber-yards, coves or
booms, and all the rights, powers and privileges conferred upon
the Company by the Act hereby amended in respect of advances
made on goods, wares or merchandise stored in, at or on the
30 Company's warehouses, wharves, stores, lumber-yards, coves or
booms, shall extend to advances by the Company made under this
section. Company may
make advances
on goods stored
elsewhere than
in its ware-
houses.

4. Notice of the time and place of the sale of goods for non-
payment of advances when due may be given by public adver-
35 tisement inserted for at least thirty days in some newspaper pub-
lished in the City of St. John, and such advertisement shall be
held and deemed to be sufficient notice to all parties interested,
and it shall not be necessary for the Company to give any other
notice whatever of such sale. Notice of sale
of goods.

Company may
establish a
reserve fund.

5. It shall be lawful for the Company to establish a reserve fund, and for that purpose to purchase and hold any of the public securities of the Dominion, or of any Province thereof, the stocks of any chartered banks, or the bonds or debentures of any incorporated city or town or municipal corporation, 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 Company shall require. 5

No. 29,

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend an Act to incorporate the Maritime Warehousing and Dock Company.

Received and read, first time, Friday, 17th April, 1874.

Second reading, Monday, 20th April, 1874.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act to amend an Act to incorporate the Maritime Warehousing and Dock Company.

WHEREAS the Maritime Warehousing and Dock Company, Preamble. incorporated by the Act of the Parliament of Canada, 36 Vict., c.112. passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and twelve, have by their petition prayed for 5 amendments to their said Act of incorporation; 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 as follows:—

10 **1.** The second section of the Act cited in the preamble to this Act is hereby amended by adding at the end of the said second section the following words: "And the Company shall have power to receive upon storage, deposit or otherwise, bullion, specie, plate, stock, bonds, promissory notes and evidences of debt, upon such terms as may be agreed upon between the parties." Section 2 amended; further powers

15 **2.** The word "goods" wheresoever it occurs in the fourth, fifth, sixth, twenty-eighth, twenty-ninth, thirtieth and thirty-fourth sections of the said hereby amended Act, and wheresoever it occurs in this Act, shall be held and interpreted to include in its signifi- cation all bullion, specie, plate, stock, bonds, promissory notes and 20 evidences of debt, which the Company are hereby authorized to receive upon storage, deposit or otherwise. Interpretation "goods."

3. In addition to the advances which the Company is authorized by the Act hereby amended to make, the said Company is hereby authorized and empowered to make advances upon goods, 25 wares and merchandise stored elsewhere than in, at or on the Company's warehouses, wharves, stores, lumber-yards, coves or booms, and all the rights, powers and privileges conferred upon the Company by the Act hereby amended in respect of advances made on goods, wares or merchandise stored in, at or on the 30 Company's warehouses, wharves, stores, lumber-yards, coves or booms, shall extend to advances by the Company made under this section. Company may make advances on goods stored elsewhere than in its warehouses.

4. Notice of the time and place of the sale of goods for non- 35 payment of advances when due may be given by public advertisement inserted for at least thirty days in some newspaper published in the City of St. John, and such advertisement shall be held and deemed to be sufficient notice to all parties interested, and it shall not be necessary for the Company to give any other notice whatever of such sale. Notice of sale of goods.

Company may establish a reserve fund.

5. It shall be lawful for the Company to establish a reserve fund, and for that purpose to purchase and hold any of the public securities of the Dominion, or of any Province thereof, the stocks of any chartered banks, or the stock or bonds of any other corporation, or the bonds or debentures of any incorporated city or town or municipal corporation, 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 Company shall require.

5

No. 29.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend an Act to incorporate the Maritime Warehousing and Dock Company.

(Corrected Copy.)

Received and read, first time, Friday, 17th April, 1874.

Second reading, Monday, 20th April, 1874.

(PRIVATE BILL.)

Mr. DONVILLE

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to amend an Act to incorporate the Canada Mutual Marine Insurance Company.

WHEREAS the Canada Mutual Marine Insurance Company have, by their petition, prayed for certain amendments to their Act of incorporation hereinafter set forth; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
36 Vict., c. 100

1. The third section of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred, and intituled "*An Act to incorporate the Canada Mutual Marine Insurance Company*," is hereby amended by substituting the word "twelve" for the word "sixteen" where it occurs in the fourth line of the said section; and by substituting the words "not less than five nor more than seven" for the words "so many as they may judge expedient" in the seventh line of the said section. Section 3 amended.
2. The fifth section of the hereinbefore cited Act is hereby amended by substituting the word "Fifty" for the words "Five hundred" in the tenth line of the said section; by substituting the words "twelve trustees or more, as provided in section three" for the words "sixteen trustees" in the twelfth line of the said section; and by substituting the words "two thousand five hundred" for the words "five thousand" in the sixteenth and seventeenth lines of the said section. Section 5 amended.
3. The eighteenth section of the hereinbefore cited Act is hereby amended by substituting the words "fifty thousand dollars of which fifty per cent. shall be paid up; and before the Company shall commence the business of Inland Marine Insurance, the said fund shall amount to the sum of One hundred thousand dollars, and fifty per cent. thereof shall be paid up;" for the words "One hundred thousand dollars" in the fifth and sixth lines of the said section. Section 18 amended.
4. The Executive Committee of the Company shall have power to make such by-laws, rules and regulations as they may deem expedient and necessary for the proper working of the Company, and to alter and amend the same from time to time. Committee may make by-laws.
5. This Act and the Act hereby amended shall be read and construed as one and the same Act. Act to be one with 36 Vict., c. 100.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend "An Act to incorporate
the Canada Mutual Marine Insurance
Company."

Received and read, first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA:

Printed by J. B. TAYLOR, 29, 31, and 33, Rideau Street.

1874.

An Act to facilitate egress from Railway Cars in case of Fire.

WHEREAS the construction of the doors of railway cars in Preamble.
 such way as not to provide sufficient facilities for rapid egress
 in case of alarm by fire or other cause, is a source of great danger
 to life, and it is desirable to provide a remedy: Therefore Her
 5 Majesty, by and with the advice and consent of the Senate and
 House of Commons of Canada, enacts as follows:—

1. Every railway passenger car and every car intended for the Doors of cars
to open out-
wards and
inwards.
 conveyance of passengers on railways, hereafter to be built or con-
 structed, shall have all the doors thereof so hinged that they
 10 shall open freely both outwards and inwards; and the fastening
 of every such door shall be constructed and fitted so as to open
 readily, both from the inside and outside of the car.

2. Every railway company or other corporation, and every in- Cars already
built to be
altered.
 15 dividual who is the owner of any passenger car or car used for
 the conveyance of passengers on railways shall, within six months
 from the passing of this Act, cause the doors of such cars to be
 altered so as to comply with the provisions of the next preceding
 section; and from and after the date hereinbefore mentioned, no
 20 car intended to be used for the conveyance of passengers shall be
 run on any railway in Canada unless the same has been con-
 structed or altered in accordance with the provisions of this Act.

3. Any railway company or other corporation, or any indivi- Penalty for
contravention.
 dual contravening any of the provisions of this Act shall, for
 each offence, on conviction, be liable to a penalty not exceeding
 25 *fifty dollars*, and to a further penalty of *five dollars* for each
 week after the laying of the information, during which the
 changes necessary for compliance with the provisions of this Act
 shall not be made; and every such penalty may be recovered How recover-
able.
 30 before any two justices of the peace, or before the mayor or police
 magistrate of any city or town; and one moiety thereof shall
 belong to the party suing for the same, and the other moiety
 to the municipality in which the information is laid.

No. 31.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for the better egress
from Railway Cars in case of fire!

Received and read, first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

Mr. THOMPSON,
(Haldimand).

OTTAWA :

Printed by I. E. TAYLOR, 29, 31, and 33, Rideau Street.
1874.

An Act to amalgamate "The Canadian Telegraph Supply Manufacturing Company (limited)," and "The Toronto Manufacturing Company (limited)," under the name of "The Electric and Hardware Manufacturing Company (limited)."

WHEREAS "The Canadian Telegraph Supply Manufacturing Company (limited)," and "The Toronto Manufacturing Company (limited)" have by their petitions represented that it has become desirable for the said Companies to effect an amalgamation the one with the other for the purpose of more effectually carrying out the objects for which they were incorporated, and have also by the said petitions prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayers of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1. From and after the passing of this Act "The Canadian Telegraph Supply Manufacturing Company" and "The Toronto Manufacturing Company" shall be amalgamated and become one corporation, and the present shareholders of the said respective Companies hereby amalgamated, together with such persons and corporations as shall hereafter become shareholders of the Company hereby incorporated shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of "The Electric and Hardware Manufacturing Company (limited)" hereinafter called the "New Company," who shall be invested with and have all the rights, privileges, property and powers, and be responsible for all the liabilities of the said respective Companies, and shall be held to be the same corporation with each of them, so that any right or claim which could be enforced by or against either of them may after such union be enforced by or against the Company hereby incorporated; and any action, suit or proceeding pending at the time of such union by or against either of the said respective Companies may be continued and completed by or against the New Company upon a suggestion of the passing of this Act.

Existing Companies amalgamated.

New Company. Rights and liabilities transferred to New Company

2. The said New Company shall have full power and authority to carry on the business of manufacturing, selling and dealing in electrical instruments and insulators, and all kinds of telegraph supplies and material, and also all kinds of curtain fixtures and general hardware.

Business of the Company.

3. For the management of the affairs of the said New Company there shall be seven Directors, of whom three shall be a quorum; they shall be annually elected at a general meeting of the share-

Board of directors.

Annual
general meet-
ing.

holders of the said New Company, the first of which meetings shall be held in the City of Toronto on the first Thursday of July next, and thereafter the general annual meeting of the shareholders of the said New Company for the election of Directors and other purposes shall be held at such place and on such days and at such hours and upon such notice as may be directed by resolution of the Directors of the said New Company; and no shareholder shall be entitled to be a Director unless he is the holder of at least one thousand dollars of stock in the said Company upon which all calls shall have been paid.

10

Failure of
election not to
dissolve cor-
poration.

4. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed under the provisions of this Act, the said New Company shall not be deemed nor taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the Directors for that purpose; and in the event of the election of Directors not being held on the day appointed the last elected Directors shall hold office till their successors are elected.

15

Special gene-
ral meetings.

5. Special general meetings of the shareholders of the said New Company may be held at such places, at such times, on such notices and for such purposes as the Directors may from time to time by resolution declare.

20

Present boards
of directors
continued in
office.

6. The present Boards of Directors of the said Companies hereby amalgamated shall be and form a joint Board of Directors of the Company hereby incorporated, and shall hold office until other Directors shall be elected under the provisions of this Act.

25

Capital, stock
and shares.

7. The capital stock of the New Company hereby incorporated shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and every person who at the time of the passing of this Act shall be a shareholder in either of the companies hereby amalgamated, shall be entitled to an allotment of an equivalent number of shares in the Company hereby incorporated, and shall receive credit upon such allotted shares for all sums or calls paid upon his shares in the said Companies hereby amalgamated, and the balance of the said capital stock shall be raised by such other persons or corporations who may become shareholders in the Company hereby incorporated.

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Twenty per
cent. to be
paid up.

8. No subscription for stock in the capital of the New Company shall be binding on the said Company, unless twenty per centum of the amount subscribed shall have been actually paid thereon within fifteen days after such subscription.

40

Forfeiture of
shares for
non-payment
of calls.

9. The Directors, in case of the neglect or refusal of any shareholders to pay any call regularly made for the space of two months after the time appointed for the payment thereof, may declare the shares of such shareholders forfeited, and such forfeited shares and all the profit and benefit thereof shall thereafter become the property of the New Company.

45

Company may
become party
to promissory
notes and bills
of exchange.

10. The said New Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars each; and all such promissory notes or bills of exchange made or endorsed by the President or

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- Vice-President of the said Company and countersigned by the Secretary, shall be binding on the Company; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory notes or bills of exchange, nor shall the President,
- 5 Vice-President or Secretary be individually responsible for the same; Provided however, that nothing herein contained shall be ^{Proviso.} construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.
- 10 11. The Directors shall from time to time in addition to a ^{Election of} President, elect from among themselves a Vice-President, who in ^{officers.} the absence of the President shall act in his place.

No. 32.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amalgamate "The Canadian Telegraph Supply Manufacturing Company (limited)," and "The Toronto Manufacturing Company (limited)," under the name of "The Electric and Hardware Manufacturing Company (limited)."

Received and read, first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

(PRIVATE BILL.)

MR. MACLENNAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the Lake Superior and Manitoba
Railway Company.

WHEREAS the construction of a Railway from a point on the shore of Lake Superior at the west of Neepigon River to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport, would be of general benefit to the Dominion: And whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Henry S. Howland, of the City of Toronto, Esquire; John Turner, of the same place, Esquire; D. Galbraith, of the same place, Esquire; A. P. Cockburn, of the Esquire; Herman H. Cook, of the City of Toronto, Esquire; James D. Edgar, of the same place, Esquire; John Moat, of the City of Montreal, Esquire; and William Thomson, of the City of Toronto, Esquire, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Lake Superior and Manitoba Railway Company."

Certain persons incorporated.

Corporate name.

2. The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of such width of gauge as the Company may think fit, from a point on the shore of Lake Superior at the west of Neepigon River, to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport.

Company may build a railway.

3. Notwithstanding anything contained in section nine of the *Railway Act*, 1868, the said Company may acquire land and water-lot property at not exceeding acres, and may acquire under the provisions in that behalf of the said *Railway Act*, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snowdrift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the powers of the said Company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said *Railway Act* respecting lands and their valuation.

May acquire land for snowdrift fences.

Provisional directors.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of

Their powers.

Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act*, 1868, are vested in ordinary Directors.

Capital stock and shares.

5. The capital stock of the said Company shall be three million dollars (with power to increase the same in manner provided by the *Railway Act*, 1868,) to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Ten per cent. to be paid up.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Company may receive grants.

7. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses, loans or gifts of money or securities for money.

First general meeting.

8. When and so soon as shares to the amount of three hundred thousand dollars in the capital stock of the Company have been subscribed and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the eleventh section, of the time, place and purpose of the said meeting.

Business at such meeting

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the *Railway Act*, 1868.

Qualification of director.

10. No person shall be qualified to be elected as such Director

by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon.

11. Thereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto.

Annual general meetings.

12. Special general meetings of the shareholders of the said Company may be held at places in the City of Toronto, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company.

Special general meetings.

13. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum paid thereon.

Directors may issue bonds.

Proviso.

Proviso.

14. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bond-holders.

To be preferential charge on the property of the company.

15. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company

Rights of bond holders if interest is not paid.

Proviso.

shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the right given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled. 5

Transfer of bonds, debentures, &c.

16. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery; and any holder of any such 10 bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares, 15 but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Shareholders to have equal rights.

17. All shareholders in the said Company whether British 20 subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office as Directors in the said Company.

Company may become parties to promissory notes.

18. The said Company shall have power and authority to 25 become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on 30 the said Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President, or 35 Vice-President, or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided however, that nothing herein contained shall be construed to authorize the said Company to 40 issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Calls on shares

19. The Directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such 45 proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given.

Running arrangements.

20. The said Company shall have power to make running 50 arrangements with any railway lines in the Dominion of Canada situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

21. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situated on the line hereby authorized, or whose line can connect therewith, for leasing the said Lake Superior and Manitoba Railway or any part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either, or both or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Line may be leased and agreement made with other companies.

22. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of the Province in which the lands may be situate; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyance of land.

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient; and may also make use of, for the purpose of the said railways, the water of any stream or watercourse over or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the *Railway Act* 1868, respecting "lands and their valuation."

Land for gravel pits and stations.

24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of such rivers or lakes as are in the preceding section referred to, or which may be in or near the route of the railway, a bridge or bridges when the same shall be necessary for the purposes of the railway; but this shall not apply to navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

Telegraph line

25. The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in any lakes, rivers, or other navigable waters, as they may deem proper and expedient in connection with their railway, and may do all and such things as are necessary for improving the navigation between

Company may build and use vessels.

any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite. 5

Limitation of Act.

26. The Railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease 10 with respect to so much of the railway as then remains incomplete.

SCHEDULE.

Know all men by these presents that I (or we) (insert also the name of wife or any other person who may be a party,) in consideration of _____ dollars to me (or as the case may be) by the Lake Superior and Manitoba Railway Company.

I the said _____ do grant, and (or) do bar my dower in (as the case may be) all that certain parcel (or) those certain parcels (as the case may be) of land situate (describe the land) the same having been selected by the said Company for the purposes of their railway, to hold, with the appurtenances thereof unto the said Lake Superior and Manitoba Railway Company, their successors and assigns.

As witness my hand and seal (or our hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, } A. B. L. S.
in the presence of }

An Act to incorporate the Ontario and Pacific Junction Railway Company of Canada.

WHEREAS the construction of a railway from the Georgian Bay at or near the mouth of the French River, to a point near the south-east shore of Lake Nipissing, with powers of extension to the southward, to connect with the railway system of Ontario, and to the eastward to connect with the railways of the Ottawa valley would be of general benefit to the Dominion; and whereas a petition has been presented for the incorporation of a Company for that purpose; and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Ontario and Pacific Junction Railway is hereby declared to be a work for the general advantage of Canada.

2. William Thomson, of the City of Toronto, Esquire; John Turner, of the same place, Esquire; D. Galbraith, of the same place, Esquire, James D. Edgar, of the same place, Esquire; John Moat, of the City of Montreal, Esquire; Henry S. Howland, of the City of Toronto, Esquire, Herman H. Cook, of the same place, Esquire; A. P. Cockburn, of _____, Esquire, together with all such persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the "Ontario and Pacific Junction Railway Company."

3. The said Company shall have full power and authority to lay out, construct, and complete a double or single iron or steel railway, of such width or gauge as the Company may think fit, from the Georgian Bay, at or near the mouth of the French River, to a point near the south-west shore of Lake Nipissing, with powers of extension to the southward, to connect with the railway system of Ontario, and to the eastward to connect with the railways of the Ottawa Valley.

4. Notwithstanding anything contained in section nine of the *Railway Act*, 1868, the said Company may acquire land and water lot property at _____ not exceeding _____ acres, and may acquire under the provisions in that behalf of the said *Railway Act*, and hold, such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snow drift fences or barriers, at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the power of the said

Preamble.

Declaratory.

Certain persons incorporated.

Corporate name.

Company may build a railway.

May acquire land for snow-drift fences.

Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act, respecting lands and their valuation.

- Provisional directors.** 5. The persons named in the second section of this Act, with power to add to their number, shall be and are hereby 5 constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act; and shall
- Their powers.** shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments 10 on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit, in any chartered bank of Canada, all moneys received by them on account of stock sub- 15 scribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as 20 under the *Railway Act*, 1868, are vested in ordinary Directors
- Capital stock and shares.** 6. The capital stock of the said Company shall be one million dollars (with power to increase the same, in manner provided by the *Railway Act*, 1868); to be divided into shares of one hundred 25 dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the 30 making, equipping, completing and maintaining of the said railway and other purposes of this Act.
- Ten per cent. to be paid up.** 7. No subscription for stock in the capital of the Company shall be binding on the Company, unless ten per centum of the amount subscribed has been actually paid thereon, within one 35 month after subscription.
- Company may receive grants.** 8. The said Company may receive, either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses, 40 loans or gifts of money, or securities for money.
- First meeting of shareholders.** 9. When and so soon as shares to the amount of one hundred thousand dollars, in the capital stock of the said Company have been subscribed, and ten per cent. paid thereon, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock, at the City of Toronto, for the purpose of 45 electing Directors of the said Company, giving at least four weeks' notice by public advertisement in the *Canada Gazette*, and in a newspaper published in the City of Toronto, of the time, place and purpose of the said meeting.
- Business at such meeting.** 10. At such general meeting the subscribers for the capital 50 stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall

be a quorum); and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the *Railway Act*, 1868.

11. No person shall be qualified to be elected as such Director, ^{Qualification of director.}
 5 by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon.

12. Thereafter the general annual meeting of the shareholders ^{Annual general meetings.}
 10 of the said Company shall be held at such place, in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto.

13. Special general meetings of the shareholders of the said ^{Special general meetings.}
 15 Company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the Company.

14. The Directors of the said Company are hereby authorized ^{Directors may issue bonds.}
 20 to issue bonds under the seal of the said Company, signed by its President or other presiding officer and countersigned by its Secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as
 25 the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of such bonds shall not
 30 exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed; Provided also that no such bonds shall be issued until
 at least _____ dollars shall have been subscribed to the capital stock, and _____ per centum paid thereon.

15. The bonds hereby authorized to be issued, shall, without ^{To be preferential charge on the property of the company.}
 registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired; and
 40 each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata*, with all the other bond holders.

16. If the said Company shall make default in paying the ^{Rights of bond holders if interest is not paid.}
 45 principal or interest of any of the bonds hereby authorized, at the time when the same shall, by the terms of the bond, become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall in respect thereof, have and possess the same rights and privileges and qualifications
 50 for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided nevertheless, that the right
 given by this section shall not be exercised by any bondholder ^{Proviso.}

unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law, for the registration of the shares of the said Company, and for that purpose the Company shall be bound on demand to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares; Provided also that the exercise of the rights given by this section shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Transfer of bonds, debentures, &c. 17. All the bonds, debentures, mortgages and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name unless and until registry thereof, in manner provided in the next preceding section; and while so registered, they shall be transferable by written transfer registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Shareholders to have equal rights. 18. All shareholders in the said Company, whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and shall be eligible to office as Directors in the said Company.

Company may become parties to promissory notes. 19. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors shall be binding on the said Company: and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill payable to bearer, is intended to be circulated as money, or as the notes or bills of a bank.

Calls on stock. 20. The Directors may at any time call upon the shareholders for such instalment upon each share as they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit; except that no such instalment shall exceed ten per centum on the subscribed capital, and that thirty days' notice of each call shall be given, in accordance with the by-laws of the Company and this Act.

Running arrangements. 21. The said Company shall have power to make running

arrangements with any railway lines in the Dominion of Canada, situate on the line hereby authorized, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

22. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith for leasing the said Ontario and Pacific Junction Railway of Canada or any part thereof, or the use thereof, at any time or times, or for leasing or hiring from such other company any railway, or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any Company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

Line may be leased and agreement made with other companies.

23. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyance of land.

24. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof, from time to time as they may deem expedient; and may also make use of, for the purposes of the said railway, the water of any stream or water-course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall in case of difference, be ascertained and exercised in the manner provided by the Railway Act, 1868.

Land for gravel pits and stations.

25. The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in any lakes, rivers or other navigable waters, as they may deem proper, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the

Company may build and use vessels.

said waters, may construct a railway of wood, iron or steel, or a tramroad, between any such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite.

Telegraph line **26.** The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any such rivers or lakes, as are in the next preceding section referred to, or which may be in or near the route of the railway, a bridge or bridges where the same shall be necessary for the purposes of the railway; but this shall not apply to the navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

Limitation of Act. **27.** The railway shall be commenced within five years and completed within ten years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE.

Know all men by these presents, that I (or we) (insert also the name of wife or any other person who may be a party) in consideration of _____ dollars paid to me (or as the case may be) by the Ontario and Pacific Junction Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant, and I, the said

do grant and release (or) do bar my dower in (as the case may be) all that certain parcel (or) those certain parcels (as the case may be) of land situate (describe the land) the same having been selected by the said Company for the purposes of their railway to hold with the appurtenances thereof unto the said Ontario and Pacific Junction Railway Company of Canada, their successors and assigns.

As witness my hand and seal (or our hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, Sealed and Delivered, }
in the presence of }

A. B. [L.S.]

BILL

An Act to incorporate the Ontario Pacific Junction Railway Company

Received and read, first time, Friday, April, 1874.

Second reading, Monday, 20th April, 1874

(PRIVATE BILL)

Mr. M

OTTAWA:

An Act to facilitate the recovery of Claims against Vessels

WHEREAS it is advisable to facilitate the recovery of certain Preamble.
 claims against vessels navigating the lakes and inland
 waters of Canada, and the want of remedy in such cases frequently
 occasions great loss to persons making advances to or for such
 5 vessels, or prevents such advances being made when required in the
 interests of trade: Therefore, Her Majesty, by and with the
 advice and consent of the Senate and House of Commons of
 Canada, enacts as follows:—

1. In this Act the word "vessel" means any vessel, British or Interpretation
 10 foreign, which is or might be, as regards size and dimensions,
 registered in Canada; the word "owner" includes any number of
 owners, unless such construction be inconsistent with the context;
 the word "master" means any person having charge of a vessel,
 except merely as a pilot or for some temporary or other special
 15 purpose; the word "seaman" includes any person employed on
 board a vessel in navigating or working or in using her for the
 purposes for which she is usually employed, whether as engineer,
 steward, fireman, waiter or otherwise; and the word "county"
 includes an union of counties for judicial purposes.
2. All debts and liabilities amounting to five dollars and Certain debts,
 &c., contracted
 in Canada to
 be a lien on
 the vessel in
 respect of
 which they are
 contracted.
 20 upwards, contracted in Canada by the master, owner, consignee
 or agent of any vessel then being in any of the lakes or inland
 waters of Canada, of the burden of fifteen tons or upwards, for
 any of the following causes:
- 25 1. On account of the wages of any seaman employed in navigating
 such vessel, provided such wages be claimed at the port of
 departure of such vessel, or if elsewhere, provided the claim for
 them be supported by shipping articles or written evidence, or
- 30 2. On account of any repairs or work done, or materials or
 articles furnished for or towards the building, repairing, fitting,
 furnishing or equipping of such vessel, or
3. For provisions or stores furnished and fit and proper for the
 use of such vessel when furnished, or
4. For wharfage and expenses of keeping such vessel when in
 35 port, including expenses incurred in employing people to watch
 her, or
5. For pilotage or towage, or for salvage of such vessel or of
 life or goods therefrom, or
6. For damage done by such vessel by collision,—
- 40 Shall be liens on such vessel, her tackle, apparel and furniture,
 preferred to all other claims, and ranking equally among them- Rank of such
 liens.
 selves, except as to the wages of any seaman of such vessel, which
 shall be the first lien thereon: Provided always, that no preferen-
 tial or first lien created by this Act, shall exceed one-half of the
 45 value of such vessel, or be preferred to all other claims to any
 greater extent than one-half of the value of such vessel.

- Limitation.** 3. Every such lien upon a British or Canadian vessel shall cease and determine, unless proceedings to enforce it be instituted within six months, and upon a foreign vessel shall cease and determine, unless proceedings to enforce it be instituted within twelve months, from the time when the cause of such lien arose: Provided always, that no such lien shall be valid in respect of a British or Canadian vessel registered within the Dominion of Canada, unless notice of such lien, specifying its nature and amount, be filed in the Custom House where such vessel is registered, within thirty days from the date at which the cause of such lien arose, and any such notice may be withdrawn by the person filing the same or his assigns, and the lien therein mentioned shall thereupon cease and determine. 5
- Proviso as to British or Canadian vessels.**
- How enforced.** 4. Any such lien as aforesaid may be enforced by suit against the owners of the vessel, in the proper Court in Ontario, by the ordinary process and procedure of such Court, or if the claim amount to five dollars or upwards such lien may be enforced by proceedings *in rem* against the vessel without naming the owner thereof. 15
- Proceeding against the vessel.** 5. Any such proceeding against the vessel shall be brought in a County Court if the claim does not exceed two hundred dollars, but if the claim exceeds that sum then in one of the Superior Courts of Common Law for Ontario, and shall be commenced by a writ of attachment against the vessel, to be issued by the Clerk of the Court, on the application of the plaintiff or his Attorney, and affidavit of the plaintiff or of some person on his behalf cognizant of the facts, verifying the application. 20
- Application for attachment.** 6. Such application shall be in writing, and shall state by whom the debt was contracted, and when, and the items composing the same, and if any assignment or transfer of such debt has taken place since the same was contracted, and shall describe the vessel by her registered name, if she has one, and if not, by such description as will be sufficient to identify her; and shall state that the debt is justly due to the person by whom or on whose behalf the application is made, over and above all payments made, and all discounts or deductions on account thereof. 30
- Affavit.**
- Form of writ.** 7. The Writ of Attachment shall be addressed to the Sheriff of any County in Ontario, within which the vessel may be found commanding him to attach, seize and safely keep the vessel, her tackle, apparel and furniture, until discharged in due course of law, and to serve the writ together with a copy of the application, upon the master of the vessel, and upon the owner if his name and residence can be ascertained, and to return the writ and his proceedings thereon into the Court out of which it issued, within ten days after such seizure, and a certified copy of the application shall be annexed thereto; and such Sheriff shall execute such writ according to its tenor, and shall annex to his return a true inventory of the property seized, and shall sign the same: Provided always, that if the owner or any mortgagee of such vessel is known, and resides within said Province, but beyond the jurisdiction of such Sheriff, the writ together with the copy of application annexed shall be served upon such owner and mortgagee, in like manner as ordinary writs issuing from such Court may be served under similar circumstances. 45
- Return.**
- Proviso.** 50

8. No other writ of attachment under this Act shall issue against the vessel out of the same Court, until the first issued be superseded, or until after a security bond has been taken for all claims filed against the same as hereinafter provided.

Only one to issue at the same time.

5 9. The master, owner, consignee or agent of the vessel so attached or any mortgagee thereof, may, at any time after the seizure, have the vessel and property attached, released, on entering into a bond to the Sheriff, with two good and sufficient sureties, in the amount of the claim and of the probable costs on the proceedings taken, and conditioned that such vessel and property shall be forthcoming to answer any judgment or order which may be rendered or made in the matter.

Vessel may be released on bond.

10. The execution of the writ shall be held to be a summons to the master, owner, consignee or agent of the vessel, to appear in Court within thirty days after the return of the writ, to answer the claim for enforcing which the writ issued, and the pleadings and other proceedings in the case, not herein specially provided for, shall be as if the same had been commenced by writ of summons only, served and returned; and such master, owner, consignee or agent, may appear and plead accordingly.

Master, owner, &c., may appear and plead.

11. The Court or any Judge thereof, may, for cause shewn on the summary application by petition or rule of any party interested, set aside the writ of attachment and all proceedings had thereon; and the party suing out any such writ, without just cause, shall be liable to the owner of the vessel for all damages occasioned by the detention thereof. An appeal shall lie from any judgment in any case under this Act, in like manner and on like conditions as from other judgments of the Court.

Attachment may be set aside for cause.

Appeal.

12. If the plaintiff become entitled to execution in any case in which the vessel and property seized have been released on bond as aforesaid, and they be not forthcoming to answer the same, then the plaintiff shall have his recourse on such bond; but if no such bond have been given, or the vessel and property be forthcoming, then, if the writ of execution be not satisfied within thirty days after the issue thereof, the said vessel and property shall be liable to be sold under such writ, at the expiration of three months from the first publication of the notice hereinafter mentioned.

Proceedings if the Plaintiff recovers.

In case of bond or no bond.

13. The Sheriff shall thereupon publish a notice in the *Canada Gazette*, and in one or more newspapers published in the County in which the vessel was seized, or if none be published therein, then in some newspaper published in an adjoining County, and such notice shall be so published once a week for three months successively, and the Sheriff shall also at or before the time of the insertion of the first of such notices, mail and enregister a similar notice in writing addressed to the owner of such vessel and mortgagee, at their respective residences, in so far as their names and residences are known, with the postage paid thereon.

Notice of sale of vessel.

14. Such notice shall state briefly—the name of the plaintiff the name of the vessel (or her description if she have no name), the place to which she belongs, the name of her last master, the date of the writ of execution in the case, and the amount demanded by such writ. It shall state that such vessel will be sold for the payment of the claims against her, unless the writ of

Contents of Notice.

Day of sale. execution and all costs be paid and satisfied within three months of the first publication of the notice, and the day of sale shall be named, and shall be after the expiration of such three months. It shall require all persons who have any mortgage or lien upon such vessel, or the proceeds of the sale thereof, to file such claim with the clerk of the Court out of which the execution issued, before the expiration of the said three months, notifying them that in default of their so doing such mortgage or lien will be forfeited.

Filing such claims and its effect. 15. Any person having any such mortgage or lien as aforesaid, may file his claim with the said clerk within the period aforesaid, with such affidavits and proofs as are hereinbefore required of the plaintiff for attaching the vessel, and he shall thereupon be considered as attaching the vessel for his claim; and all such claimants shall be entitled to have the amount of their claims included in the security bond to be taken as hereinbefore provided, and to share with the plaintiff in the distribution of the proceeds of the sale according to the amount, rank and priority of their respective claims, and the sale shall not be stopped unless the claims so filed are withdrawn, dismissed or satisfied.

Liens, &c., to cease after sale. 16. All liens and mortgages for which claims shall not have been filed within the period aforesaid, shall cease after the sale of the vessel by the Sheriff, and the purchaser shall hold her clear of the same, and such claims so filed shall cease as to the vessel, and shall be converted into claims on the proceeds of her sale.

If all claims can be satisfied sale of tackle, &c., to be made first. 17. If on the day of sale it shall appear to the Sheriff that the claims then filed, and the claim of the plaintiff can be satisfied by the sale of the tackle, apparel or furniture of the vessel, or part thereof, without selling the vessel herself, then he shall first sell such tackle, apparel or furniture, or part thereof, and if the same produce sufficient to satisfy all such claims and costs, he shall not sell the vessel herself, otherwise he shall sell the whole in one lot, or in more than one lot, as he shall think most for the interest of all concerned; and he shall hold the proceeds of the sale subject to the provisions hereinafter made.

Owner or Mortgagee may redeem the vessel. 18. Within six months next after any such sale, such vessel may be redeemed by the owner or any mortgagee thereof upon the conditions following, namely:

1. In every case upon payment of the purchase money actually paid by the purchaser of such vessel, and his reasonable disbursements in respect of such purchase, together with interest at the rate of ten per centum per annum.

Conditions and consequences of such redemption. 2. If such redemption be by the owner, then upon such redemption all registered mortgages and liens upon such vessel which are not satisfied by the proceeds of such sale shall revive and have full force and effect as if such sale had not taken place:

3. If such redemption be by any mortgagee, then upon such redemption all registered mortgages entitled to rank upon such vessel previous to the mortgage of the redeeming mortgagee, shall revive and have full force and effect as if such sale had not taken place, except as to any portion of such previous mortgages paid out of the proceeds of such sale:

4. If such redemption be by any mortgagee any subsequent mortgagee may in his turn redeem such vessel within the said period of six months from the sale thereof by the Sheriff, by

repaying to the person first redeeming such vessel the whole of his reasonable disbursements in respect of such redemption, and the mortgage claim of the mortgagee so first redeeming such vessel shall thereupon revive and reattach thereto as provided by the last preceding section.

19. The redemption of any vessel by the owner or any mortgagee thereof shall be complete upon the performance of the conditions hereinbefore set forth; but if any party from whom such vessel is so redeemed or to whom an offer of redemption is made in conformity therewith refuses to execute a valid re-conveyance of such vessel to the person redeeming the same, at his costs and charges, such person may deposit the amount required for such redemption in the office of the Sheriff who made the sale thereof, and give notice of such deposit to the purchaser or to any person whomsoever in whose possession such vessel may then be; and thereupon such vessel shall be *ipso facto* vested in and become the property of the person depositing such money, and he shall be entitled to the same remedy for the recovery thereof, as for the recovery of any other movable property belonging to him and wrongfully detained from him.

If the party from whom the redemption is made refuses to execute a re-conveyance.

20. The Sheriff shall execute a bill of sale of such vessel and her furniture and tackle to the purchaser or mortgagee thereof, as the case may be, entitled to the possession of such vessel, furniture or tackle under this Act.

Bill of sale by Sheriff.

21. If there be no claimant except the plaintiff, the Sheriff shall pay him the amount of his judgment and costs, and shall pay over the overplus, if any, to the owner of the vessel on his claiming the same and obtaining an order of the Judge to that effect; but if there be another claimant or other claimants, the Court shall make an order directing the amount to be paid to each.

Distribution of proceeds.

22. Any claim so filed may be contested by the plaintiff or by any other claimant, or by any party having an interest in contesting the same, in such manner and on such conditions as the Court shall direct, or as may be prescribed by any general rule or rules in that behalf, and the Court may require such further proof, of any such claim, or such proof on the part of any party contesting the same, and shall allow or disallow the said claim or any part thereof, and shall make such order as to costs as it may think necessary; and the Court may, if it see fit, refer any matter of fact arising out of any such claim, or any contestation thereof, to a jury to be tried.

Claims filed may be contested.

23. The judges of the Superior Courts of Common Law for Ontario, or any four of them, one of whom shall be a chief justice, may from time to time make such special rules and orders as they may see fit for the effectual execution of this Act, and the conduct of and proceedings in cases under this Act, either in the said Superior Courts or in the County Court, and as to the fees and costs to be allowed and taken in respect of the matters herein contained, and the performance thereof; but as to all matters under this Act in which no special rule or order shall have been made, and to which there shall be no general rule or order which the Court shall consider applicable, the Court in which the case shall be pending, shall make such order as it may consider fair and right and best adapted to do justice between all parties concerned.

Judges of Superior Courts to make rules, &c., for proceedings under this Act.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to facilitate the recovery of Claims
against Vessels.

Received and read, first time, Friday, 17th
April, 1874.

Second reading, Monday, 20th April, 1874.

MR. KIRKPATRICK.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street,

1874.

An Act to amend the *Act respecting Larceny and other similar offences.*

WHEREAS it is necessary to provide by positive enactments Preamble.
for the repression and punishment of certain offences which
occur at municipal elections, and for that purpose, it is expedient
to amend the Act of the Parliament of Canada, 32-33 Vict., chap.
5 21, intituled: "*An Act respecting Larceny and other similar
Offences:*" Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts
as follows:—

1. In the interpretation of this Act: The term "municipal poll
10 book," shall mean a poll book kept for registering and recording
the votes of electors at any municipal voting of the electors of any
municipal territorial division of any Province of Canada, either
for the election of one or more mayors, aldermen or municipal
electors or officers, or for the purpose of adopting or rejecting
15 any municipal by-law. Interpretation
of terms.
"Municipal
poll-book."

2. The term "municipality" shall mean and include as well the
territory as the corporation of any city, town, village, township,
parish or other territorial or local division of any Province of
Canada, the inhabitants whereof are incorporated, or have the
20 right of holding property for any purpose; and the term "muni-
cipal" shall apply to any thing, object or property relating or
pertaining to any such municipality as herein described. "Municipal."

3. The Act of the Parliament of Canada, 32-33 Vict., chap. 21,
intituled: "*An Act respecting Larceny and other similar*
25 *Offences,*" is hereby amended by adding thereto, immediately after
the eighteenth section thereof, the following, viz:— 32-33 Vict.,
cap. 21,
amended.

"18, (a). Whosoever steals or unlawfully or maliciously, either
by violence or stealth, takes from any president of any municipal
election, or from any returning officer, deputy returning officer,
30 or poll clerk, or from any other person having the lawful custody
thereof, or from its lawful place of deposit for the time being, or
unlawfully or maliciously destroys, injures or obliterates, or causes
to be wilfully or maliciously destroyed, injured or obliterated,
or makes, or causes to be made, any erasure, addition of names or
35 interlineation of names, in, to or upon, or aids, counsels or assists
any person in sostealing, taking, destroying, injuring or obliterating,
or in making any erasure, addition of names, or interlineation of
names in, to or upon any list of municipal voters, or any writ of
municipal election, or any return to a writ of municipal election, or
40 any indenture, municipal poll-book, certificate or affidavit or any
other document or paper, made, prepared, or drawn out for the
purposes or any of the ends or uses of any municipal election, or

Stealing, un-
lawfully tak-
ing or falsify-
ing municipal
poll-books or
other docu-
ments relating
to municipal
elections.

for the purposes of meeting any of the requirements of any municipal law within the limits of any municipality or other territorial division in any of the Provinces of Canada, is guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned in the penitentiary for any term not exceeding seven years, nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement; and it shall not be necessary in any information, accusation, summons, warrant or indictment, for any such offence, to allege that the article in respect of which the offence is committed, is the property of any person, or that the same is of any value."

Section 18 of chap. 21 of 32-33 Vict., amended. 4. The said eighteenth section of the said Act, 32-33 Vict., chap. 21 is also hereby amended by substituting in lieu of the last line thereof the following words: "*is the property of any person, or that the same is of any value.*"

Interpretation of Act. 5. The Act hereby amended and the present Act shall be deemed to be but one and the same Act, and shall be read and interpreted accordingly.

No. 36.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act respecting Larceny, and other similar offences.

Received and read, first time, Monday, 20th April, 1874.

Second reading, Tuesday, 21st April, 1874.

Mr. McDougall (Three Rivers).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street, 1874.

An Act to incorporate the Bank of Ottawa.

WHEREAS James McLaren, the Honorable George Bryson, Preamble.

Robert Blackburn, M.P., Charles T. Bate, Alexander Fraser, Daniel O'Connor, Charles Magee, Edward McGillivray, Henry McCormack and others, have by their petition prayed that
 5 they may be incorporated for the purpose of establishing a Bank in the City of Ottawa, in the Province of Ontario, and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 **1.** James McLaren, the Honorable George Bryson, Robert Blackburn, M.P., Charles T. Bate, Alexander Fraser, Daniel O'Connor, Charles Magee, Edward McGillivray, Henry McCormack and such other persons as may become shareholders in the corporation to be by this Act created, and their assigns, shall be and
 15 they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Bank of Ottawa." Certain persons incorporated.

2. The capital stock of the said Bank shall be one million dollars, divided into twenty thousand shares of fifty dollars each,
 20 which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns. Capital stock and shares.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore
 25 mentioned by name shall be Provisional Directors thereof, and they or a majority of them may cause stock books to be opened after giving due notice thereof; upon which stock books shall and
 30 may be received and inscribed the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such stock books shall be opened at the City of Ottawa and elsewhere at the discretion of the Provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred
 35 thousand dollars thereof actually paid into some one of the present chartered banks in Canada, a public meeting shall be called of the subscribers thereof by notice published at least two weeks in two newspapers of the said City of Ottawa, such meeting to be held
 40 in the City of Ottawa aforesaid at such time and place as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect nine Directors having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in
 45 office until the first Wednesday in the month of July, which shall Provisional Directors.
Stock books.
First meeting of shareholders.

be in the year next after the year in which they are so elected, and until their successors in office shall be duly elected; and immediately upon such election being had the functions of the said Provisional Directors shall cease.

- Chief place of business.** 4. The chief place or seat of business of the said corporation shall be in the City of Ottawa. 5
- Directors.** 5. The number of Directors of the said Bank shall be nine, subject to be diminished or increased from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada passed in the thirty-fourth year of Her Majesty's Reign, intituled "*An Act relating to Banks and Banking.*" 10
- 34 V., c. 5, to apply.** 6. The said Act passed in the thirty-fourth year of Her Majesty's Reign, intituled "*An Act relating to Banks and Banking*" and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*. 15
- Certificate to be obtained from Treasury Board.** 7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five, in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited. 25
- Duration.** 8. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty one. 30

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The Bank of
Ottawa.

Received and read, first time, Monday, 20th
April, 1874.

Second reading, Tuesday, 21st April, 1874.

(PRIVATE BILL.)

MR. BLACKBURN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act to amend and explain the Act respecting Vagrants.

WHEREAS it is expedient to amend and explain the Act of the Parliament of Canada, 32-33 Vict., cap. 23, and intituled: "An Act respecting Vagrants:" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. All prosecutions upon information and complaint under the Act respecting Vagrants, hereby amended, may be instituted and carried on either by and in the name of the Sovereign, or by and in the name of any private prosecutor.

How prosecutions under 32-33 Vict., cap. 23, may be carried on.

- 10 2. In order to establish the necessary distinction between a prosecution by the Sovereign, and a prosecution by a private prosecutor under the Act hereby amended, when the prosecution is intended to be carried on in the name of the Sovereign, mention shall be made in some part of the body of the information and complaint by which the proceedings are instituted, or in the jurat thereof, "*that such prosecution is to be carried on in the name of the Sovereign;*" and all prosecutions by information and complaint not containing such a statement in the information and complaint thereof, as aforesaid, shall be held to be a prosecution carried on by the party making such information, and at his or her own costs.

How a prosecution by the Crown and a prosecution by a private prosecutor shall be distinguished.

Certain statement essential to a prosecution by the Crown.

3. Notwithstanding anything to the contrary, no prosecution by information and complaint under the Act hereby amended shall be instituted in the name of the Sovereign, unless the party complaining shall swear in his or her information in that behalf, that he or she has not the necessary means and is too poor to carry on such suit at his or her own costs, and consequently "*that such prosecution is to be carried on in the name of the Sovereign;*" Provided nevertheless, that the provisions of this section shall only apply to prosecutions originated by information and complaint, and summons or warrant to bring the offender to justice; and that in every case where the offender shall be arrested on view, in the act of committing the offence, by a police or other peace officer, the prosecution shall be carried on in the name of the Sovereign, without any of the formalities specified in the two next preceding sections being required.

No prosecution to be taken in the name of the Sovereign, unless complaining party swears he is too poor to carry on the same at his own cost. Proviso.

Police cases to be Crown prosecutions

4. In all prosecutions instituted under the Act hereby amended, the Magistrate, Mayor, Warden, Justice or Justices of the Peace or other functionary who hear and decide the case, may in his or their discretion award costs to the prosecutor against the defendant, be such prosecutor either the Sovereign or any private party.

Costs may be awarded.

5. Every conviction pronounced under the Act hereby amended, awarding costs against the defendant, or condemning such defendant to a fine and costs, shall further award that upon default

Mode of enforcing payment of fine and costs.

of such defendant to pay such costs or such fine and costs, either immediately or within the delay specified in such conviction, such defendant in addition to any other period of imprisonment to which he may be sentenced as a punishment under the Act hereby amended, shall be imprisoned in any gaol or place of confinement other than the Penitentiary, with or without hard labor, for a term not exceeding two calendar months, unless the said costs or the said fine and costs, as the case may be, together with the additional costs of apprehension and conveyance of the delinquent to such gaol or place of confinement be sooner paid. 5 10

Short title of
this Act and
Act hereby
amended.

6. The Act hereby amended and the present Act shall be deemed to be but one and the same Act, and may be cited under the short title of "*The Vagrant Act*," or indifferently "*An Act respecting Vagrants*."

BILL.

An Act to amend and explain the A
respecting Vagrants.

Received and read, first time, Monday, 20
April, 1874.

Second reading, Tuesday, 21st April, 1874.

MR. McDougall (Three Rivers).

OTTAWA:

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BILL.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith.

WHEREAS it is expedient by one law, common to the whole Dominion of Canada, to make better provision for the trial of Election Petitions, and the decision of matters connected with Controverted Elections of Members of the House of Commons of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Act passed in the thirty-sixth year of Her Majesty's Reign, intituled: "*An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons,*" is hereby repealed, except only as respects Elections held before the passing of this Act; with respect to which, and all matters connected with or pending upon them, it shall remain in force; and the Acts and enactments repealed by the said Act shall remain repealed, notwithstanding its repeal.

Preamble.

36 V. c. 27 repealed.

Exception.

2. This Act may be cited for all purposes as: "*The Dominion Controverted Elections Act, 1874.*"

Short Title.

3. In this Act, and for the purposes thereof, the expression, "the Court," as respects Elections in the several Provinces hereinafter mentioned, respectively, shall mean the Courts hereinafter mentioned, or any Judges thereof, viz:

Interpretation clause.

"The Court."

1. In the Province of Quebec, the Superior Court for that Province;

2. In the Province of Ontario, any of the following Courts, viz: the Court of Queen's Bench, the Court of Common Pleas and the Court of Chancery, and the Chancellor, and Vice-Chancellors of the said Court, for that Province;

3. In the Province of Nova Scotia, the Supreme Court of that Province;

4. In the Province of New Brunswick, the Supreme Court of that Province;

5. In the Province of Manitoba, the Court of Queen's Bench for that Province;

6. In the Province of British Columbia, the Supreme Court of Civil Justice of that Province;

7. In the Province of Prince Edward Island, the Supreme Court of Judicature for that Province:—

Powers of the court, as in ordinary cases, when not otherwise provided.

And each of the said Courts, respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, with reference to an election petition and the proceedings thereon, as if such petition were an ordinary cause within its jurisdiction; and in the Province of Quebec, the cause of action shall be held to have arisen at the place where the election was held, and the election petition shall be presented to the Court in the judicial district in which such place lies.

"The Judge."

The expression "the Judge," shall mean the judge trying the election petition, or performing any duty to which the enactment in which the expression occurs has reference, and the word "judge" shall include the Chief Justice of the Court, and the Chancellor and Vice-Chancellors of the Court of Chancery of the Province of Ontario.

Interpretation of other terms.

4. The following terms shall, in this Act, have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction, that is to say;

"Member," shall mean a member of the House of Commons of Canada;

"Election," shall mean an election of a member to serve in the House of Commons of Canada.

"Electoral District," shall mean an electoral district entitled to return a member or members.

"Candidate," shall mean any person elected to serve as a member, and any person who has been nominated as a candidate at an election.

"Corrupt Practices," or "corrupt practice," shall mean acts in reference to elections which are declared to be corrupt practices by this Act or *The Dominion Elections Act, 1874*, or any other Act of the Parliament of Canada.

"Rules of Court," shall mean rules to be made as hereinafter mentioned.

"Prescribed," shall mean "prescribed by this Act, or by the rules of Court made in virtue of this Act."

"Clerk of the Court," shall mean the Clerk of the Crown, Chief Clerk, or Prothonotary, or any officer of the Court, prescribed for the purpose in question.

The Speaker,

5. For the purposes of this Act, the expression, "the Speaker," shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada, or is unable to act, the Clerk of the House of Commons, or any other officer for the time being performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

6. The rotation or order in which any duties, assigned by this Act to a single judge, shall be performed by the Judges of the Court respectively, and in Ontario the distribution of cases under this Act among the courts mentioned in subsection 2 of section 3, shall, if not prescribed by the law of the Province or the practice of the Court, be arranged by the Judges among themselves.

Rotation of Judges and courts for duty under this Act.

7. A petition complaining of an undue return, or undue election of a member, or of no return or double return, or of any unlawful act, by any candidate not returned, by which he is alleged to have become disqualified to sit in the House of Commons, at any election held after the passing of this Act, may be presented to the Court by any one or more of the following persons :

Election petitions what and by whom made.

(1.) Some person who voted, or had a right to vote at the election to which the petition relates : or

(2.) Some person claiming to have a right to be returned or elected at such election ; or

(3.) Some person alleging himself to have been a candidate at such election.

And such petition is in this Act called an election petition.

8. The following enactments are made with respect to the presentation of an election petition under this Act :

Election petitions.

1. The petition may be in any prescribed form ; but if or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of some such unlawful act as aforesaid by a candidate not returned, and it must be signed by the petitioner, or all the petitioners if there are more than one.

Form and contents.

2. The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed ;

Time for presenting.

3. Presentation of a petition shall be made by delivering it at the office of the clerk of the court, or in any other prescribed manner ;

How presented.

4. At the time of the presentation of the petition, or within days thereafter, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

Security to be given.

(a.) To any person summoned as a witness on his behalf ,
or

(b.) To the member whose election or return is complained
of (who is hereinafter referred to as the respondent)—or

(c.) To the Returning Officer, if his conduct be complained
of,—

(d.) To the candidate not elected, whose conduct is com-
plained of as aforesaid,—

Shall be given on behalf of the petitioner.

Security,
amount of,
and how
made.

5. The security shall be to the amount of one thousand 10
dollars. It shall be given either by recognizance, to be
entered into by any number of sureties, not exceeding four,
or by a deposit of money with the Clerk of the Court, if no
other manner be prescribed, or in the prescribed manner
(if any) or partly by recognizance and partly by such deposit. 15

Gold or Do-
minion Notes.

6. The deposit shall not be valid unless it is made in gold
coin, or Dominion notes being a legal tender under the
Statutes of the Dominion at the time when the deposit is
made.

Copy to Re-
turning offi-
cer.

(7.) On the presentation of the petition, the Clerk of the 20
Court shall send a copy thereof by mail to the Returning
Officer of the Electoral District to which the petition relates,
who shall forthwith publish the same in such Electoral
District.

Notice to res-
pondents.

9. Notice of the presentation of a petition under this Act, 25
and the nature of the security, accompanied with a copy of
the petition, shall, within *five* days after the day on which
the security is given, or within the prescribed time, or within
such longer time as the Court, or any Judge thereof, may
under special circumstances or difficulty in effecting service, 30
allow, be served by the petitioner on the respondent or res-
pondents; and it shall be lawful for the respondent or any
of the respondents, within five days from the day of the ser-
vice on him of the notice, to object in writing to such recog-
nizance, on the ground that the sureties, or any of them, are 35
insufficient, or that a surety is dead, or that he cannot be
found or ascertained from the want of a sufficient descrip-
tion in the recognizance, or that a person named in the
recognizance has not duly acknowledged the same or that
the deposit is insufficient in amount or has not been made 40
as required by this Act. In case service cannot be effected
on the respondent or respondents either personally or at his
or their domicile, within the time granted by the Court or
Judge, then it may be effected upon such other person, or in
such other manner as the Court or Judge, on the application 45
of the petitioner, may appoint.

Objections to
security.

Service of
notice.

Objections
how heard.

10. Any objection made to the security given shall be
heard and decided in the prescribed manner, or if none be
prescribed, then by one judge of the court, in a summary
manner:—If an objection to the security is allowed, it shall 50
be lawful for the petitioner, within five days after the day of
such allowance, to remove such objection by a deposit in the

Removal of
objections.

- prescribed manner, if any, and if none, then in the hands of the clerk of the court, of such sum of money as may be deemed, by the court or any judge thereof, or any prescribed officer having cognizance of the matter, proper to make the
- 5 security sufficient. If on objection made, the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration, without objection made of the time limited for making ob-
- 10 jections or after objection made on the sufficiency of the security being established, the petition shall be held to be at issue unless preliminary objections or grounds of insufficiency be urged under the next following section, within the time thereby limited.
- 15 **11.** Within five days after the expiration of the time limited for objecting to the security, or after the sufficiency of the security has been established, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition or
- 20 against any further proceedings thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner. The court, or any judge thereof, shall hear the parties upon such objections and grounds, and shall decide the same in a summary manner.
- 25 **12.** Within five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner; but
- 30 whether such answer be or be not filed, the petition shall be held to be at issue, after the expiration of the said five days, and the Court may at any time thereafter, upon the application of either party, fix some convenient time and place for the trial of the petition.
- 35 **13.** The clerk of the court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list (hereinafter referred to as the election list), open to the
- 40 inspection of any person making application; and such petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list.
- 45 **14.** Any one judge of the court may receive and decide upon the security aforesaid and all matters relating thereto, and may perform any of the duties and exercise any of the powers of the court, except such as are herein specially directed to be performed or exercised by the court only, or as relate to the decision of points of law raised by the petition, or in any special case, or reserved by the judge for the
- 50 determination of the court, and the judge may so reserve any such point raised in any proceeding under this Act.

If objection is maintained.

And if not maintained.

Preliminary objections to petition.

How decided.

Respondents answer.

Petition at issue.

List of petitions at issue to be made.

One judge may perform all acts not specially required to be done by the Court.

Trial of petition.

15. Every election petition shall be tried by one of the judges of the court, without a jury :

Place of trial.

The trial of an election petition shall take place in the electoral district, the election or return for which is in question : Provided always that if it appears to the court that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such electoral district, the court may appoint such other place for the trial as may appear most convenient :

Proviso.

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Notice.

Notice of the time and place at which an election petition will be tried shall be given in the prescribed manner, not less than fourteen days before that on which the trial is to take place.

Adjournments.

The judge at the trial may adjourn the same from time to time, and from any one place to another, in the same electoral district, as to him may seem convenient.

PRELIMINARY EXAMINATION OF PARTIES, ETC., AND PRODUCTION OF DOCUMENTS.

When and how parties to petition may be examined.

16. Any party to an election petition, whether petitioner or respondent, may at any time after such petition is at issue, before or pending the trial thereof, be examined by or before a judge or an examiner, in the manner hereinafter directed, by a party adverse in point of interest, touching any matter raised by such petition ; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief ; and when one of several petitioners or respondents has been so examined, any other petitioner or respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party so examined : Provided that such explanatory examination must be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the court or a judge.

Proviso.

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Candidate claiming seat may be examined.

17. Where any petition has been filed claiming the seat for a candidate, such candidate, although not a party to the petition, may be orally examined as if he were a petitioner.

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How such examination shall be conducted.

18. Any party to be examined orally, under the provisions of this Act, shall be so examined by or before a judge, a county court judge, or in Ontario before a registrar appointed under the *Controverted Elections Act of 1871*, of that Province, or before any barrister-at-law named for the purpose by the court or the judge ; and such examination shall take place in the presence of the parties, their counsel, agents or attorneys ; and the party so examined orally shall be subject to cross-examination and re-examination ; and such examination, cross-examination and re-examination shall be conducted as nearly as may be in the mode now in use in courts of Common Law on a trial at *nisi prius*, or in Chancery at the hearing of a cause, or in the Province of

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Quebec at the trial of a civil cause by a Jury; subject to the provisions hereinafter made.

19. The depositions taken upon any such oral examination as aforesaid, shall be taken down in writing by the examiner, not ordinarily by question and answer, but in the form of a narrative; and when completed shall be read over to the witness, and signed by him, in the presence of the parties, or of such of them as may think fit to attend: Provided always that, in case the witness shall refuse or be unable to sign the said depositions, then the examiner shall sign the same; and such examiner may upon every examination, state any special matter to the court if he shall think fit: Provided also that it shall be in the discretion of the examiner to put down any particular question or answer, if there should appear to be any special reason for so doing; and any question or questions which may be objected to shall, at the request of either party, be noticed or referred to by the examiner in or upon the depositions; and he shall state his opinion thereon to the counsel, agents, attorneys, or parties; and if requested by either party he shall refer to such statement on the face of the depositions.

Form of depositions to be narrative.

Proviso.

Proviso: questions may be put down in certain cases.

20. When the examination before the examiner shall have been concluded, the original depositions, authenticated by the signature of such examiner, shall be transmitted by him to the office of the court to be there filed; and any party to the petition may have a copy thereof, or of any part or portion thereof, upon payment for the same in such manner as shall be prescribed by the court in that behalf.

To be transmitted to the Court.

21. The attendance of a party or other person for oral examination or cross-examination before the examiner, may be required by a writ *subpœna ad testificandum* or *duces tecum*, in like manner as such party or person would be required to attend at the trial of the petition, and any party or person upon being served with such writ shall be bound to attend before the examiner; but such party or person shall be entitled to the like payment for attendance and expenses as if he had been subpœnaed to attend upon the trial.

Compelling attendance of parties to be examined.

22. The sheriff, gaoler, or other officer having the custody of any prisoner, may take such prisoner for examination before the examiner, under the authority of this Act, if so ordered by the court or a judge thereof.

Parties in custody.

23. Forty-eight hours notice of any such oral examination or cross-examination shall be given to the opposite party or parties.

Notice.

24. Any party or person refusing or neglecting to attend at the time and place appointed for his examination or cross-examination, or refusing to be sworn or to answer any lawful question put to him by the examiner, or by any party entitled so to do, or his counsel, agent or attorney, may be punished as for a contempt of court: Provided always that

Neglecting to attend or refusing to answer, to be contempt.

Party may

demur to questions.

if any witness shall demur or object to any question or questions which may be put to him, the question or questions so put, and the demurrer or objection of the witness thereto, shall be taken down by the examiner, and transmitted by him to the office of the court to be there filed; and the validity of such demurrer or objection shall be decided by the court or a judge thereof; and the costs of and occasioned by such demurrer or objection shall be in the discretion of the court or judge. 5

Use of depositions.

25. Any party to a petition shall be entitled to use, upon the trial of such petition, depositions taken by or before the examiner, in accordance with the provisions of this Act: Provided that where such party uses any portion of a deposition so taken, it shall be competent for the party against whom it is used to put in the entire evidence so taken, as well that in chief as that in explanation. 10 15

Proviso.

Production, inspection and copies of documents.

26. Any party to an election petition, whether petitioner or respondent, may, at any time after such petition is at issue before or pending the trial thereof, obtain a rule, or order of the court or of the judge, requiring the adverse party to produce within ten days after the service thereof, under oath, all documents in his custody or power relating to the matters in question, saving all just exceptions; and to deposit the said documents with the Clerk of the Court; and upon such documents being produced, the party requiring such production or his agent or attorney may inspect the same and take examined copies thereof: Provided that when any person upon whom a rule to produce has been served wishes to avail himself of any such exception as above mentioned, he must on his affidavit on production assign a sufficient reason why he should not produce and deposit the same in manner aforesaid. 20 25 30

Proviso.

Rule for production, how obtained.

27. The rule referred to in the preceding section shall be a rule in the nature of a side bar rule, and shall issue in vacation as in term, and may be obtained on the last as well as other days of term; and such rule shall be dated the day of the week, month and year on which the same was drawn up, and need not specify any other time or date; and such rule may be obtained by the party requiring the same, his agent or attorney, from the Clerk of the Court. 35 40

Service.

28. The rule for the production of documents shall not require personal service, and it shall be sufficient to serve the same upon the agent or attorney of the party.

Affidavit on production.

29. The affidavit on production to be made by the party who has been served with the rule for production, may be in the form or to the effect of the Schedule to this Act, varied as the facts require. 45

Penalty for disobedience.

30. Any party neglecting or refusing to obey a rule for the production of documents, may be punished as for a contempt of court. 50

31. At the conclusion of the trial the judge shall determine whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, *and other matter arising out of the petition, and requiring his determination,* and shall, except only in the case of appeal hereinafter mentioned, immediately after the expiration of eight days from the day on which he shall so have given his decision, certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence, and the determination thus certified shall be final to all intents and purposes.

Decision and certificate of judge.

32. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows :

Judge's report if corrupt practices are charged.

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice ;

(b.) The names of any persons who have been proved at the trial to have been guilty of any corrupt practice ;

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

33. The judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which ought, in his judgment, to be submitted to the House of Commons.

Special report at his discretion.

34. When upon the application of any party to an election petition duly made to the judge, it appears to such judge, that the case raised by the petition can be conveniently stated as a special case, such judge may direct the same to be so stated, and any such special case shall, as far as may be, be heard before such judge, who shall thereupon give such judgment as to justice may appertain, and in case the decision be final the judge shall certify to the Speaker his decision on such special case.

Judge may direct a special case to be stated.

Decision thereon.

35. Provided also, that if it appears to the judge, on the trial of the petition, that any question or questions of law, as to the admissibility of evidence or otherwise, require further consideration by the court, then it shall be lawful for the judge to postpone the granting of his certificate until the determination of such question or questions by the court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a judge on a trial at *nisi prius*, or in the Province of Quebec on a trial by jury.

Questions of law may be reserved.

Or the whole case as to such questions.

36. Provided also, that at the conclusion of the trial, the judge may, in his discretion in any case, and shall at the instance of any party to the petition, reserve the whole case as regards questions of law, for the determination of the court to which the case and evidence and proceedings therein, and all matters relating thereto, shall then be remitted by the judge, and the court shall in such case determine, and certify its determination to the Speaker, upon the several points and matters upon which the judge might otherwise have determined or certified his decision, and in the same manner as the judge would otherwise have done, and the determination thus certified shall be final to all intents and purposes. 5 10

Provision for review in Province of Quebec.

Conditions.

Deposit.

37. Provided also, that in the Province of Quebec only, any party to the petition may, within the said delay of eight days from the day on which the judge has given his decision, deposit with the Clerk of the Court at the place where the petition has been tried, the sum of *one hundred dollars*, (with an additional sum of *three dollars* for making up and transmitting the record, if the trial has been had elsewhere than at Quebec or Montreal), and may then file in the same office an inscription for review, notice of which must be given to each of the opposite parties, and the record, with a copy of the decision and any orders made in the case, shall be transmitted to the Clerk of the Court at Quebec or Montreal as the case may require; and all other proceedings shall be had as in a case in review; and the Court shall determine and certify its determination and decision to the Speaker upon the several points and matters as well of fact as of law upon which the judge might otherwise have determined or certified his decision, in the same manner as the judge would otherwise have done, and the determination of the court thus certified shall be final to all intents and purposes: and the money deposited as aforesaid shall be dealt with as a deposit in a case of review. 15 20 25 30 35

Deposit how dealt with.

Court of Review in Quebec cases.

38. In the three next preceding sections, the expression, "the Court," as respects any election in the Province of Quebec, shall mean any three judges of the Superior Court sitting in Review at the City of Quebec, if the election has been tried in any of the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce, or Arthabaska; and any three judges of the Superior Court sitting in Review at the City of Montreal, if the election has been tried in any of the judicial districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois. 40 45

Speaker's duty on receiving judge's certificate.

39. The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the court or judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose the Speaker may address his 50

warrant, under his hand and seal, to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require.

The Speaker shall without delay communicate to the
 5 House of Commons the determination, report and certificate of the court or judge, and his own proceedings thereon. To inform the House.

Where the judge makes a special report, the House of
 Commons may make such order in respect of such special
 report, as they think proper. If there is a special report.

10 40. Unless the judge otherwise directs, any charge of corrupt practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices. As to evidence of corrupt practices.

15 41. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or the resignation of his seat, but the respondent may notwithstanding anything in
 20 this or any other Act contained, accept office at any time after the election, subject always to the provisions of the twelfth section of the Act passed in the thirty-first year of Her Majesty's Reign, and intituled "*An Act further securing the Independence of Parliament*," in construing which after
 25 this Act is in force, the words "court or judge" shall be substituted for the words "election committee." Acceptance of office or resignation not to stop proceedings.
 Proviso:
 31 V. c. 25.

42. The trial of an election petition under this Act, shall
 be proceeded with, notwithstanding the prorogation of the
 Parliament of Canada. Nor a prorogation.

PROCEDURE.

30 43. Notice of an election petition under this Act shall be served as nearly as may be in the manner in which a writ of summons is served in civil matters, or in such other manner as may be prescribed. Service of petition.

35 44. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time; but for all other purposes of this Act such petition shall be deemed to be a separate petition against each respondent. Joint respondents.

40 45. Where under this Act more petitions than one are presented relating to the same election or return, all such petitions shall, in the election list, be bracketed together, and shall be dealt with, as far as may be, as one petition; but such petitions shall stand in the election list in the place where the last presented of them would have stood if it had
 45 been the only one presented as to such election or return, unless the court orders otherwise. When more than one petition as to same election.

JURISDICTION AND RULES OF COURT.

Judges of the court to make rules. 46. The judges of the Court in each Province respectively, or a majority of them, may, from time to time make, and may, from time to time, revoke and alter general rules and orders (in this Act referred to as the rules of court) for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions and the trial thereof, and the certifying and reporting thereon; 5

Their effect. (2.) Any general rules and orders made as aforesaid, and not inconsistent with this Act, shall be deemed to be within 10 the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act.

To be laid before the House of Commons. (3.) Any general rules and orders made in pursuance of this section, shall be laid before the House of Commons 15 within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in cases not provided for. 47. Until rules of court have been made by the judges of 20 the court in any Province in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of members of the House of Commons in England, are, at the time of the passing of this Act, dealt with, shall be observed 25 so far as consistently with this Act they may be observed by the court and the judges thereof.

RECEPTION, EXPENSES AND JURISDICTION OF THE JUDGE.

Reception and attendance of judge. 48. The judge shall be received and attended at the place where he is about to try an election petition under this Act, if he be not resident there, in the same manner 30 so far as circumstances will admit, as if he were about to hold a sitting at *nisi prius*, or a sitting of the Provincial Court of which he is a member.

Expenses how paid. 49. The travelling expenses of the judge, and all expenses incurred by the sheriff or other officer in consequence of 35 any sitting for the trial of an election petition and providing a court room and accessories, shall be defrayed in like manner as ordinary travelling expenses of the judge in the Province are payable by the Dominion of Canada.

Powers of the judge. 50. On the trial of an election petition and in other pro- 40 ceedings under this Act, the judge shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of one of the Superior Courts of law for the Province in which such election was held, sitting in term, and the court held by him for such trial shall be a 45 court of record.

WITNESSES.

Witnesses how summoned. 51. Witnesses shall be subpoenaed and sworn in the same

manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the Superior Courts of law in the same Province; and shall be subject to the same penalties for perjury. moned and sworn.

5 **52.** On the trial of an election petition under this Act, the judge may by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be Compelling attendance of witnesses.
 10 guilty of contempt of court. The judge may examine and re-examine any witness so compelled to attend or any person present, although such witness and person be not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge, such witness Examination.
 5 may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

53. The judge may, in his discretion, employ a short-hand writer to take down the oral evidence given by witnesses at the trial of the petition, and the expense of employing such short-hand writer shall be costs in the case. Short-hand writer may be employed to take down oral evidence.
 20

54. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or that the Not excused from answering by any privilege.
 25 answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege or that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for per- Proviso: as to use of answers.
 30 jury, if the judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the judge.

55. The reasonable expenses incurred by any person Expenses of witnesses.
 35 in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the Superior Courts of law in the same Province, may be allowed to such person by a certificate under the hand of the judge How paid.
 40 or of the clerk of the court; and such expenses, if the witness was called and examined by the judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in How paid.
 45 the trial of such petition as the judge may determine.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

56. An election petition under this Act shall not be withdrawn without the leave of the court or judge (according as the petition is then before the court, or before the judge for trial) upon special application to be made in and at the Withdrawal of petitions, to be by leave of the Court or the Judge.
 50 prescribed manner, time and place:—

- Notice.** No such application shall be made until the prescribed notice has been given in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition ;
- Substitution of a petition.** On the hearing of the application for withdrawal, any person, who might have been a petitioner in respect of the election to which the petition relates, may apply to the court or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition ;
- Additional security in certain cases.** The court or judge may, if it or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the court or judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner ;
- 1 not ordered.** If no such order be made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution ;
- Effect of substitution.** Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner ;
- Costs.** If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the court or the judge otherwise orders ;
- All petitioners must join in withdrawal.** When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.
- Report to Speaker if withdrawal be corrupt.** **57.** In every case of the withdrawal of an election petition, under this Act, if the court or judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement or in consideration of the withdrawal of any other petition the court or judge shall report such opinion to the Speaker, stating the reasons thereof and the circumstances attending the withdrawal.
- Abatement by death of petitioner.** **58.** An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners ;
- Costs.** The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred ;
- Notice of abatement.** On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates ; and within the prescribed time after the notice is given, any person

who might have been a petitioner in respect of the election to which the petition relates, may apply to the election court or judge, in and at the prescribed manner, time and place, to be substituted as a petitioner ;

- 5 The court or judge may, if it or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted, and on whose behalf security to the same amount is given as is required in the case of a new petition.

Substitution
of new peti-
tioner.

- 10 **59.** If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent (that is to say) :

Abatement by
death, &c., of
respondent.

(1.) If he dies ;

(2.) If the House of Commons has resolved that his seat is vacant ;

- 15 (3.) If he gives notice to the court or judge in and at the prescribed manner and time, that he does not intend to oppose or further to oppose the petition ;

(4.) If he is summoned to Parliament as a Member of the Senate ;

- 20 Notice of such event having taken place shall be given in the electoral district to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the court

Notice.

- 25 or judge to be admitted as a respondent to oppose the petition or so much thereof as may remain undisposed of, and such person shall, on such application, be admitted accordingly to oppose such petition or such undisposed of portion thereof, either with the respondent, if there be one, or in

New respond-
ent.

- 30 place of the respondent; and any number of persons not exceeding three, may be so admitted; and if either of such events happen during the trial the judge shall adjourn the same, in order to the giving of notice that such event has happened, as herein provided; and the person or persons so admitted shall have the same liability as the respondent with

Adjournment
of trial.

- 35 respect to any costs thereafter incurred.

Liability of
new respond-
ent.

- 40 **60.** A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not vote or sit in the House of Commons until the House has been informed of the report on the petition; and the court or judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the

Respondent
not opposing
petition.

- 45 same to the Speaker.

- 50 **61.** When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer, and

Double return,
and respond-
ent not oppo-
sing.

upon such withdrawal, the prescribed officer shall report the fact to the Speaker, and the House of Commons shall, thereupon, give the necessary directions for amending the said double return, in such manner as the case may require.

COSTS.

Costs of proceedings under this Act.

62. All costs, charges and expenses of and incidental to the presentation of an election petition under this Act, and to the proceedings consequent thereon, with the exception of such costs, charges and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to or those opposing the petition, in such manner and in such proportions as the court or judge may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the court or judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful;

How taxed and recovered.

The costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between parties in actions at law, and such costs may be recovered in the same manner as the costs in actions at law in the same Province, or in such other manner as may be prescribed.

Enforcing recognizance in case of non-payment of costs.

63. If any petitioner in an election petition presented under this Act neglects or refuses for the space of *one month*, after demand, to pay to any person summoned as a witness on his behalf or to the respondent, any sum certified to be due to him for his costs, charges and expenses, and if such neglect or refusal be, within *two months* after such demand, proved to the satisfaction of the court, in every such case every person who has entered into a recognizance relating to such petition, under the provisions of this Act, shall be held to have made default in the said recognizance and the prescribed officer shall thereupon certify the same to be forfeited, and such certificate shall have the same effect as to any such recognizance, as if the same were estreated or otherwise proceeded upon for enforcing payment of the sum forfeited, which such sum shall be paid to the prescribed officer, and shall, as shall also all moneys paid in as security on the presentation of an election petition, be paid as the court or judge may direct, in pursuance of the recognizance and conditions of the security as hereinbefore provided.

MISCELLANEOUS.

As to Sundays and holidays.

64. If the time limited by this Act for any proceeding, or the doing of anything under its provisions, expires or falls upon a Sunday, or any day which is a holiday under the Interpretation Act, the time so limited shall be extended to,

and such thing may be done on the day next following, which is not a Sunday or such holiday.

65. All elections held after the passing of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith; but no election or return held or made prior to the passing of this Act, shall be controverted or questioned under it, and all contestations of such elections or returns shall be governed by the laws then in force with respect to controverted elections for the House of Commons.

To what elections this Act shall apply.

66. Whenever any election petition complains of the conduct of any Returning Officer, such Returning Officer shall, for all the purposes of this Act, except the admission of respondents in his place, be deemed to be a respondent.

If Returning Officer is complained of.

67. A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act, and such order may be made thereon by the Court, as it may deem expedient for compelling a return to be made, or the Court may allow such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

If complaint be, no return.

68. On the trial of a petition under this Act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to show that the election of such person was undue, in the same manner as if he had presented a petition complaining of such election.

If the seat be claimed for person not returned.

69. Any person who, according to the law of the Province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor, before the Superior Courts of such Province, and who is not a member of the House of Commons, may practise as Attorney or Agent, and any person who, according to such law, is entitled to practise as a barrister-at-law or advocate before such courts, and who is not a member of the House of Commons, may practise as counsel, in the case of such petition and all matters relating thereto, before the Court or Judge in such Province.

Who may practise in cases under this Act.

SCHEDULE.

(Section 29.)

(Form of Affidavit on Production of Books and Papers.)

In the (name of court)

Election for holden on the day of A.D. . Form of affidavit on production of books, &c.

I. of make oath and say:—

1. That I have in my possession or power the documents relating to the matters in question set forth in the first and second parts of the first schedule hereto annexed.

2. I object to produce the said documents set forth in the second part of the said first schedule.

3. (State upon what grounds objection is made and verify the facts as far as may be.)

4. I have had, but have not now in my possession or power the documents relating to the matters in question set forth in the second schedule hereto annexed.

5. The last mentioned documents were last in my possession or power on (state when.)

6. (State what has become of the last mentioned documents, to whom you have given them, and in whose possession they now are.)

7. According to the best of my knowledge, remembrance, information and belief, I have not now, and never had in my own possession, custody or power, or in the possession, custody or power of my agents or attorneys, agent or attorney, or in the possession, custody or power of any other person on my behalf, any deed, account, book of accounts, minutes, voucher, receipt, letter, memorandum, paper, or writing, or any copy of or extract from any such document or other document whatever, relating to the matters in question, or any of them, or wherein any entry has been made relative to such matters, or any of them, other than and except the documents set forth in the first and second schedule hereto annexed.

(Annex the schedules mentioning the documents in question.)

Sworn, &c.

BILL

Printed and Published by the Government Printer, Wellington.

THE COMPANIES ACT, 1909.
PART II.
CHAPTER III.
REGISTRATION OF COMPANIES.
SECTION 10.

Every person who has signed the Memorandum of Association and the Articles of Association of a company shall, before the company is registered, deposit with the Registrar a copy of the Memorandum of Association and the Articles of Association of the company.

BILL

Enacted in the House of Representatives at Wellington, this 10th day of December, 1909.

HON. M. J. BOLGER

70 34

BILL.

An Act to make better provision for the trial of Controverted Elections of Members of the House of Commons, and respecting matters connected therewith.

Received and read 1st Time, Tuesday, 21st April, 1874.

Second reading, Friday, 24th April, 1874.

Hon. Mr. FOURNIEE.

An Act to incorporate the Saint Croix Printing and
Publishing Company.

WHEREAS David Main, Zachariah Chipman and James G. Preamble.

Stevens, junior, all of the Town of Saint Stephen in the Province of New Brunswick, have prayed that they may be constituted a corporation by the name of "The Saint Croix Printing and Publishing Company," and it is expedient to grant the prayer
5 of their petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The persons hereinbefore mentioned and all others who now
10 are or may hereafter become shareholders of the said Company, shall be and they are hereby constituted a corporation and body politic and corporate, by the name of "The Saint Croix Printing
and Publishing Company," and may by that name sue and be
sued, implead and be impleaded, defend and be defended in all
15 courts of law and equity, and in and by that name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure, may print
and publish a newspaper and establish agencies for the sale of
the same in the several Provinces of the Dominion; may acquire
20 property, real and personal, for themselves and their successors under any legal title whatsoever; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof from time to time as occasion may require, for such prices and on such terms
and conditions as they may see fit: Provided always that the
25 real estate held by the said Corporation at any one time shall not exceed the annual value of five thousand dollars.

2. The said Company is constituted for the purpose of carrying
on the publication of a newspaper and generally for carrying on
the business of printing, publishing, bookbinding, engraving,
30 wood cutting, lithographing, and the dealing in and vending of all merchandize connected therewith. The head office of the Company shall be in the town of Saint Stephen aforesaid, with branches in any other city, town or place in the Dominion where the Company may see fit.

3. The capital stock of the said Company shall be forty
thousand dollars, divided in four hundred shares of one
hundred dollars each, and shall be deemed personal estate and
shall be transferable only in such manner and subject to such
conditions as by the by-laws of the Company shall be directed
40 and prescribed.

4. The said David Main, Zachariah Chipman and James G.
Stevens, junior, are hereby constituted Provisional Directors
of the Company, and they shall have power to open stock books,
receive subscriptions of stock or shares and do all matters and
45 things necessary for the full organization of the Company, and

generally manage the affairs of the Company until Directors as hereinafter provided shall be elected in their place, when all their powers and functions shall cease.

First meeting
of share-
holders.

5. As soon as one hundred and fifty shares of the capital stock shall have been subscribed, the Provisional Directors shall call a general meeting of the shareholders in the town of Saint Stephen, of which meeting not less than fourteen days' notice shall be given by advertisement in some newspaper published in the said town, for the purpose of electing Directors, who shall be three in number, the appointment of officers, the passing of by-laws for the management of the affairs of the Company, and generally for the exercise of the powers conferred on the Shareholders by this Act; and by the "*Canada Joint Stock Companies Clauses Act, 1869.*"

Liability of
shareholders.

6. The Shareholders shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company beyond the amount of their respective shares in the capital stock thereof: Provided always that among the officers of the Company there shall be a printer and publisher, who shall be held responsible in any criminal proceeding for libellous matter published in any newspaper, book, pamphlet or other printed matter issuing from the establishment of the said Saint Croix Printing and Publishing Company, and in every issue of the said newspaper shall be contained the full name and residence of the party holding the office of printer and publisher.

Votes at
meetings.

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

Limitation of
Act.

8. The Charter of the Company 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.

Any future
general Act to
apply.

9. The corporate rights hereby conferred, shall at all times be subject to the provisions of any general enactment hereafter to be passed respecting incorporated companies, and, except as altered herein, to the provisions contained in the "*Canada Joint Stock Companies Clauses Act, 1869,*" so far as they are applicable.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act to incorporate the Saint Croix
Printing and Publishing Company.

Received and read, first time, Tuesday, 21st
April, 1874.

Second reading, Wednesday, 22nd April, 1874

Mr. PALMER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street

1874.

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

WHEREAS it is expedient to amend the Act passed by the Parliament of Canada in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter twenty-nine, intituled *An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law*: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. Section twenty-nine of the said Act is hereby amended by adding thereto the following sub-sections:—

Sect. 29 of 32-33 Vict., c. 29, amended.

- 10 "2. When the documents aforesaid shall have been so transmitted to the proper officer whether under this or the next preceding section, if the complainant offers to the court before which such papers have been so transmitted at its sitting, to give security for costs to be incurred upon the prosecution of the said complaint, then it shall be lawful for the court to allow the counsel for the private prosecutor offering such security to present the indictment, and such indictment shall be signed by such counsel, and countersigned by the clerk of the court, and in such case the counsel for the private prosecution shall be entitled to go before the grand jury without the interference of the counsel prosecuting for the Crown, unless such counsel be the Attorney General or Solicitor General of the Province in which the trial is to take place, who shall in all cases be allowed to go before the Grand Jury together with the counsel for the private prosecution:
- 15
20
25 Provided always, that such private prosecution shall not be laid before the grand jury until all the Crown prosecutions shall have been submitted to the grand jury."

New sub-section.

Proviso.

30 "3. No witness shall in any such case be summoned or called before the grand jury except with the consent of the private prosecutor."

Witnesses.

"4. Nothing in this section contained shall be understood to interfere with the right of any court or jury to order an indictment to be prosecuted for perjury or subornation of perjury."

Right of Crown saved.

BILL.

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

Received and read, first time, Tuesday, 21st April, 1874.

Second reading, Wednesday, 22nd April, 1874.

Mr. ROBILLARD.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1874.

*John Duren
14 May*

An Act to incorporate the Calais and St. Stephen Rail-
way Bridge Company.

WHEREAS William Duren, Alfred Towers and John G. Murchis, have by their petition prayed that they and others may be incorporated for the purpose of building a Railway Bridge across the St. Croix River, at or near the Town of St. Stephen in the Province of New Brunswick, and the City of Calais in the State of Maine, one of the United States of America; and whereas the building of the said bridge would be a work for the general advantage of Canada; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Calais and St. Stephen Railway Bridge is hereby declared to be a work for the general advantage of Canada.

2. William Duren, Alfred Towers, John G. Murchis, Freeman H. Todd, Henry F. Eaton, Robert Watson, George M. Porter, Zachariah Chipman, Amos Clark, Alexander Milligan, William H. Boardman, George G. King, Enos D. Sawyer, and such other persons and corporations as shall become shareholders in the Company hereby incorporated, their heirs, successors, administrators and assigns, shall be and are hereby constituted a body corporate and politic, by the name of the "Calais and St. Stephen Railway Bridge Company."

Certain persons incorporated.

Corporate name.

3. "The Railway Act, 1868," is hereby incorporated with this Act, and shall form part hereof and be construed herewith as forming one Act.

Railway Act to apply.

4. The Company hereby incorporated shall have full power and authority, under this Act, to construct, maintain, work and manage a railway bridge across the St. Croix River, from some point at or near the terminus of the St. Stephen branch railroad, in the Town of St. Stephen, in the Province of New Brunswick, to the City of Calais in the State of Maine.

Powers of the Company.

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property as may be necessary for the purpose of constructing the said bridge or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding one mile in length, as may be necessary to make connections or to approach the said bridge and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

Power to take lands.

*Plans to be
subject to
approval
J.M.C.*

Provisional
Directors.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of Directors. 5 10

All shareholders to have equal rights.

7. All shareholders in the said Company whether British subjects or aliens, or residents, or corporations in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Capital stock.

8. The capital stock of the said Company shall be ten thousand dollars, divided into shares of one hundred dollars each, with power to increase the same to seventy-five thousand dollars. 15

First meeting of shareholders.

9. So soon as five thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, the hereinbefore mentioned Directors or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice thereof, at which meeting the shareholders shall elect seven Directors from the shareholders, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided. 20 25

Annual general meeting.

10. The annual general meeting of the shareholders shall be held at such place and time as shall be fixed by by-laws of the Company, and notice thereof shall be given as provided in the next preceding section. 30

Height of Bridge. Draw.

11. The said bridge shall be constructed at a height of four feet above high-water level, and shall have a draw in the main channel of the river, which draw shall be fifty feet wide in the clear. 35

Bridge may be leased.

12. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, branch railway and other works or any of them, or the entire or partial use thereof at any time or times, or for any period, to such railway or railroad companies, and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or branch railway or any part thereof, or touching any service to be rendered by the one company to the other or others and the compensation therefor, and any such railway or railroad company or companies may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise) to, or may subscribe to or become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting and executing such lease, shall be and is empowered to exercise all the rights. 40 45 50

Agreement to be binding.

*Approval of
Graft*

and privileges in this charter conferred, subject to the limitations and reservations (if any) in such agreement or lease expressed.

13. When the said railway bridge is completed and ready for traffic, all cars of all railways or railroads terminating at or near the Town of St. Stephen aforesaid, or in the State of Maine, at or near the City of Calais, now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over such railways,) shall have the right to be hauled and forwarded over the said bridge at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor of or against any railway or railroad whose cars or business may be forwarded over the bridge.

No preference to any particular Railway.

14. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway, whose cars or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by the Supreme Court of the Province of New Brunswick, upon application to such Court, — due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Differences, how settled.

15. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the Directors of the said Company may also at any meeting of the Board vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Votes on stock.

Proviso.

16. It shall be lawful for the said Company to unite, amalgamate, and consolidate its stock, property and franchises with the stock, property and franchises of any other Company, incorporated or which may be incorporated by the laws of the State of Maine or one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation.

Power to the company to amalgamate with another.

17. The directors of the Company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations, — prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each

Proceedings for such purpose

of the said corporations into that of the new corporation, and how and when and for how long, directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Agreement to be submitted to shareholders.

18. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively or addressed to them by mail, at their last known post office address or place of residence, and also by a general notice to be published in a newspaper published in the Town of St. Stephen, and in the City of Calais, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same,— each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Maine, and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Powers of consolidated corporation.

19. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united.

All property of several corporations transferred to new corporation.

20. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interest appurtenant thereto, all stock subscriptions, and other debts due on whatever account, and other things in action belonging to such corporations or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and liens upon the property of either of such corporations, shall be unimpaired by such consolidation, and all

Proviso; existing rights saved.

debts, liabilities and duties of either of the said corporations, shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

21. The said railway bridge shall be commenced within three years and completed within seven years from the passing of this Act. ^{Limitation of time.}

No. 42.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The Calais and
St. Stephen Railway Bridge Company.

Received and read, first time, Tuesday, 21st
April, 1874.

Second reading, Wednesday, 22nd April, 1874.

(PRIVATE BILL.)

MR. APPLEBY.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street.

1874.

An Act for granting certain powers to the Richelieu
River Hydraulic and Manufacturing Company.

WHEREAS the Richelieu River Hydraulic and Manufacturing Company have by their petition represented that they were incorporated by an Act of the Legislature of the Province of Quebec, 36 Victoria, chapter 74, for the purpose, among others, of creating water powers and constructing dams; that by the fourth section of their said Act of incorporation, it is provided that the Company shall not erect any dam across the River Richelieu, nor do any other act affecting the navigation of the River Richelieu without the authority or consent of the Government or the Parliament of Canada first obtained, and have prayed for the passing of an Act to authorize them to construct the said dams; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall and may be lawful for the Richelieu River Hydraulic and Manufacturing Company to construct dams across the rapids of the River Richelieu, at and in the neighbourhood of the village of Chambly: Provided always that the navigation of the River Richelieu and Chambly Canal is thereby in no way impeded or interfered with.

Dams may be constructed.

Proviso.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act for granting certain powers to the
Richelieu River Hydraulic and Manufac-
turing Company.

Received and read, first time, Wednesday, 22nd
April, 1874.

Second reading, Thursday, 23rd April, 1874.

(PRIVATE BILL.)

Mr. JODOIN.

OTTAWA :

Printed by L. B. FAYLER, 29, 31, and 33, Rideau Street.

1874.

An Act to amend the Act 36 Victoria, chapter 27, relating to Polling Districts in the County of Inverness.

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

1. The division line between Polling Districts numbers seven- Alteration of
5 teen and five in the County of Inverness shall hereafter be as division line
follows, that is to say: The waters of Mabou Harbor and the between dis-
south east River of Mabou, up stream as far as the landing at tricts 17 and 5.
McKeen's Tannery and the Main Post Road leading from Mabou
to Whycocomagh, until it strikes district number —.
- 10 2. The polling place in the said District number seventeen shall Change of
hereafter be at Mull River, at or near Peter Campbell's place. polling place.
3. The returning officer shall from the lists of voters which New lists to
would be used if this Act were not passed, make out lists of be made out.
voters for the said Polling Districts numbers seventeen and five
15 as hereby altered, and shall furnish and use such lists at any
election or elections which would otherwise be held under the
first mentioned lists.
4. So much of any existing law as may be inconsistent with Repeal of
this Act is hereby repealed. contrary laws.
- 20 5. This Act shall apply only to elections of Members of the Limitation of
House of Commons of Canada, Act.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 35th Vict., chap.
27, relating to Polling Districts in the
County of Inverness.

Received and read, first time, Wednesday,
22nd April, 1874.

Second reading, Thursday, 23rd April, 1874.

Mr. MACDONNELL.

OTTAWA:

Printed by L. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to provide for the Examination and Licensing of persons employed as Engineers elsewhere than in Steamboats.

WHEREAS, for the greater security of life and property it is expedient to provide for the examination and licensing of persons employed as Engineers elsewhere than on Steamboats: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act the term "Board of Inspectors" means the Board of Steamboat Inspection constituted by the Act passed in the thirty-first year of Her Majesty's reign, chapter sixty-five; the term "Inspector" means a member of the said Board; and the term "Engineer" means any person having the care, management and control of any stationary steam engine used for the purpose of moving machinery of any kind.

2. Any person claiming to be qualified to perform the duties of an Engineer in connection with a stationary engine set up and used in any mill, manufactory or other place for the moving of machinery of any description whatsoever, shall apply to the Board of Inspectors who shall examine or shall cause an Inspector or Inspectors to examine and report upon the applicant and the proofs that he produces in support of his claim; and any such examination may be upon oath, which any Inspector may administer; and if upon full consideration the Board of Inspectors are satisfied that his character, habits of life, knowledge and experience in the duties of an Engineer are all such as to authorise the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, the said Board of Inspectors shall give him a license to that effect for one year, under the hand and seal of the Chairman, and the said certificate, subject to the above conditions, shall be renewable yearly, or oftener if applied for; and for every such certificate the applicant shall pay the sum of *five dollars*, and for every renewal *one dollar*, which shall go to the Steamboat Inspection Fund, established by the thirty-second section of the Act hereinbefore cited.

(2.) But the license of any such Engineer may be revoked by the said Board upon proof of negligence, unskillfulness or drunkenness, or upon the finding of a Coroner's Inquest.

3. Any Inspector duly appointed under this Act shall have power with the consent of the Chairman to grant to any person claiming to be qualified to perform the duties of an Engineer in steamboats, a temporary certificate of his qualification, after examination of the applicant, on oath administered by the Inspe-

Preamble.

Interpretation

Examination of applicants for certificate.

Certificate by Board of Inspectors: conditions and fee.

Revocation in certain cases.

Temporary certificate by Inspector examining applicant.

note in law in May
copy to the Board in May

tor; and such certificate shall have all the force and effect of a license granted by the Board of Inspectors, for a period not exceeding sixty days from the day on which it was granted, and such Inspector shall immediately after granting such certificate forward a copy of it to the Chairman of the Board of Inspectors, 5 together with a report on the qualification of the applicant; and for every such certificate so granted the applicant shall pay the sum of *one dollar*, which shall go to the Steamboat Inspection Fund hereinbefore mentioned.

Penalty for employing or acting without a license.

4. It shall not be lawful for any person to employ another as 10 Engineer, or for any person to serve as Engineer, unless the person serving or employed as Engineer is then licensed by the said Board, or temporarily by an Inspector as aforesaid, and any one so offending shall incur a penalty of *two hundred dollars*.

Amendment of Act.

5. This Act shall come into force on the first day of January, 15 One thousand eight hundred and seventy-five.

No. 45.

1st Session, 3rd Parliament, 37 Victoria, 187

BILL

An Act to provide for the Examination and Licensing of persons employed as Engineers elsewhere than on Steamboats.

Received and read, first time, Wednesday, 22 April, 1874.

Second reading, Thursday, 23rd April, 1874.

Mr. COOK.

OPPAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, BILDERS STREET
1874.

An Act to authorize the incorporation of Boards of Trade
in the Dominion.

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

1. Any number of persons not less than thirty, being merchants, traders, brokers, mechanics, manufacturers, managers of banks or insurance agents, and being residents of any village, town or city having a population of not less than two thousand five hundred, may associate themselves together as a Board of Trade, with all the privileges and powers conferred by, and subject to all the restrictions of this Act. Formation of Board of Trade.
2. The persons associating themselves together as a Board of Trade under this Act, shall, under their hands and seals, make a certificate specifying the name assumed by the association, and by which it shall be known, the name of the county, village, town or city in which the same is situate, and its business transacted. Certificate of formation.
3. Such certificate shall be acknowledged before a Notary Public, Commissioner appointed for receiving affidavits, or Justice of the Peace, and shall be forwarded to the Secretary of State, who shall cause the same to be recorded in a register to be kept for that purpose; and a copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such association; and for such certificate and certified copy thereof, a fee of shall be payable. Certificate to be transmitted to the Secretary of State.
4. The persons named as corporators in the said certificate, and such other persons as may afterwards join them, are hereby authorized to carry into effect the objects for which such association was constituted, and to exercise the powers and privileges conferred by this Act; and they and their associates, successors and assigns, by the name and style specified in the said certificate, shall be deemed a body corporate, with powers to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, to make and use a common seal, and change and alter the same at pleasure, to purchase, hold, sell and convey any real or personal estate necessary for the objects of such association: Persons incorporated to have certain powers.
Provided, always, that the clear annual value of the real estate held by any association, at any one time, shall not exceed five thousand dollars, and that the usual place of meeting of said corporation shall be held to be the legal domicile thereof, where service of any notice or process may be made. Real estate. Proviso. Domicile.
5. The officers of such Boards of Trade shall be a President, Vice-President, and Secretary, who, together with not less than eight other members, shall constitute a Council, to be called "The Council of the Board of Trade of (adding the name of the village, town or city,) who shall have the Officers of Board of Trade.

powers and perform the duties hereinafter mentioned; and when the foregoing provisions have been complied with, it shall be competent for a majority of the persons named as incorporators in the said certificate, to hold a meeting for the election of a President, Vice-President, Secretary, and members of the said Council, and to make and enact such by-laws, rules and regulations as are mentioned in the eleventh section of this Act, without the notice required in the proviso to the said section. 5

General meetings.

6. The members of the said Corporation shall hold general quarterly meetings in each year, at some place within its jurisdiction, of which notice naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper, or otherwise, as may be thought necessary by the said Council; and at the first quarterly meeting to be held in each year, the members of the said Corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the Corporation, one President, one Vice-President, and the Secretary, and not less than eight other members of the Council, who, with the President, Vice-President, and Secretary, shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead, at the next first quarterly meeting of the ensuing year, as aforesaid, or until they shall be removed from office, or shall vacate the same under the provisions of any by-laws of the Corporation: Provided always, that if the said election shall not take place at such first quarterly meeting as aforesaid, the said Corporation shall not be thereby dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had. 10 15 20 25 30

Election of President and members of Council.

Proviso, in case of failure of election.

President and Vice-President to take oath of office.

7. The President and Vice-President shall, before entering upon the duties of their office, take and subscribe the following oath before the mayor of any such town or city as aforesaid, or before any justice of the peace:— 35

Oath of office.

"I swear that I will faithfully and truly perform my duty as of the Board of Trade, and that I will in all matters connected with the discharge of such duty, do all things, and such things only, as I shall truly and conscientiously believe to be adapted to promote the objects for which the said Board was constituted, according to the true intent and meaning of the same. So help me God." 40

Filling vacancies.

8. If any member of the said Council shall die or resign his office, or be absent for six months continuously from the meetings of the said Council, it shall be lawful for the said Council at any meeting thereof to elect a member of the said Corporation to be a member of the said Council, in the place of the member so dying or resigning, or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election, and no longer, unless re-elected. 45 50

Majority to have full powers.

9. At any annual or general meeting of the said Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting 55

shall be competent to do and perform all acts which, either by this Act or by any by-law of the said Corporation, are or shall be directed to be done at any such general meeting.

10 Any member of the said Corporation intending to retire
5 therefrom or resign his membership, may at any time do so upon giving to the Secretary in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice. Retirement of members.

10 11. It shall be lawful for the said Corporation, or the majority
of them present at any general meeting, to make and enact such
by-laws and regulations, and from time to time to repeal, alter and
amend the same, for the government of the said Corporation, pro-
15 viding for the admission, subscriptions, imposing of penalties, and
expulsion or the retirement of members, and for the management
of its Council, officers and affairs, and for the guidance of the
board of arbitrators hereinafter mentioned, and fixing the date
20 and place of the regular meetings of the said Council, and all
other by-laws in accordance with the requirements of this Act or
the laws of Canada as such majority shall deem advisable; and
such by-laws shall be binding on all members of the said Corpo-
ration, its officers and servants, and all other persons whomsoever
lawfully under its control: Provided that no by-law shall be made
or enacted by the said Corporation without notice in writing
25 thereof having been given by one member and seconded by
another member at a previous meeting, and duly entered in the
books of the said Corporation as a minute of the said Corporation. Making by-laws; for what purpose.

12. Each and every person then resident within the jurisdic-
tion, and being or having been a merchant, broker, trader,
30 mechanic, manufacturer, manager of a bank or insurance agent,
shall be eligible to become a member of the said Corporation; and
at any general meeting of the said Corporation it shall be lawful
for any member of the said Council or of the said Corporation to
propose any such person as aforesaid as a candidate for becoming
35 a member of the said Corporation, and if such proposition shall be
carried by a majority of two-thirds of the members of the said
Corporation then present, he shall thenceforth be a member of the
said Corporation, and shall have all the rights and be subject to all
the obligations which the other members possess or are subject to:
40 Provided always, that any person not being a merchant or trader,
broker, mechanic, manufacturer, manager of a bank or insurance
agent, shall be eligible to become a member of the said Corporation
in manner aforesaid, in case such person shall be recommended by
the Council of the Board of Trade at any such meeting. Who may become members of the Corporation and how

45 13. It shall be lawful for the said Council, or a majority of
them, by a notice inserted in one or more newspapers published
within the jurisdiction, one day previous to the said meeting, or
by a circular letter signed by the Secretary of the said Corpora-
tion, to each member, and mailed one day previous to the said
5 meeting, to call a general meeting of the said Corporation for any
of the purposes of this Act. Special general meetings.

14. It shall be competent to the said Council to hold meetings
from time to time, and to adjourn the same when necessary, and
at the said meetings to transact such business as may by this Act,
Meetings of Council.

or by the by-laws of the Corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council; and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and no other; and any five or more members of the Council, lawfully met, shall be a quorum, and any majority of such quorum may do all things within the powers of the Council; and at all meetings of the said Council, and at all general meetings of the Corporation, the President, or in his absence, the Vice-President or if both be absent, any member of the Council then present who may be chosen for the occasion, shall preside, and in all cases of equality of votes upon any division, have a casting vote.

Powers.

Quorum.

Who to preside.

Council to frame by-laws

Recovery of subscriptions, etc.

Proof in such case.

Meetings of Council to be open.

Record thereof

Board of Arbitration.

15. It shall be the duty of the Council to frame such by-laws, rules, and regulations, as shall seem to the said Council best adapted to promote the welfare of the said Corporation, and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation called for that purpose, in the manner hereinbefore provided.

16. All subscriptions of members due to the said Corporation, under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said Corporation, shall be paid to the Secretary thereof, and in default of payment, may be recovered in any action brought in the name of the said Corporation, and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

17. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand was or had been a member of the said Corporation, and that the amount claimed by such subscription, penalty, or otherwise, was standing unpaid upon the books of the said Corporation.

18. The meetings of the members of the Council shall be open to all members of the said Corporation who shall attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said Corporation, shall be entered in books to be kept for that purpose by the Secretary of the said Corporation; and the entry thereof shall be signed by the President of the said Council or such other person who at the time shall preside over any such meeting, and such books shall be open at all reasonable hours to any member of the said Corporation, free from any charge.

19. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner, it shall be lawful for the members of the said Corporation to elect from their number twelve persons, who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall

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have power to arbitrate upon, and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree to bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitrators, such submission shall be understood to be made to any three members of the said board, who may, either by the special order of the said board, or by virtue of any general rules adopted by them, or under any by-law of the said Corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said board and the parties making the submission; and any such submission shall be according to the form set forth in the schedule to this Act, or in words to the same effect.

Powers.

Form of submission.

20. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the said Corporation, an oath that they will faithfully, impartially and diligently, perform their duties as members of the said Board of Arbitration, and such oath shall be kept among the documents of the said Corporation.

Members of Board to be sworn.

21. Any member of the Council of the said Corporation may, at the same time, be a member of the said Board of Arbitration.

Members of Council may be Arbitrators

22. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing before them shall be so examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award shall bind the parties according to the terms of submission and the provisions of this Act.

Powers for hearing cases.

Award.

23. It shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and for the said Council to do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and have as full power and be subject to the same conditions as those conferred upon and required of the Councils of the Boards of Trade by virtue of the Act 36 Victoria, Chapter 49, intituled "*An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the Laws respecting the Inspection of certain staple articles of Canadian produce*;" and the said Examiners and Inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their office) set forth in the said Act.

Powers to appoint Board of Examiners of Inspectors

24. Any person who may by law, in other cases, make a solemn affirmation, may make such solemn affirmation in any case where by this Act an oath is required; and any person hereby authorized to administer an oath, may, in such case as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized by this Act shall be guilty of wilful perjury.

Oaths and affirmation.

Boards of
Trade may
affiliate with
Dominion
Board of Trade

25. It shall be competent for any Board of Trade duly registered as aforesaid under the provisions of this Act, to become affiliated with the Dominion Board of Trade, on duly complying with all the terms and requirements of that organization, and to be represented at all its ordinary or special general meetings, which may be held from time to time: Provided always, that the delegates or representatives to the said Dominion Board of Trade shall be elected at a general meeting, duly convened, of the said Board desiring such affiliation as aforesaid. 5

Her Majesty's
rights saved.

26. Nothing in this Act shall affect the rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected. 10

SCHEDULE.

FORM OF A SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men that the undersigned and the undersigned (*if there be more parties, that is, more separate interests, mention them*) having a difference as to the respective rights of the said parties, as in the case hereunto subjoined, have agreed and bound themselves under a penalty of Dollars to perform the award to be made by the Board of Arbitration of the Board of Trade of in the case aforesaid, under the penalty aforesaid to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and affixed their seals at the of on the day of , A. D. 18 .

A. B. [L.S.]
C. D. [L.S.]
E. F. [L.S.]

FORM OF OATH

To be taken by members of the Board of Arbitration.

I swear that I will faithfully, impartially and dilligently perform my duty as a member of the Board of Arbitration of the Board of Trade of , and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favor or affection, of or for any party or person whomsoever. So help me God.

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No. 46.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to authorize the incorporation of
Boards of Trade in the Dominion.

Received and read first time, Thursday, 23rd
April, 1874.

Second reading, Friday, 24th April, 1874.

HON. MR. BLAKE

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to amend the General Railway Acts.

WHEREAS it is expedient to amend the General Railway Acts as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5 1. Whenever the tolls on any railway in Canada, now or to be hereafter constructed, and subject to the jurisdiction of Canada as respects the matters hereinafter mentioned, are reduced or raised by by-law in accordance with the provisions of any Act of the Legislature of the late Province of Canada, or of the Parliament of Canada, such reduction or raising of the tolls shall in no case be made to apply to any particular section of the railway, but shall apply *pro rata*, to the entire length thereof; and in every case in which by the tariff of tolls in force on any railway in Canada any distinction has been made and is in existence at the time of the passing of this Act in favor of or against any particular section or sections of the railway, as respects the tolls payable thereon, the tolls upon such railway shall, within three months from and after the passing of this Act, be re-adjusted in such way that the same rates of tolls shall apply *pro rata* to the entire length of the railway; so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons residing or doing business in any particular locality, by any by-law relating to such tolls.

Same rates of tolls to apply to entire length of any railway.

25 2. Every Railway Company shall, according to their respective powers, afford all reasonable facilities to all corporations and individuals for the receiving and forwarding and delivery of traffic upon and from their railway; and no Company shall give or continue any preference or advantage to any particular corporation or individual in any respect whatsoever, nor shall any Railway Company subject any particular corporation or individual to any prejudice or disadvantage in any respect whatever; and any agreement made between any Railway Company and any corporation or individual contrary to the foregoing provisions shall be unlawful, null and void.

No particular corporation or individual to receive preference or advantage in respect of traffic.

35 3. If any Railway Company, or any officer, servant or agent of any Railway Company in any way contravenes the provisions of the next preceding section, such Railway Company, or such officer, servant or agent, personally, shall, for each such contravention, incur a penalty not exceeding *fifty dollars* over and above the actual damages incurred, which penalty may be recovered with costs, in a summary manner, before any Justice of the Peace, by the party aggrieved by such contravention, to and for the use of such party aggrieved.

Penalty for contravention, how recovered

4. Every Railway Company heretofore or which may be hereafter incorporated, or whether their railway has been heretofore constructed or is hereafter to be constructed, having granted any facilities to any Express Company, shall grant equal facilities on equal terms and conditions to any other Express Company now incorporated or hereafter to be incorporated in Canada, demanding the same.

Railway companies to grant equal facilities &c., to all express companies.

5. Sub-section three of section forty-eight of *The Railway Act*, 1868, is hereby repealed.

31 V. c. 68. s. 48. sub-s. 3 repealed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

No. 47.

BILL.

An Act to amend the General Railway Acts.

Received and read, first time, Thursday, 23rd April, 1874.

Second reading, 24th April, 1874.

Mr. OLIVER

OTTAWA:

Printed by E. B. TAYLOR, 29, 31 and 33, Biltmore Street, 1874.

An Act to incorporate "The Dominion Agricultural Insurance Company."

WHEREAS the Honorable William H. Chaffers, Senator, Preamble.

William H. Brouse, M.P., Robert Blackburn, M.P., Pierre St. Jean, M.D., M.P., William Gibson, M.P., John P. Featherstone, Thomas McKay, Allan Gilmour, Gordon Burleigh Pattee, Martin
 5 Wholehan, The Honorable James Skead, Senator, John Rochester, M.P., and Cyril Archibald, M.P., have by their petition represented that they are desirous of forming an association for the insurance of farm property and residences against loss and damage by fire
 10 and lightning, and believe that the establishment of an association, confining its business to this class of risks, would be greatly beneficial to the interests of the people of this Dominion, and have prayed that they might be incorporated for the purpose of carrying on a business of this description by the name of "The Dominion Agricultural Insurance Company," and it is expedient
 15 to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The several persons mentioned in the preamble, together with all such persons as now are, or shall hereafter become mem- Certain persons incorporated.
 20 bers of the said Company, and their respective administrators, executors and assigns, shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of "The Dominion Agricultural Insurance Company," Corporate name.
 25 and the head office of the said Company shall be in the City of Ottawa.

2. The Company shall have a Common Seal, and may sue and Powers.
 be sued, contract and be contracted with, in the corporate name aforesaid.

3. The capital stock of the said Company shall be five hundred Capital stock and shares.
 30 thousand dollars, divided into ten thousand shares of fifty dollars each, which said shares shall be, and are hereby, vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall be lawful for the said Company to
 35 increase the amount of the stock at any time, or from time to time, to an amount not exceeding in the whole one million of dollars, as a majority of the shareholders at a special general meeting to be expressly convened for that purpose may agree upon. Increase.

4. When duly licensed under the Act respecting Insurance Business of the Company.
 40 Companies, the said Company shall be legally authorized to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire or lightning on

dwellings, barns and outbuildings, with their contents and other detached property, for such time and for such premiums or considerations, and under such modifications and restrictions and upon such conditions as may be bargained or agreed upon, or set forth by and between the Company and the person or persons agreeing with them for such insurance, and to cause themselves to be re-insured against any loss or risk they may incur in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote the objects aforesaid. 10

Policies of insurance.

5. All policies or contracts of insurance issued or entered into by the said Company, shall be under the seal of the said Company and shall be signed by the President or Vice-President, and countersigned by the Manager or Secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof. 15

Provisional Directors.

6. For the purpose of organizing the said Company, the persons named in the preamble to this Act shall be Provisional Directors thereof, and they, or a majority of them, may cause stock books to be opened after giving due public notice thereof, upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company; and such books shall be opened in the city of Ottawa and elsewhere, and for such time as the Provisional Directors shall deem necessary. 20 25

First meeting of shareholders.

7. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent of the amount so subscribed paid in the said Provisional Directors may call a general meeting of the shareholders at some place to be named in the city of Ottawa, giving at least ten days' notice thereof in the *Canada Gazette* and also in some daily newspaper published in the said city; at which general meeting the Shareholders present, in person or by proxy, shall elect fifteen Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors and shall hold office until the first Wednesday in January in the year following their election. 30 35

Calls on Stock

8. The shares of the capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint. But such instalments shall be payable at periods of not less than three months' interval, and no instalment shall exceed five per cent and not less than one month's notice thereof shall be given. 40

Board of Directors.

9. The stock, property, affairs and concerns of the said Company shall be managed and conducted by a Board of Directors, which shall be composed of fifteen members of the said Company, one of whom shall be chosen President and one Vice-President, who excepting as hereinbefore provided, shall hold office for one year; which Directors shall be Shareholders residing in Canada, and be elected at the annual general meeting of Shareholders to be holden in the city of Ottawa on the first Wednesday in January in each year, or such other day as may be appointed by by-law, not less than ten days' notice of such meeting being 45 50

given in the *Canada Gazette* and also in some daily newspaper published in the said city, and the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due, and all such elections shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any such election shall be Directors except as hereinafter provided, and if two or more persons have an equal number of votes in such manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of fifteen; and the said Directors as soon as may be after the election, shall proceed in like manner to elect by ballot one of their number to be the President and one to be Vice-President; but Shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall remove his domicile out of Canada his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them, electing in such place or places a shareholder or shareholders eligible for such office:

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Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name and for his own use stock in the said Company to the amount of twenty shares, whereof at least ten per cent shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Vacancies.

Qualification of Director.

10. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being and the Directors in office shall so continue until a new election is made.

Failure of election not to dissolve corporation.

11. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid. Such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder, and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no Clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Votes on shares.

Proviso.

12. If any shareholder shall neglect or refuse to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares together with the amount previously paid thereon in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, or any part thereof for the benefit of the Company, to any other person or persons.

Forfeiture of shares for non-payment of calls.

The same.

Proceedings
for recovery.

13. If payment of such arrears of calls, interest and expenses, be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant being the owner of such shares is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Company certified to be a true copy or extract, under the hand of the President, or Vice-President, or the Manager or Secretary of the Company, and sealed with the Corporate Seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof and without proof of the official character or signature of the officer signing the same, or of the Corporate Seal.

Quorum.

Casting vote.

In case of
an equality of
votes.

14 At all meetings of Directors, five shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, Vice-President, or presiding Director shall give the casting vote, in addition to his vote as Director.

Business at
annual and
special meet-
ings.

15. At the annual meeting of the shareholders the election of Directors shall be held, and all business transacted, without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the President, or in his absence the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

Directors may
make by-laws

16. The Directors shall have full power and authority to make and from time to time, to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate, and effects; the calling of special general meetings; the regulations of the meetings of the Board of Directors; the appointment of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors;

and the establishment and regulation of agencies: Provided ^{Proviso, to be} always, that all such by-laws, rules, regulations and ordinances ^{approved.} made by the Directors as aforesaid shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect, as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act.

17. The Company shall have power to acquire and hold real ^{Company may} estate for the purpose of its business within the Dominion of ^{acquire and} Canada, of an annual value not exceeding ten thousand dollars, ^{hold real} and to sell or dispose of the same and acquire other property in ^{estate.} its place, as may be deemed expedient; and to take, acquire and hold, all such lands and tenements, real or immovable estate, as ^{Investment of} shall have been *bona fide* mortgaged to it by way of security, or ^{funds.} conveyed to it in satisfaction of debts due the said Company, or purchased at sales upon judgements or executions which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owner thereof; and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any banks or building societies in Canada, or in the bonds or debentures of any incorporated city, town, or municipality in Canada authorized to issue bonds or debentures, or in mortgages on real estate.

18. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company, according to such form as may from time to time be fixed ^{Transfer of} by the by-laws; and until the whole of the capital stock of the ^{stock.} said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided ^{Proviso.} always that no shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid up.

19. In the event of the property and assets of the said Company being insufficient to satisfy its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided ^{Liability o} always, that nothing in this section shall be construed to alter or ^{shareholders.} diminish the additional liabilities of the Directors of the Company hereinbefore provided for. ^{Proviso.}

20. The Directors of the Company, at the annual meetings ^{Dividends.} thereof, shall declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends.

21. This Act, and the Company hereby incorporated, and the ^{General act to} exercise of the powers hereby conferred shall be subject to the ^{apply.} provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*" as amended by the Act thirty-fourth Victoria, chapter nine, and to such other enactments on the subject of insurance as may from time to time be passed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Dominion
Agricultural Insurance Company."

Received and read, first time, Thursday, 23rd
April, 1874.

Second reading, Friday, 24th April, 1874.

(PRIVATE BILL.)

Mr. BLAIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1874.

An Act respecting the Federal Bank of Canada.

WHEREAS by an Act passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-nine, intituled "An Act to change the name of the 'Superior Bank of Canada, to that of the 'Federal Bank of Canada,'" the time limited by the seventh section of the Act incorporating the said Bank was extended for the further period of twelve months; and whereas W. G. Cassels, W. Alexander and others, subscribers to the stock of the said Bank, have by their petition prayed that the time limited by the said seventh section may be further extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The time limited by the seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign intituled "An Act to incorporate the Superior Bank of Canada," is hereby extended for the further period of twelve months, from the fourteenth day of June, 1874.

Preamble,
36 V., c. 79.

Time limited
by 35 V., c.
59., s. 7, fur-
ther extended.

*See 34 vol
ch 5. u*

No. 49.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

**An Act respecting the Federal Bank of
Canada.**

Received and read first time, Thursday, 23rd
April, 1874.

Second reading, Friday, 24th April, 1874.

(PRIVATE BILL.)

Mr. ~~W.~~ KIRKPATRICK.

OTTAWA :

Printed by J. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to amend and assimilate throughout the Dominion the Laws respecting crime of Libel and the procedure on Indictments and Informations in matters of Libel and other Misdemeanors.

WHEREAS it has become necessary to amend and assimilate the laws and proceedings in criminal prosecutions for libel and other misdemeanors throughout the Dominion: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the passing of this Act on the trial of any indictment or information for the making or publishing any libel, on the plea of not guilty pleaded, the jury sworn to try that issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the court or judge before whom such indictment or information is tried, to find the defendant guilty merely on the proof of publication by such defendant of the paper charged to be a libel and of the sense ascribed to the same in such indictment or information: Provided always that the court or judge before whom such trial shall be had, shall according to their or his discretion give their or his opinion and directions the jury on the matter in issue, as in other cases; and provided also that the jury may on such issue find a special verdict if they think fit so to do, and that the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act.

General verdict in case defendant pleads not guilty.

Proviso.

Proviso.

2. If any person publishes or threatens to publish any libel upon any other person, or directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from printing or publishing, or directly or indirectly offers to prevent the publishing of any matter or thing touching or concerning any other person with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender shall be deemed guilty of misdemeanor and on being convicted thereof shall be liable to be fined in any sum not exceeding four hundred dollars, and to be imprisoned in the common gaol for any period less than two years.

Punishment for libel with intent to extort money.

3. If any person maliciously publishes any defamatory libel, knowing the same to be false, every such person being convicted thereof shall be liable to a fine of not more than three hundred dollars and to be imprisoned in the common gaol for any period not exceeding one year.

Punishment for publishing libel, knowing it to be false.

In other cases 4. If any person maliciously publishes any defamatory libel, every such person being convicted thereof shall be liable to fine or imprisonment, or both, as the court may award, so as such fine do not exceed the sum of *two hundred dollars* nor such imprisonment, the period of six calendar months.

5

When only truth shall be a defence.

Public bene must be pleaded and stated.

Prosecutor's reply.

Question of aggravation or mitigation by such plea. Proviso: if no plea of justification.

Proviso: as to other defence.

As to alleged publication by authority of defendant.

As to costs of defendant.

And of prosecutor.

How taxed.

Provision in other cases of private prosecution.

5. On the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into but shall not amount to a defence unless it was for the public benefit that such matters charged should be published; 10 and to entitle the defendant to give evidence of such matters charged as a defence to such indictment or information, it shall be necessary for the defendant to allege the truth of the said matters charged *in the manner required in pleading justification to an action for defamation*, and further to allege that it 15 was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to 20 reply generally, denying the whole thereof; and if after such plea the defendant be convicted on such indictment or information, it shall be competent to the court in pronouncing sentence to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to 25 prove or disprove the same: Provided always that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be enquired into without such plea of justification: Provided also that in addition 30 to such plea, it shall be competent to the defendant to plead not guilty, and that no defence shall be taken away or prejudiced under the plea of not guilty, which the defendant can now make under such plea to any indictment or information for a defamatory libel.

6. Whenever upon the trial of any indictment or information for the publication of a libel under the plea of not guilty, evidence 35 shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent or knowledge, and that the said publication did not arise 40 from want of due care or caution on his part.

7. In the case of any indictment or information by a private prosecutor for the publication of any defamatory libel, if judgment shall be given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant 45 by reason of such indictment or information; and upon a special plea of justification to such indictment or information if the issue be found for the prosecutor he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea; such costs to be so recovered by the defendant 50 or prosecutor respectively, and be taxed by the court or a judge of the court before which the said indictment or information is tried.

8. In all trials for misdemeanor conducted and prosecuted by the private counsel retained by the private prosecutor it shall 55

not be lawful for the prosecutor to cause any juror to stand aside until the panel has been gone through, without the express authority of the Attorney or Solicitor General of the Province for the time being, or of counsel specially authorized by one of them to conduct the Crown business of the court at which such trial takes place; but the prosecution shall be limited in the selection of the jury to the right to challenge four jurors without cause, and any number for cause.

9. So much of any Act or law in force in any Province of Canada, as may be inconsistent with this Act, or makes other provision with respect to any matter provided for by this Act, is hereby repealed. Inconsistent provisions repealed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend and assimilate the Laws
respecting Libel and the procedure on
Indictments and Information in matters
of libel and other misdemeanors.

Received and read, first time, Thursday, 23rd
April, 1874.

Second reading, Friday, 24th April, 1874.

Mr. BROOKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 31, Rideau Street

1874.

An Act to amend and assimilate throughout the Dominion the Laws respecting crime of Libel and the procedure on Indictments and Informations in matters of Libel and other Misdemeanors.

WHEREAS it has become necessary to amend and assimilate the laws and proceedings in criminal prosecutions for libel and other misdemeanors throughout the Dominion: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. From and after the passing of this Act on the trial of any indictment or information for the making or publishing any libel, on the plea of not guilty pleaded, the jury sworn to try that issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the court or judge before whom such indictment or information is tried, to find the defendant guilty merely on the proof of publication by such defendant of the paper charged to be a libel and of the sense ascribed to the same in such indictment or information: Provided always that the court or judge before whom such trial shall be had, shall according to their or his discretion give their or his opinion and directions the jury on the matter in issue, as in other cases; and provided also that the jury may on such issue find a special verdict if they think fit so to do, and that the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act.

General verdict in case defendant pleads not guilty.

Proviso.

Proviso.

2. If any person publishes or threatens to publish any libel upon any other person, or directly or indirectly threatens to print or publish, or directly or indirectly proposes to abstain from printing or publishing, or directly or indirectly offers to prevent the publishing of any matter or thing touching or concerning any other person with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender shall be deemed guilty of misdemeanor and on being convicted thereof shall be liable to be fined in any sum not exceeding *four hundred dollars*, and to be imprisoned in the common gaol for any period less than two years.

Punishment for libel with intent to extort money.

3. If any person maliciously publishes any defamatory libel, knowing the same to be false, every such person being convicted thereof shall be liable to a fine of not more than *three hundred dollars* and to be imprisoned in the common gaol for any period not exceeding one year.

Punishment for publishing libel, knowing it to be false.

In other cases 4. If any person maliciously publishes any defamatory libel, every such person being convicted thereof shall be liable to fine or imprisonment, or both, as the court may award, so as such fine do not exceed the sum of *two hundred dollars* nor such imprisonment, the period of six calendar months.

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As to costs of defendant.

And of prosecutor.

How taxed.

Provision in other cases of private prosecution.

5. On the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into but shall not amount to a defence unless it was for the public benefit that such matters charged should be published; 10 and to entitle the defendant to give evidence of such matters charged as a defence to such indictment or information, it shall be necessary for the defendant to allege the truth of the said matters charged *in the manner required in pleading justification to an action for defamation*, and further to allege that it 15 was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to 20 reply generally, denying the whole thereof; and if after such plea the defendant be convicted on such indictment or information, it shall be competent to the court in pronouncing sentence to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to 25 prove or disprove the same: Provided always that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be enquired into without such plea of justification: Provided also that in addition to such plea, it shall be competent to the defendant to plead not 30 guilty, and that no defence shall be taken away or prejudiced under the plea of not guilty, which the defendant can now make under such plea to any indictment or information for a defamatory libel.

6. Whenever upon the trial of any indictment or information for the publication of a libel under the plea of not guilty, evidence 35 shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent or knowledge, and that the said publication did not arise 40 from want of due care or caution on his part.

7. In the case of any indictment or information by a private prosecutor for the publication of any defamatory libel, if judgment shall be given for the defendant he shall be entitled to recover from the prosecutor the costs sustained by the defendant 45 by reason of such indictment or information; and upon a special plea of justification to such indictment or information if the issue be found for the prosecutor he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea; such costs to be so recovered by the defendant 50 or prosecutor respectively, and be taxed by the court or a judge of the court before which the said indictment or information is tried.

8. In all trials for misdemeanor conducted and prosecuted by the private counsel retained by the private prosecutor it shall 55

not be lawful for the prosecutor to cause any juror to stand aside until the panel has been gone through, without the express authority of the Attorney or Solicitor General of the Province for the time being, or of counsel specially authorized by one of them 5 to conduct the Crown business of the court at which such trial takes place; but the prosecution shall be limited in the selection of the jury to the right to challenge four jurors without cause, and any number for cause.

9. So much of any Act or law in force in any Province of Can- Inconsistent provisions re-
10 ada, as may be inconsistent with this Act, or makes other provi-
sion with respect to any matter provided for by this Act, is here-
by repealed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend and assimilate the Laws
respecting Libel and the procedure on
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Received and read, first time, Thursday, 23rd
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Second reading, Friday, 24th April, 1874.

MR. BROOKS.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 31, Rideau Street.

1874.

An Act respecting the appropriation of certain Dominion Lands in Manitoba.

WHEREAS by the thirty-first section of the Act 33 Victoria, Preamble.

Cap. 3, it was enacted as expedient towards the extinguishment of the Indian title to the lands in the Province of Manitoba to appropriate 1,400,000 acres of such lands for the benefit of the children of the Half-Breed heads of families residing in the Province at the time of the transfer thereof to Canada;

And whereas no provision has been made for extinguishing the Indian title to such lands as respects the said Half-Breed heads of families residing in the Province at the period named;

10 And whereas it is expedient to make such provision, and it is deemed advisable to effect the same by grants of land or by an issue of scrip redeemable in Dominion Lands;

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

15 **1.** To effect the purpose above mentioned, each Half-Breed head of a family resident in the Province on the 15th July, 1870, shall be entitled in the discretion of and under regulations to be made by the Governor General in Council, to receive a grant of 160 acres of land or to receive scrip for 160 dollars, the latter to be receiv-
20 able in payment for the purchase of Dominion Lands.

Grant to half-breed heads of families, for scrip and land.

2. For the purpose of this Act the term "Half-Breed heads of families" shall be held to include Half-Breed mothers as well as Half-Breed fathers, or both, as the case may be;

Who shall be deemed such heads of families.

But the land or scrip to which any Half-Breed mother shall be
25 entitled under this Act shall be granted or allotted and given to such Half-Breed mother on such conditions as the Governor in Council may from time to time determine;

Proviso.

And in the event of the death of any Half-Breed father or Half-Breed mother, or both, between the 15th day of July, 1870, and
30 the granting of the land or the issuing of the scrip, the land or scrip to which such Half-Breed head of a family is entitled shall be granted or distributed to such members of the family and on such conditions as the Governor in Council may from time to time determine.

Case of death of head after 15th July, 1870

35 **3.** And whereas sub-section 4, of section 32 of the said Act 33 Victoria, chapter 3, provides that all persons in peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province in which the Indian title has not been extinguished, shall have the right of pre-emption of the same
40 on such terms and conditions as may be determined by the Governor in Council.

Recital sub. s. 4 of s. 32 of 33 V. c. 3, and—

And whereas it is deemed expedient to confirm the titles to such lands by a free grant of the same, therefore—

Repeal thereof The said sub-section of the said Act is hereby repealed.

Conversion of title by peaceable possession.

4. All titles, by peaceable possession of tracts of land at the time of the transfer to Canada, in those parts of the Province of Manitoba in which the Indian title had not at the said time been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown. 5

Case under 36 V., c. 37, recited.

5. And whereas by the Act 36 Victoria, chapter 37, it was provided that 49,000 acres should be set apart from the ungranted lands of the Crown in Manitoba, to be divided as Free Grants to persons resident in the Province, being original white settlers who came into the country under the auspices of Lord Selkirk, between the years 1813 and 1835, both inclusive, or the children, not being Half-Breeds, of such original settlers: And whereas it was thereby intended to give each of such settlers and their children 140 acres of land, and in the absence of an exact census the number of claimants was assumed as not to exceed 350, and the grant of land, 49,000 acres, was estimated accordingly: 15

Census of persons entitled.

And whereas an accurate census of such persons and their children shews that they number 530 or thereabouts, and an equal division of the land so set apart, as above, would only give to each claimant 92 4-10 acres; And whereas it is expedient to recognize the right of each of such claimants to a grant of 140 acres: 20

And whereas the said persons and their children have requested that such grant may be by an issue of scrip, and it is considered expedient to concede such request: 25

Case of others not provided for by that Act.

And whereas it is also expedient to recognize the claims to free grants of land on the part of certain original white settlers in the said Province, who settled in the country at an early date, but not under the auspices of Lord Selkirk, and to provide for the same by an issue of scrip, therefore— 30

Grant of scrip in the cases above mentioned.

Each and every person now resident in the said Province, being original white settlers who came into the Red River country, whether under the auspices of Lord Selkirk or otherwise, between the years 1813 and 1835, both inclusive, or the children, not being Half-Breeds, of such original white settlers, shall be entitled under regulations to be made by the Governor General in Council to receive scrip for 140 dollars, the same to be receivable in payment for the purchase of Dominion Lands. 40

36 V. c. 37, repealed.

6. The said Act, 36 Victoria, chapter 37, is hereby repealed.

An Act respecting the Albion Mines Savings Bank.

WHEREAS the President and Directors of the Albion Mines Savings Bank, incorporated by an Act of the Legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's reign, chapter thirty-one, have by petition prayed for the passing of an Act to extend and amend their said Act of incorporation; 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 as follows:—

Preamble.

1. The shareholders in the Albion Mines Savings Bank, incorporated by the Act of the Legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's reign, chapter thirty-one, and such other persons as shall become shareholders in the corporation hereby constituted, and their respective heirs, executors, administrators and assigns shall be and they are hereby continued and constituted a body politic and corporate by and under the name, style and title of the "Albion Mines Savings Bank," for the purpose of carrying on business as a Savings Bank at the Albion Mines, in the County of Pictou, in the Province of Nova Scotia.

Incorporation

Corporate name and powers.

2. Nothing herein contained shall be construed in any way whatever to effect any right or liability of the said Corporation under its present charter of incorporation, or the rights or liabilities of the shareholders of the Corporation on their subscriptions for stock and their payments made on account of the same or otherwise in respect of any contract, matter or thing affecting the said Corporation, or any action, suit or proceeding commenced on behalf of or against the Corporation at the time of the passing of this Act; and all property, real or personal, heretofore belonging to or vested in the said Corporation, and all their interest in the same is hereby transferred to and shall from henceforth be held by and vested in the "Albion Mines Savings Bank" in the same manner and by the same title and with all the benefits and liabilities attached to the same as existed at the time of the passing of this Act: Provided that the Corporation hereby formed shall be liable for all the debts and liabilities of the said Corporation under its present charter of incorporation.

Existing rights and liabilities continued.

3. The capital stock of the Corporation shall be fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each.

Capital stock.

4. The affairs of the Corporation shall be administered by a board of seven Directors, who shall elect from among their number a President; each Director shall be the holder of an least twenty-

Election of Directors.

- five* shares of stock, and shall not be in arrear in respect of any call thereon; the Board of Directors shall be elected at each annual meeting of the Corporation, and shall hold office until their successors are elected, and (if otherwise qualified) may always be re-elected; and four members of such Board, present in person, shall be a quorum thereof; and in case of the death, resignation, removal, disqualification or absence from the Province for three months of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the said Corporation, by appointing any qualified shareholder thereto; but a failure to elect Directors or any failure of Directors shall not dissolve the corporation, and an election may be had at any general meeting called for that purpose. The first Directors of the corporation shall be George G. Carritt, Thomas Blenkinsop, who shall have power to open stock books, receive subscriptions of stock, and to call a first general meeting of the shareholders so soon as the capital stock shall have been subscribed and per cent. paid thereon.
- First director.** 5. At the said first general meeting of the shareholders of the corporation, which shall be called by advertisement inserted in some public newspaper or newspapers, the shareholders present shall proceed to elect seven Directors, having the necessary qualification, and thereupon the duties of the first Directors hereinbefore appointed shall cease.
- Shareholders may make by-laws.** 6. The shareholders of the Corporation may at any annual general meeting, or at any special general meeting called for the purpose, make rules and by-laws not contrary to law nor to the provisions of this Act, for the regulation and management of the affairs and business of the Corporation, including the mode of transferring and disposing of the stock and profits thereof, and the right of Directors and stockholders respectively to inspect the books, papers, and correspondence of the Corporation, and the limiting of loans to or on the security of Directors of the Corporation which rules and by-laws may be altered and amended at any annual meeting or at any meeting called for the purpose by a two-third vote of the shareholders present.
- Annual and special general meetings.** 7. An annual general meeting of the shareholders shall be held on the third Wednesday in the month of June in each year for the election of Directors and the transaction of other business of the Corporation. Special general meetings may be called by the Directors by public advertisement inserted in one or more newspapers; Provided that the object for which such meeting is called shall be specified in the said advertisement, and that no business other than that so specified shall be transacted at such meeting.
- Directors may appoint officers.** 8. The Directors shall have power to appoint such officers, clerks and servants as they shall think necessary for the transaction of the business of the Corporation, and to allow them reasonable compensation for their services, and to require and take from them such security for the due and faithful performance of their duties as to the Directors may seem advisable; to declare and allot dividends on the capital stock of the Corporation, provided no dividend be made to impair the capital stock of the Bank; to call special general meetings of the shareholders in the manner hereinbefore prescribed, when they consider it expedient so to do; and generally to exercise and perform all powers and duties which may be conferred on and assigned to them by the by-laws.
- Dividends.**
- Meetings.**
- General powers.**

9. The Corporation shall have full power and authority to hold, possess and enjoy real estate for its own occupation and use, and the same to sell, dispose of and convey and to acquire other in its stead; Provided always that the value of the real estate so held by the corporation shall not exceed at any one time the sum of ten thousand dollars.

Real estate.

Proviso.

10. Each stockholder shall on all occasions on which the votes of the shareholders are to be taken, have one vote for each share held by him for at least three months before the time of voting; Stockholders may vote by proxy, but no person but a stockholder shall vote or act as such proxy; And no cashier, bank clerk or other officer of the Bank shall vote either in person or by proxy or hold a proxy for that purpose.

Votes.

Proxies.

11. The Directors of the Bank may call up the stock subscribed for and remaining unpaid, by call not exceeding five per cent., and at intervals of not less than three months, whenever it shall in their opinion be necessary or expedient to make such calls: Provided that the limitation of the amount of any call, or of the intervals at which calls may be made, shall not apply to the case of deficiency of the funds of the Bank to meet the claims of depositors and other liabilities, which case is provided for in the thirteenth section.

Calls on stock.

Proviso.

12. The amount of every such call if not paid when due, may be recovered with interest by the Directors in the name of the Bank, in any Court having jurisdiction to the amount; and in any action for the recovery thereof, it shall be sufficient to allege and prove that the calls were made under this Act, and that the defendant is the holder of a share or shares in respect of which the amount is due, without alleging or proving any other matter or thing whatever, and the evidence of any officer of the Bank, cognizant of any fact required to be proved, shall be sufficient proof thereof.

Recovery of calls by action. Proof in such case.

13. The stockholders of the Bank shall, in the event of its funds in money and assets immediately convertible into money becoming insufficient to satisfy its debts and liabilities, be liable for the deficiency, so far as that all stockholders shall be liable to an amount equal to the amount (if any) not paid up of their shares respectively, and no more; and the Directors may and shall make calls on the unpaid-up stock to the full amount not paid up, or to such less amount as they may deem necessary to pay all such claims and other liabilities, without waiting for the collection of any debts due to the Bank, or the sale of any of its assets or property; such calls shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which the call shall be payable; any such call shall not exceed twenty per cent, on each share, and payment thereof may be enforced in the manner hereinbefore provided as to calls on unpaid-up stock; and the first of such calls shall be made within ten days after such deficiency as aforesaid shall be ascertained, and the failure on the part of any stockholder liable to such call to pay the same when due, shall operate a forfeiture by such stockholder of all claim in or to any part of the assets of the Bank, such call and any further call thereafter being nevertheless recoverable from him as if no such forfeiture had been incurred.

Liability of stockholders in case of deficiency of assets to meet claims.

Calls in such case.

- Liability after transfer of shares for a certain period. 14. Persons who, having been shareholders in the Bank, have only transferred their shares or any of them to others, or registered the transfer thereof, within one month before the commencement of the failure of the Bank to meet the claims of its depositors on demand, shall be liable to calls on such shares under the next preceding section, as if they had not transferred them, saving their recourse against those to whom they were transferred; and any Director refusing to make or enforce, or to concur in making or enforcing any such call, shall be deemed guilty of a misdemeanor and shall be personally responsible for any damages suffered by reason of such default; and any assignee or other officer or person appointed to wind up the affairs of the Bank, in case of its insolvency, shall have the powers of the Directors with respect to such calls. 5 10
- Liability of Directors refusing to make such calls.
- Transfers of stock. 15. The shares in the Bank shall be personal property, and transferable in the manner provided by the by-laws and regulations to be made as aforesaid; and the transferee shall have the rights and be subject to the liabilities of the original holder, but no share shall be divided, and if any shares be held by several persons jointly, one of them shall be appointed by the others to vote thereon, to receive dividends, and to do all things that may require to be done in respect thereof, and his power to that effect shall be lodged with the Bank. 15 20
- Bank may receive deposits and pay interest. 16. It shall be lawful for the Bank to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay to the depositors thereof such rate of interest on such deposits as shall from time to time be fixed by the Governor in Council, such rate not being less than four nor more than five per cent. per annum. 25 30
- The rate to be fixed by Governor in Council.
- Depositors to give name and address. 17. Every depositor, whether male or female, on making his or her first deposit in the said Bank, shall disclose and declare his or her name, residence, quality and occupation. 35
- Deposits from minors and persons not otherwise able to enter into contracts. 18. It shall be lawful for the Bank to receive deposits from any person or persons whomsoever, whatever be his, her or their status or condition of life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and to pay any part of or all the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials being required, any law, usage or custom to the contrary notwithstanding: Provided always, that the total amount of deposits made by such person shall not exceed the sum of two thousand dollars. 40 45
- Investment of deposits. 19. It shall be lawful for the Bank to invest its capital stock when and as paid up, and any moneys deposited with it, in any stock or public securities of the Dominion, or of any of the Provinces of the Dominion, or in any municipal debentures, or in the manner provided in the two next following sections, and not otherwise. 50

20. It shall also be lawful for the Bank to loan such moneys to the amount of its subscribed capital, and no more, upon the personal security of individuals, or to any corporate bodies, provided that collateral securities of the nature mentioned in the next preceding section, or British or foreign public securities, or stock of some chartered bank in Canada, or any stock in incorporated building societies, or in bonds or debentures or stock of any incorporated institution or company, be taken in addition to such personal or corporate security, with authority to sell such securities if the loan be not paid; but the Bank shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate, except that nothing herein contained shall prevent the Bank from taking security upon real estate in addition to such collateral securities, subsequently to the making of the loan, and subsidiary to the security originally taken therefore: Provided always that the Bank shall always hold at least twenty per cent. of the moneys deposited with it in Dominion securities or deposits in chartered banks on call.
21. In the event of the Bank making any loan under the two next preceding sections, upon personal securities with collateral security, other than real property, for the repayment thereof, if the repayment is not made within thirty days after such loan becomes due or payable, the Bank may sell the same after notice shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to the last known place of his residence, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper; and the President or Vice-President, Manager, Cashier, or other Officer of the Bank, thereunto authorized by the Directors, may transfer and convey any security so sold to the purchaser, in whom the property in such security shall become vested by such conveyance or transfer, but without any warranty from the Bank, or from any officer thereof; and the Bank shall only be bound to account to the person or persons indebted to it in the amount of such loan, for actual net proceeds of the sale of such collateral securities, after deduction of all costs and charges thereon: Provided always, that nothing herein contained shall prevent the Bank from collecting or realizing such debt, or any balance which may be due thereon, on such collateral securities, in any way that may have been agreed on with the borrower depositing the same, or in any other lawful way that the Directors may deem for the interest of the Bank.
22. The Bank may purchase any lands or real estate offered for sale under execution at the suit of the Bank, or exposed to sale by the Bank under a power of sale given to it for that purpose, in cases where, under similar circumstances, an individual could so purchase, without any restriction as to the value of the lands which it may so purchase, and may acquire a title thereto, as any individual purchasing at Sheriff's sale or under a power of sale, in like circumstances, could do, and may take, have, hold and dispose of the same at pleasure.
23. The Bank may acquire and hold an absolute title in or to land mortgaged to it as security for a debt due or owing to it either by obtaining a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure before the

The same.

What collateral security may be taken.

Enforcing payment of loans made by the Bank on collateral security.

Proviso: Other recourse not affected.

Bank may purchase land mortgaged to it, if sold under execution, &c.

And obtain an absolute title, by release, &c. of equity of redemption.

Judge in Equity, or by other means whereby, as between individuals, an equity of redemption can by law be barred; or may purchase and acquire any prior mortgage or charge on such land.

May exercise power of sale, &c.

24. Nothing in any Act or law shall be construed as having prevented or as preventing the Bank from acquiring and holding an absolute title to and in any such mortgaged lands, whatever the value thereof may be, or from exercising or acting upon any power of sale contained in any mortgage given to it or held by it, authorizing or enabling it to sell or convey away any lands so mortgaged. 5 10

Not to prevent deposit on call in a chartered Bank.

25. Nothing in this Act contained shall prevent the Bank from depositing money in any of the chartered Banks carrying on the general business of banking, such money being so deposited on call, to be withdrawn at any time without notice, and whether with or without interest. 15

Director becoming insolvent.

26. Any Director of the Bank who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for three consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director, and the vacancy so created shall forthwith be filled up in the manner hereinbefore provided. 20

Transmission of shares or deposit otherwise than by regular transfer, how proved.

27. If the interest in any deposit or share in the Bank becomes transmitted in consequence of the death or bankruptcy of any depositor or shareholder, or in consequence of the marriage of a female depositor or shareholder, or by any other lawful means than by a transfer upon the books of the Bank, or by deed signified upon the Bank, such transmission shall be authenticated by a declaration in writing, which declaration shall distinctly state the manner in which and the party to whom such deposit shall have been transmitted, and shall be, by such party, made and signed; and every such declaration shall be, by the party making and signing the same, sworn to before a Judge or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the manager or other officer or agent of the Bank, who shall thereupon enter the name of the party so entitled to the same under such transmission, in the books of the Bank, as proprietor of such deposit or share; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive such deposit or share or any part thereof or of any interest or dividend thereon: Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a deposit or share in the Bank, which shall be made in any other country than this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited 25 30 35 40 45 50

Proviso: as to declaration made in a foreign country.

representative; And provided also, that nothing in this Act contained, shall be held to debar the Directors, Manager or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration; and that if
 5 payment be made to any depositor of any deposit or of any interest thereon, or of any dividend on any share after transmission thereof by any of the means mentioned in this section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and shall discharge the said
 10 Bank.

Proviso :
 Bank may
 require further
 proof.

28. If the transmission of any deposit or share be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit
 15 or share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor or shareholder, the probate of the will, or, if it be notarial, an authentic copy thereof or the letters of administration or act of tutorship, or curatorship, or
 20 authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the Manager or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the books of the Bank.

Transmission
 by marriage
 or by decease.

29. The Bank shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any of the deposits or shares therein may be subject; and the receipt of the party in whose name any such deposit or share shall stand in the books of the Bank, or if it stands in the name
 30 of more parties than one, the receipt of one of the parties, shall be a sufficient discharge to the bank for such deposit or share, interest or dividend thereon, or for any other sum of money payable in respect of such deposit or share, unless express notice to the contrary has been given to the Bank, or such deposit be made
 35 upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole, notwithstanding any trust to which such deposit may then be subject, and whether or not the said Bank have had notice of such trust; and the said Bank shall
 40 not be bound to see to the application of the money paid on such receipt, whether given by one of such parties or all of them.

Bank not
 bound to see
 to trusts.

If the stock
 stands in the
 names of more
 than one person.

30. Any payment of interest or dividend, or of the whole or any part of any deposit, made in good faith to any person or persons appearing *prima facie* to be entitled to such interest, dividend, or deposit, by the production of a declaration in writing,
 45 and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient, and shall discharge the Bank from all or any further claim by any person whomsoever for such interest, dividend or
 50 deposit.

Payments
 made in good
 faith on certain
 documents to be
 valid.

31. If any officer, clerk, or servant employed under the provisions of this Act, defaces, alters, erases, or in any manner or way whatsoever changes the effect of the books of account that may be kept under the provisions of this Act, or any entry in the
 55 said books of account, for any fraudulent purpose; or if any such

Punishment
 of officers
 fraudulently
 altering books
 &c., or em-
 bezzling
 money of the
 Bank.

officer, clerk, or servant secretes, appropriates, or embezzles any bond, obligation, bill or note, or any security for money, or any money or effects, entrusted to him, or in his custody, or to which he has obtained access as such agent, officer, clerk or servant, to whomsoever the said property may belong, the person so offending is guilty of felony, and on conviction thereof shall be liable to be punished by imprisonment for any term not less than two years in the Provincial Penitentiary, or by imprisonment in any other gaol or place of confinement, or as provided by the general criminal law of Canada, for any time less than two years, in the discretion of the Court before whom he may be convicted: Provided always, that nothing herein contained, nor the conviction or punishment of the offender, shall prevent, lessen, or impair any remedy which Her Majesty, or the Receiver General, or any other person or party would otherwise have against any other person or party whatsoever.

32. Any person who falsely pretends to be owner of any deposit made under this Act, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner, with intent to defraud, demands or claims from the Bank with which such deposit has been made, or from any party employed under this Act, the payment of such deposit or interest, or of any portion thereof, as the case may be, and whether he does or does not thereby obtain any part of such deposit or interest, is guilty of a misdemeanor, and shall on conviction be punishable accordingly: Provided, that any offender against the provisions of this or the next preceding section, may be indicted and punished either under this Act or the Act respecting larceny and other similar offences, if his offence be one punishable under that Act, but he shall not be more than once punished for the same offence.

33. The making of any wilfully false or deceptive statement in any account, return, report, or other document respecting the affairs of the Bank, shall, unless it amounts to a higher offence, be a misdemeanor; and any President, Vice-President, Director, Auditor, Cashier, or other officer of the Bank, preparing, signing, approving or concurring in such statement, return, report or document, or using the same with intent to deceive or mislead any party, shall be held to have wilfully made such false statement, and shall further be responsible for all damages sustained by such party in consequence thereof.

34. The Bank chartered under this Act shall not issue any Bank note, or note intended to circulate as money or as a substitute for money, or be deemed a Bank within the meaning of the Act respecting Banks and Banking.

35. A book shall be kept by the Directors, in which shall be entered the names of the shareholders of the Corporation with the number of shares held by each and the transfer of such shares, and also a minute of the proceedings at meetings of the shareholders and of the Directors.

36. Monthly returns shall be made by the Bank to the Government, and shall be made up within the first ten days of each month and exhibit the condition of the Bank on the last juridical day of the month preceding; and such monthly returns shall be

signed by the President or Vice-President, or the Director then acting as President and by the Manager, Cashier, or other principal officer of the Bank at its seat of business, and shall be published in the *Canada Gazette*; and such monthly returns shall be in the following form, and the first of such monthly returns under this Act shall be made within the first ten days of the month of July in the present year, 1874:—

RETURN of the amount of Liabilities and Assets of the Albion Mines Savings Bank on the _____ day of _____ A. D. 18 Form of return.

CAPITAL STOCK, \$ CAPITAL PAID UP, \$

LIABILITIES. \$ cts.

1. Dominion Government deposits, payable on demand
2. Provincial Government deposits, payable on demand
3. Other deposits, payable on demand.....
4. Dominion Government deposits, payable after notice or on a fixed day.....
5. Provincial Government deposits, payable after notice or on a fixed day.....
6. Other deposits, payable after notice or on a fixed day.....
7. Liabilities not included under the foregoing heads

ASSETS. \$ cts.

1. Dominion securities.....
2. Provincial or municipal securities... ..
3. Loans for which Dominion or Provincial securities are held as collateral security.....
4. Loans for which Bank stocks are held as collateral security.....
5. Loans for which other stocks, bonds or debentures, as authorized by law, are held as collateral security.....
6. Cash in hand, or in deposit on call in chartered Banks.....
7. Other assets not included under the foregoing heads

We declare that the foregoing return is made up from the books of the Bank, and that it is correct, to the best of our knowledge and belief.

(Place) this _____ day of _____ 18

A. B., *President, &c.*
C. D., *Cashier, &c.*

37. In this Act the word "Bank," except where such interpretation is plainly and clearly repugnant to the context, shall be taken and deemed to signify the Corporation created and constituted by this Act. nterpretation

Act to be
subject to any
general Act.

38. This Act shall be subject to any general provisions which Parliament may deem it advisable to make for protecting the interests of depositors in Savings Banks or the public; and to those of any winding-up Act which may be declared to apply to Savings Banks generally; and no such provision shall be deemed an infringement of the privileges of the Bank. 5

Duration.

39. This Act shall be and remain in force for ten years from the date of the passing thereof, and from thence to the end of the then next session of Parliament.

No. 52.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the Albion Mines
Savings Bank.

Received and read, first time, Friday, 24th
April, 1874.

Second reading, Monday, 27th April, 1874.

(PRIVATE BILL.)

Mr. CARMICHAEL.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the Columbus and Oregon Consolidated Silver Mining Company.

WHEREAS the persons hereinafter mentioned have, by petition, represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the Territory of Utah, in the United States of America, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an Act of incorporation to that end; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1. James A. Mahon, Joseph Jeffery, William Glass, Charles P. Smith, Samuel Crawford, and John F. Mahon, together with such other persons as shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body corporate and politic, by the name of "The Columbus and Oregon Consolidated Silver Mining Company."

Preamble.

Certain persons incorporated.

Corporate name.

2. The Company may carry on the business, in the said Territory of Utah, of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals, and for those purposes may acquire and hold by purchase, lease, or other legal title, personal property, lands and mining claims or rights, and construct and maintain buildings, machinery and other erections and improvements thereon or connected therewith, with power to sell and convey any of such lands or other property.

Business of the Company.

3. The head office of the Company shall be at the City of London, in the Province of Ontario; but the Directors may have offices and transact business wherever they see fit.

Head office.

4. The capital stock of the Company shall be one million of dollars, divided into twenty thousand shares of fifty dollars each, which said capital stock may from time to time be increased as the wants of the Company may require, by a vote of two-thirds in amount of the shareholders present in person or represented by proxy, at a meeting of the Company called for that purpose, to an amount not exceeding three millions of dollars.

Capital stock and shares.

Increase of capital stock.

5. The Directors may authorize the issue of such part of the capital stock of the Company (not exceeding one-half thereof) as they shall think fit, at such discount from the par value thereof as they may deem expedient, and upon payment by the allottee or holder of any of the shares so issued, of the amount thereof, less the discount thereon according to the rate at which such issue shall have been authorized, he shall be deemed to have paid up

Directors authorized to issue part of the stock not exceeding one half at a discount.

such shares in full, and shall not be liable to any further calls thereon or to any claims or demands on the part of the Company or of the creditors thereof, to the same extent as if such shares had been issued at par, and the amount of the par value thereof had been paid up in full.

5

Assignment of stock.

6. The stock of the Company shall be deemed personal estate, and shall be assignable in such manner only and subject to such conditions and restrictions as the by-laws may 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.

10

Aliens may vote and hold office.

7. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office in the Company as Directors or otherwise.

15

Votes.

8. At all meetings after the first annual meeting of the Company every shareholder not being in arrears in respect of any instalment called for, and being the *bonâ fide* holder of stock, and registered as such on the stock books of the Company for at least three months before such meeting, shall be entitled to one vote for each share so 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 arrear, and is in conformity with the by-laws.

20

Proxy.

Proviso.

25

Board of Directors and qualifications.

9. The affairs of the Company shall be administered by a board of not less than three nor more than nine Directors, being severally the holders of at least fifty shares of stock, and not in arrear in respect of any call thereon; and until otherwise provided by by-law a majority of the Directors shall form a quorum.

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Quorum.

First Board of Directors.

10. Joseph Jeffery, William Glass, Charles P. Smith, John F. Mahon, and Richard J. Evans, together with such other persons as they may associate with themselves, are hereby constituted the first Board of Directors of the Company, and shall hold office until other Directors shall have been appointed by the shareholders under the provisions of this Act.

35

Appointment of Agents.

11. The Directors of the Company may act as Directors in Canada or elsewhere, and may appoint one or more agents in Canada or elsewhere and for such time and on such terms as to them shall seem expedient; and the Directors may, by by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers, which the Directors themselves or any of them may lawfully do, perform, and exercise, except the power of making by-laws; and all things done by any such agent by virtue of the powers in him vested by such by-law shall be valid and effectual to all intents and purposes, as if done by such Directors themselves, anything in this Act to the contrary notwithstanding.

40

Powers of Agents.

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Directors may borrow money and issue debentures.

12. The Directors of the Company, after the sanction of three fourths in number, representing a majority in amount of the stock of the shareholders shall have been first obtained at a special general meeting to be called from time to time for that purpose,

50

shall have power from time to time to borrow for the purposes of the Company, either in the Dominion of Canada or elsewhere, such sums of money as may be necessary for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper, and to issue bonds, debentures, or other securities for the sums so borrowed, and to make the same payable either in currency or sterling and either in Canada or elsewhere, as may be deemed advisable, and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues, and other property of the Company for the due payment of the said sums and of the interest thereon; but no such bond or debenture shall be for a less sum than one hundred dollars.

13. The Directors may purchase such mines or other property, real or personal, as they may deem necessary for the purposes of this Act or the business of the Company, and shall have power to issue paid up stock in the Company in payment thereof, and such paid up stock shall be free from all calls whatsoever and from all claims and demands on the part of the Company or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company and paid by the holder thereof in full.

14. If at any time the Directors consider it expedient to cease carrying on the business of the Company, and to wind up and close it, they shall have power so to do in such manner as they shall deem best for the interests of the shareholders: Provided that the consent of a majority of the shareholders present at any meeting called for that purpose be obtained thereto.

15. The provisions of "The Canada Joint Stock Companies' Clauses, Act 1869," shall, except in so far as they are inconsistent with the provisions of this Act, and except the provisions contained in sections eighteen, thirty-nine and forty of the said Act, apply to the Company hereby incorporated.

Proviso.

Company may -
of purchase
mines and
issue paid up
stock in pay-
ment therefor.

Winding up
the business of
the Company.

Proviso.

32. 33. Vict.,
c. 12. to apply

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Columbus and Oregon Consolidated Silver Mining Company."

Received and read, first time, Friday, 24th
April, 1874.

Second reading, Monday, 27th April, 1874.

(PRIVATE BILL.)

Mr. SCATCHERD.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act to amend the Law relating to Bills of Exchange
and Promissory Notes.

WHEREAS it is desirable that the law relating to Bills of Exchange and Promissory Notes should be amended in the particulars in this Act mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Notice of the protest or dishonor of any bill of exchange or promissory note shall be sufficiently given, if addressed, in due time, to any party to such bill or note, entitled to such notice, at the place at which such bill or note is dated, unless any such party has, under his signature, on such bill or note, designated another place, when such notice shall be sufficiently given, if addressed to him, in due time, at such other place; and such notices so addressed shall be sufficient, although the place of residence of such party, be other than either of such before mentioned places.
2. No bill of exchange or promissory note shall be invalid, either because it is not stamped, or is insufficiently stamped, or that any formality as to the date or erasure of the stamps affixed thereto, has been omitted, or that a wrong date has been placed on such stamps, but no recovery shall be had, nor any verdict or judgment be rendered in any court upon such bill or note, unless before such recovery, verdict or judgment, stamps to the value of *one quarter of one dollar* upon every *one hundred dollars* payable in and by the said bill or note are affixed and cancelled upon such bill or note.

Notice of protest, &c., where to be given.

As to want of or insufficiency of stamps.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Law relating to Bills
of Exchange and Promissory Notes.

Received and read, first time, Friday, 24th
April, 1874.

Second reading, Monday, 27th April, 1874.

Hon. Mr. CAMERON (Cardwell).

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, & 33, Rideau Street.

1874.

No. 55.]

BILL.

[1874.

Acte pour exonérer Stanislaus Francis Perry d'avoir siégé et voté comme membre de la Chambre des Communes, dans les circonstances y mentionnées.

CONSIDÉRANT qu'il appert que Stanislaus Francis Perry Préambule.
était membre de l'assemblée législative de la province de
l'Île du Prince-Edouard lorsque cette province est devenue
partie de la Puissance du Canada;—que désirant se porter
5 candidat à la première élection des membres de la Chambre
des Communes pour la dite province après l'union, il a rési-
gné son siège dans la dite assemblée législative en envoyant
sa résignation au lieutenant-gouverneur de la province,
étant alors lui-même orateur, et qu'il n'a depuis jamais agi
10 comme membre de la dite assemblée;—qu'avant la dernière
élection générale, il a de nouveau résigné son siège par une
lettre adressée au lieutenant-gouverneur de la province de
l'Île du Prince-Edouard, la dite lettre étant datée du vingt-
quatrième jour de janvier dernier;—qu'il s'est porté candidat
15 une seconde fois à la dernière élection générale, et qu'il a
été élu pour le district électoral du comté de Prince par
une grande majorité des voix;—qu'aucune séance de l'as-
semblée législative n'a eu lieu entre le jour où la dite pro-
vince est devenue partie de la Puissance et celui de la dite
20 dernière élection;—que le délai pour pétitionner contre son
élection est maintenant expiré, et qu'aucune pétition n'a été
présentée contre son élection;—que les lois de l'Île du
Prince-Edouard reconnaissent à un membre le droit de rési-
gner son siège dans la législature locale, et que le dit Stanis-
25 laus Francis Perry a pris, autant qu'il lui était possible, et de
bonne foi, tous les moyens en son pouvoir pour se dépouiller
de sa position de membre de l'assemblée législative;—et
que conformément à l'intention et à l'esprit de l'acte passé
dans la trente-sixième année du règne de Sa Majesté, et
30 intitulé: "*Acte à l'effet de déclarer inhabiles à siéger ou voter
dans la Chambre des Communes du Canada, les membres des
conseils législatifs et des assemblées législatives des provinces qui
forment maintenant ou formeront plus tard partie de la Puis-
sance du Canada,*" il n'était pas inhabile à se porter candidat à
35 la dernière élection, ni à siéger ou voter dans la Chambre
des Communes du Canada, et qu'il est opportun de dissiper
tout doute quant au droit du dit Stanislaus Francis Perry
d'y siéger ou voter, et de le déclarer indemne de l'avoir fait;—
A ces causes, Sa Majesté, par et de l'avis et du consentement
40 du Sénat et de la Chambre des Communes du Canada, décrète
ce qui suit:

1. Le dit Stanislaus Francis Perry est par le présent déclaré avoir eu, et avoir le droit d'être élu et de siéger et voter Stanislaus Fr. Perry déclaré

éligible et in-
demne.

dans la Chambre des Communes, nonobstant toute irrégularité dans sa résignation comme membre de l'assemblée législative de l'Île du Prince-Edouard, et bien qu'il fût, à cause de cette irrégularité, nominalement membre de la dite assemblée législative lors de son élection comme député à la Chambre des Communes; et il est par le présent déclaré indemne et exonéré de toute responsabilité ou pénalité pour avoir ainsi siégé et voté, n'étant pas autrement inhabile à le faire, et de toute poursuite, réclamation ou jugement au sujet de telle pénalité ou responsabilité.

5

1re Session, 3me Parlement, 37 Victoria, 1874.

BILL.

Acte pour exonérer Stanislaus Francis Perry d'avoir siégé et voté comme membre de la Chambre des Communes, dans les circonstances y mentionnées.

Reçu et lu la 1re fois, vendredi, 24 avril
1874.

Seconde lecture, lundi, 27 avril 1874.

M. SCATCHERD.

OTTAWA.

Imprimé par I. B. Taylor, 29, 31 et 33, rue Bédouin.
1874.

An Act to indemnify Stanislaus Francis Perry, for having sat and voted as a Member of the House of Commons, under the circumstances therein mentioned.

WHEREAS it appears that Stanislaus Francis Perry was a Member of the Legislative Assembly of Prince Edward Island when that Province became part of the Dominion of Canada, that desiring to become a Candidate at the first Election of Members of the House of Commons for the said Province after the Union, he resigned his seat in the said Legislative Assembly by sending his resignation to the Lieutenant Governor of the Province, he being himself then Speaker of the said Assembly, and that he hath never since acted as a member thereof;—that before the last General Election, he again resigned his seat by a letter addressed to the Lieutenant Governor of the said Province of Prince Edward Island, the said letter bearing date the twenty-fourth day of January last;—that he was a Candidate a second time at the last General Election, and was elected for the Electoral District of Prince County by a large majority of votes;—that no sitting of the Legislative Assembly took place between the date when the said Province became part of the Dominion of Canada and the said last Election;—that the time for petitioning against his return has now elapsed, and no Election Petition has been presented against his return;—that the laws of Prince Edward Island recognize the right of a Member to resign his seat in the local Legislature, and the said Stanislaus Francis Perry has taken, in so far as it was possible for him to do so and in good faith, every step in his power to divest himself of his position as a Member of the Legislative Assembly;—and that according to the spirit and intent of the Act passed in the thirty-sixth year of Her Majesty's Reign and intituled "*An Act to render the Members of the Legislative Councils and Legislative Assemblies of the Provinces, now included or which may be hereafter included within the Dominion of Canada, inelegible for sitting or voting in the House of Commons of Canada,*" he was not disqualified to be a Candidate at the last Election or to sit or vote in the House of Commons of Canada, and it is expedient to remove all doubts as to the right of the said Stanislaus Francis Perry so to sit or vote and to indemnify him for having done so:—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Stanislaus Francis Perry is hereby declared to have been and to be capable of being elected, and of sitting and voting in the House of Commons of Canada, notwithstanding any irregularity in his said resignation as a Member of the Legislative Assembly of Prince Edward Island, and of his being on account of such irregularity, nominally a Member of the said Assembly at the time of his Election as a Member of the House of Commons; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility and from any suit, demand or judgment with respect to any such penalty or responsibility for so sitting and voting, while not otherwise disqualified.

S. F. Perry
declared eligible, and indemnified.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to indemnify Stanislaus Francis Perry, for having sat and voted as a Member of the House of Commons, under the circumstances therein mentioned.

(Corrected Copy.)

Received and read, first time, Friday, 24th*
April, 1874.

Second reading, Monday, 27th April, 1874.

Mr. SCATCHERD.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, [Rideau Street]

1874.

An Act to amend *The Railway Act*, 1868.

WHEREAS, it is expedient to amend the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, chapter sixty-eight, intituled "*An Act respecting Railways*:" Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Preamble.
31 Vict., c. 68.

1. Sub-section 5 of section 48 of the said Act shall be amended so as to read as follows:—

Sub-sect. 5 of
s. 48 amended.

5 "5. For the purposes of the four next preceding sub-sections the word 'traffic' includes not only passengers and their baggage, goods, animals, and things conveyed by railway, but also cars, engines and locomotives drawing trains of cars, for a distance not exceeding six miles when approaching a large commercial centre, trucks and vehicles of any description adapted for running over any railway; the word 'railway' includes all bridges, stations, and depots of the railway; and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other."

20 2. The following sub-sections shall be added to section 48 of the said Act, to come immediately after sub-section 5:—

Additional
sub-section to
section 48.

25 "6. Whenever the use of the one railway company of the track, switches, bridges, and other works, of another railway company is enforced under this Act, the compensation to be paid for the use thereof, if not mutually agreed upon between the companies interested, shall be decided by three arbitrators, each company appointing one of the said arbitrators, and the third to be appointed by a Judge of the Superior Court in the Province of Quebec, and by a Judge of the Superior Court of original jurisdiction in civil matters, in any of the other Provinces."

30 "7. This Act shall apply to all railway companies having connections with other railway companies which together form an unbroken line of railway communication from one Province of the Dominion to another, or with foreign countries."

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend The Railway Act, 1868

Received and read, first time, Friday, 24th
April, 1874.

Second reading, Monday, 27th April, 1874.

Hon. Mr. CAUCHÓN.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,
1874.

An Act to amend the Act of the Legislature of the late Province of Canada, 29 Victoria, chapter 17, intituled "An Act to secure to wives and children the benefit of Assurances on the lives of their husbands and parents."

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

1. The act passed by the Legislature of the late Province of Canada, in the twenty-ninth year of Her Majesty's reign, intituled 29 Vict., c. 17
ss. 1 and 3,
amended.
- 5 "*An Act to secure to wives and children the benefit of Assurances on the lives of their husbands and parents.*" is hereby amended by adding at the end of the first and third sections of the said Act, the following words:
- 10 "And it shall always be lawful for any person who may have effected or made over an Insurance on his life for the benefit of his wife or children, particularising them, to add to the names of the children mentioned in the policy of insurance, the names of other children of the insured, and to substitute in the stead and place of the names of his wife and his children therein mentioned,
- 15 "the names of some of them only, or of other children of the insured."

No. 57.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act of the Legislature of the late Province of Canada, 29 Victoria, chapter 17, intituled "*An Act to secure to wives and children the benefit of Assurances on the lives of their husbands and parents.*"

Received and read, first time, Monday, 27th April, 1874.

Second reading, Tuesday, 28th April, 1874.

Mr. POZER.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to provide for the inspection of Salt and the appointment of Salt Inspectors.

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

1. No salt manufactured in the Province of Ontario after this
5 Act takes effect shall be sold within the *said Province*, nor exported
therefrom, until the same shall first be duly inspected as herein
provided; and any person who shall violate the provisions of this
section shall pay, for the use of Her Majesty, as a fine, the sum
of *twenty cents* for each bushel of salt sold or exported contrary
10 to the provisions of this Act. All salt in Ontario to be inspected.
2. In case any manufacturer of salt shall knowingly sell or
export, or permit to be sold or exported, salt, contrary to the
provisions of this Act, he shall, on conviction thereof, be liable to
a fine not exceeding *one thousand dollars*, or imprisonment in
15 the county jail not exceeding ninety days: Provided that nothing
in this Act shall apply to any salt packed and in the hands of
dealers at the time of the passing of this Act. Penalty for contravention.
3. Immediately after the passing of this Act, there shall be
appointed by the Appointment of inspector.
by and with the advice
20 and consent of the of inspector.
an inspector of salt, who
shall be a person of competent skill and ability, and who shall
hold his office during pleasure.
4. Immediately after his appointment *and qualification*, the
inspector may divide the salt-making territory of the said Pro-
25 vince into so many inspection districts as he may judge necessary,
and shall, subject to the approval of the Minister of Inland Revenue,
appoint for each district one or more competent and efficient
deputy-inspectors, who shall hold office at the pleasure of the
inspector, and for whose acts he shall be responsible, such districts
30 may be changed from time to time, as may be necessary. The
inspector shall give his entire time, skill and attention to the
duties of his office, and shall not be engaged in any other business
or occupation. Inspection districts and deputy inspector.
5. The inspector shall be entitled to receive an annual salary; Remuneration
35 his deputies shall be entitled to such sums as fees in each case, as he
may approve, not however exceeding the sum of one cent a barrel
on all salt so inspected, and at the same rate on salt shipped in
bulk as he may approve.

Fees for inspection.

6. Each person, firm, company and corporation engaged in the manufacture of salt, or for whom any salt shall be inspected, shall from time to time, as such salt is inspected or offered for inspection, pay on demand to the inspector, or the deputy-inspector of the district where the salt is inspected, *three mills* for each bushel of salt inspected or offered for inspection: Provided that the same may be required to be paid in advance; and provided further, that but one inspection fee shall be paid upon the same salt. 5

Inspector to be sworn and give security.

7. The inspector shall, before entering upon the duties of his office, take the oath prescribed by _____, which oath shall be filed in the office of the Minister of Inland Revenue. The Inspector shall also execute a bond to _____ in the penal sum of *five thousand dollars*, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the Minister of Inland Revenue, and when approved shall be by such Minister filed and deposited in his office; any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default or misfeasance of any of his deputies, may maintain an action on such bond, in the name of the _____, for the use of the party prosecuting, and shall be entitled to recover the full amount of damage sustained. 10 15 20

Deputy inspectors to do likewise.

8. Each of the deputies appointed by the inspector shall take the oath of office prescribed by _____, and shall give a bond to the inspector, in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case the said inspector shall be obliged to pay any sum for the neglect, or default, or misfeasance of any deputy, he may recover of such deputy and his sureties on such bond the amount he was obliged to pay, with accruing costs. 25 30

Principal office

9. The inspector shall keep his principal office in the Town of Goderich, and the deputy for the district of Town of Goderich may occupy the same office. Such office shall be open at all times during business hours. All the books, records and accounts shall be kept at the said office, and each deputy shall at least once in each week make a written report, by mail or otherwise, to the inspector, of the salt inspected by him during the week, stating for whom and the quantity and quality thereof. Abstracts of these reports shall be entered in books provided for that purpose. The inspector shall in proper books keep a full record and account of all his transactions; and such books shall also be open for the examination of all persons wishing to examine the same during office hours. 35 40

Inspector not to be engaged in salt trade.

10. The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the Province of Ontario, or in the profits of any such manufactory, with the sale or disposal thereof, or otherwise howsoever. 45

Daily visits to salt works by deputies.

11. It shall be the duty of the deputy in each district to visit once in each day, Sundays excepted, each salt manufactory in his district when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to pass inspection. 50

12. It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable. Visits by inspector.

13. The inspector or deputy at each visit, as provided in this Act, shall carefully examine the salt in the bins, and the brine in the kettles, or pans, or vats, or other evaporators in which the salt is manufactured. If the salt in the bins or any part thereof is of bad quality or mixed, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining vats, or evaporators has not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory remove the bad salt from the bin and place it with second quality salt, or throw it among the refuse salt or other deposits as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining vats, or evaporators be thrown out, and new brine substituted. Duty of inspector or his deputy at such visits.

14. No lime or lime-water shall be used by any person in the manufacture of salt in the kettles, or pans, or graining vats or other evaporators used for manufacturing, under a penalty of *twenty-five dollars* and costs for each offence, to be sued for in the name of the No lime to be used.; Proviso. Provided that iron vessels used in the manufacture of salt may be white-washed when cool to prevent the accumulation of rust.

15. Every person desiring to have salt inspected shall apply to the inspector or deputy-inspector of the district where the same shall be, which inspector or deputy-inspector shall thereupon actually examine the salt so offered for inspection in the package in which the same may then be. Inspection of salt.

16. To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection to un-head or bore the barrel, or open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy-inspector, so as to expose the salt to his touch, view and examination. Barrels and bags to be opened.

17. The inspector or deputy-inspector shall not pass any salt as good unless he shall find it to be well made, free from dirt, filth and stones, and from admixture of lime or ashes of wood and of any other substance which is injurious to salt, fully drained from pickle, the bitters properly extracted therefrom, and manufactured as directed by this Act and by the rules and regulations of the inspector. Quality.

18. The person or company offering the same for inspection shall in all cases provide the necessary force to lift the salt while the inspector or deputy weighs or measures it, and shall also furnish the necessary help and material to brand the salt for and under the direction of the inspector or deputy-inspector. Necessary assistance to be provided.

19. Each manufacturer shall provide a scale or balance at his works, to be examined from time to time and approved by the inspector, in which all the salt offered for inspection at his works may be weighed. Scales to be provided.

Certificate to be delivered.

20. Each inspector or deputy shall deliver to the party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon brand or mark with durable paint the package containing the salt so inspected, with the surname of the inspector at length and the initials of his christian name, with the addition of the word "Inspector," in letters at least one inch in length, and shall mark upon the head of the barrel, or cask or upon the sack, with a marking-iron or durable paint, the number of pounds of salt contained in such package. 5

Barrels, how to be made.

21. If the said salt shall be put up in barrels, it shall not be marked unless the barrels are thoroughly seasoned, stout and well made, with strong hoops to be well nailed and secured. 10

Counterfeiting marks and brands to be felony.

22. Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy-inspector on any package containing salt, shall be deemed guilty of felony, and on conviction thereof shall be subject to a fine of not less than *one hundred*, nor more than *one thousand dollars*, or be imprisoned in the penitentiary for a term not less than two nor more than six years, or in any other gaol or place of confinement for a term not less than one nor more than two years, or to both fine and imprisonment, in the discretion of the court. 15 20

Inspector to examine salt before packing

23. No manufacturer or other person shall pack or cause to be packed in barrels, casks, boxes or sacks any salt until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle and otherwise fit to pack. 25

Examination of bins, &c., by inspector.

24. The inspector and his deputies in their daily examination of the several salt manufactures [manufactories] may examine all bins of salt, for the purpose of ascertaining whether any salt is packed contrary to the provisions of the last foregoing section. 30

Penalty for contravention

25. If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of *twenty-five cents* for every bushel of salt so packed. 35

Old brands or marks to be effaced.

26. Barrels, casks or sacks in which salt shall have been packed and inspected shall not again be used for the packing of salt therein until the mark or brands made by the inspector shall be first cut out or removed; and if any person shall pack or cause to be packed, or shall aid or assist in packing any uninspected salt in any such barrels, casks or sacks without first cutting out or removing such marks or brands, he shall forfeit for every bushel of salt so packed the sum of *one dollar*. 40

Brands and marks.

27. It shall be the duty of every manufacturer to brand or mark with durable paint every cask or barrel of salt manufactured by him, with the surname at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letters of his christian name; and if the same shall have been manufactured for a company or association of individuals, he shall mark or brand in like manner upon every such cask or barrel the name by which the company is usually called: Provided that no second quality salt shall be so marked. 45 50

28. No inspector or deputy-inspector shall inspect or pass any barrel, cask, box or sack of salt which shall not be marked or branded in the manner prescribed in the last section, and the inspector or deputy shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturer offering the same for inspection: Provided that none of the provisions of this section shall apply to second quality salt: And provided further that the inspector may, by regulations prescribed by him, provide that both the brand of the manufacturer and that of the inspector shall be put upon each package at the same time.

Salt not to pass inspection unless branded

29. Salt of an inferior quality—dirty, damaged, or condemned—may be sold loose or in bulk by the manufacturer thereof at the works, the inspector making bills of the same, designating the quantity by weight, as in ordinary cases, and distinguishing the same as “second quality;” or such inferior salt may be packed in boxes, barrels, casks, or sacks, and branded by the inspector with the words “second quality salt,” in plain letters not less than one inch in length, and such inspector shall add the initials of his name, and no other or different brand shall be placed thereon, and said second quality salt, subject to the provisions of this section, may be sold or exported by the owner as such.

Inferior salt.

30. Every person who shall forge or counterfeit the name so required to be put on by the manufacturer, or shall cause or procure to be put on any barrel or cask in which salt shall be packed, the name of any person other than that which properly should be placed thereon according to the provisions of this Act, shall for every such barrel, cask or sack, forfeit the sum of *one hundred dollars*, and shall also be liable for all damage to the party aggrieved.

Penalty for counterfeiting manufacture's mark.

31. The inspector shall, by regulation from time to time, specify the quantity of salt that shall be contained in bags or other packages which shall be offered for inspection; and it shall not be lawful for him to authorize the inspector's brand to be placed upon any package that does not correspond with said regulation.

Quantity in bags or barrels how fixed.

32. The inspector shall, by regulation, require that all ground-salt manufactured and put up for market shall be legibly marked on each keg, box, sack, bag or other package containing the same, with the words “ground solar” or “ground boiled,” as the fact may be; such marking to be done in letters not less than an inch in length.

Ground salt.

33. If the inspector shall consent to connive at, aid or abet the smuggling of salt or the transportation of the same away, so as to evade the inspection thereof, or shall accept of any bribe or sum of money, or any gift or reward whatsoever upon any express, or secret, or implied trust or confidence that he shall connive at, or consent to any evasion of the laws for the inspection of salt, such inspector shall forfeit his office and pay to the use of the sum of *one thousand dollars*.

If inspector connives at evasion of law.

34. If any deputy-inspector shall be guilty of the offences specified in the last section or any of them, the inspector appointing such deputy shall forfeit to the use of the sum of *two hundred and fifty dollars*, for the recovery of which his bond shall be put in suit.

The same as to deputy inspector.

Inspection to
be made with-
out delay.

35. It shall be the duty of the inspector and his deputies, upon being applied to by any manufacturer to inspect salt in his district, to inspect the same forthwith; and in no case shall the inspector or any deputy delay the inspection of salt beyond twelve hours of daylight, excluding Sundays, after such application, unless such manufacturer shall consent to the delay. For a violation of this section by the inspector, or any one of his deputies, the inspector and his sureties shall be liable to the party aggrieved, in the sum of *fifty dollars* over and beyond all actual damages sustained.

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Acting
inspector.

36. In case of any vacancy from any cause in the office of the inspector, the deputy for the town of Goderich shall possess the powers and perform the duties of inspector until such vacancy shall be filled; and the bond of the inspector and his sureties shall continue to be liable for the acts of all the deputies until such vacancy shall be filled.

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Return to be
made by in-
spector.

37. The inspector shall annually, in the month of December, and on or before the fifteenth day thereof, make a report to the Minister of Inland Revenue, which shall contain:—

First.—The number of districts into which the salt producing territory of the Province of Ontario may then be divided, with the name and locality of each, and the number and capacity of works of each.

Second.—The quantity and quality of salt inspected in each district during the preceding year.

25

Third.—The amount received and expenses incurred under this Act for the preceding year in detail.

Fourth.—Such suggestions and recommendations as he may think proper to make concerning the manufacture of salt, and the operation of the inspection laws upon the same, and as to what further legislation upon the subject, if any, would be advisable. A copy of such report shall be published immediately after its date in some newspaper in the County of Huron.

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Grade of fine
salt to be
established.

38. The inspector shall establish a grade of "fine" salt, the grain of which shall be at least as fine as the average grain of salt designated fine in the trade generally. He shall cause the word "Fine" to be marked on the package containing such salt in large letters, and the word "Fine," with or without qualification, shall not, under any circumstances, be placed on salt of coarse grain; but all other grades shall be designated on the packages by some truly descriptive mark or brand, and the inspector may mark salt "Second quality" for imperfect grain, as well as for any other defect.

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Shipment in
bulk.

39. Nothing in this Act contained shall be construed to prevent the sale or shipment of salt in bulk after the same shall have been duly inspected and a certificate thereof given by said inspector or any deputy. And nothing in this Act shall be construed to prevent private manufacturers from putting such private trade-mark or brand on their salt as they may see fit: Provided it contains no untruth or statement calculated or intended to deceive

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Private marks

the purchaser.

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1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to provide for the Inspection of
Salt and the the appointment of Salt
Inspectors.

Received and read first time, Monday, 27th
April, 1874.

Second reading, Tuesday, 28th April, 1874.

Mr. CAMERON (Huron).

OTTAWA

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to provide for taking the Votes at Elections of Members of the House of Commons of Canada by Ballot

WHEREAS it is expedient to alter the system of voting at present pursued in the elections of members of the House of Commons of Canada, and to provide that the voting at such elections shall be by ballot: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Preamble.

1. This Act may be cited as "The Ballot Act, 1874."

Title of the act.
Meaning of word "election."

The word "election" in this Act shall mean the election of a member of the House of Commons of Canada.

2. Before the day of voting, at the time of any election, at which a poll shall have been asked and granted, the returning officer shall cause ballot cards to be prepared and printed, in accordance with form A. in the schedule annexed to this Act.

Preparation of ballot cards by the returning officer.

3. The names of the several candidates at the election shall be inscribed on each ballot card in the strict alphabetical order of their surnames, with the number in succession of each of such names, in *Roman characters*, immediately before the name and on the same line.

Inscription of candidates' names on ballot cards.

If their family names are the same, the order shall be according to their Christian names; and if the surnames and Christian names are the same in the case of two or more candidates, the addition and domicile of each such candidate shall be specified.

Proviso.

4. The number and names of each candidate shall be distinctly printed in ink of different colours.

Different colours to be used for names of each candidate.

5. The choice of the colours shall be made by letter delivered to the returning officer by each candidate, or by an agent specially authorized by him for such purpose.

Choice of colour.

The returning officer shall be bound to cause the number and names of such candidate to be printed in the colour demanded; unless the same has been already selected by another candidate; and he shall give each candidate a certificate setting forth the selection of the colour made by him.

6. The ballot card shall be made of unglazed white card-board, and shall be perforated by two lines of points, in such a manner that it may be folded into three equal parts, by means of such two lines of points.

Ballot card to be of white card board and perforated.

- The ret.-off. to see that dep.-ret.-off. is supplied with cards ; the latter accounting for same.** **7.** The returning officer shall be bound to see that each deputy-returning officer during the voting is in possession of a sufficient number of ballot cards.
Every such deputy-returning officer shall, after the close of the poll, account for the ballot cards so supplied to him. 5
- Preparation of balloting compartment.** **8.** The returning officer before the opening of the poll shall cause to be fitted up in each polling booth a balloting compartment, for the purpose of enabling each voter who shall vote in such booth to mark his ballot card therein, alone and secretly, without any interference or interruption. 10
- Mode of construction, dimensions, &c.** **9.** The balloting compartment shall be constructed of undressed boards, along the wall or partition of the polling booth, in such a manner that the deputy-returning officer, seated at his table, shall have such compartment opposite to him.
It shall be thirty inches in depth, and forty inches in breadth, 15 and the entrance thereto shall be provided with a curtain, which the voter shall let fall behind him on entering the balloting compartment.
A board of a foot in breadth to serve as a table shall be fixed between the walls of the balloting compartment, and a pencil 20 shall be attached to such board by a string or cord.
- Polling booth to have two doors.** **10.** The polling booth shall be so constructed as to enable a voter to enter it by one door and to leave it by another, without meeting the voter following him.
- Ballot box supplied to dep.-ret.-off. by ret.-off.** **11.** The returning officer shall supply each deputy-returning 25 officer with a ballot box, provided with a lock and key, having a narrow cleft therein, and capable of admitting a folded ballot card, and one of the sides thereof shall be of transparent glass.
- Locking and sealing of ballot box.** **12.** Immediately after the opening of the poll, this box shall be inspected and examined by the deputy-returning officer, the 30 poll clerk and the inspectors, and shall then be locked and sealed by the deputy-returning officer, in the presence of such persons.
- Place of ballot box during voting.** **13.** During the whole period of voting, the ballot box shall remain so closed and sealed, and shall be placed on a table in the office, where the deputy-returning officer, the poll clerk and the 35 inspectors are, in such a manner that each of such persons may see the interior thereof.
The key of the box shall remain in the sole custody of the deputy-returning officer, who shall be responsible therefor.
- Two constables to be outside, near the door.** **14.** Two constables at least shall remain at the entrance door 40 of the polling booth, on the outside, and shall see that only a single voter enters at one time into the polling booth.
One of such constables, after having learned the name of any person who desires to enter for the purpose of voting, shall call out the name of such person in a loud tone, so that he may be 45 heard and understood by the deputy-returning officer and the inspectors, as well as by all persons assembled near the door of the polling booth.
- Name of voter called out in a loud tone on his entry.**
- One constable to be inside, near the balloting compartment.** **15.** One constable at least shall be between the deputy-returning officer's table and the balloting compartment. 50
Such constable shall, if necessary, point out the balloting com-

partment to the voter, and shall take care that no one either penetrates or sees into the interior of such room while the voter therein is engaged in preparing his ballot card.

16. The deputy-returning officer shall affix a model of the ballot card on the door of entrance to the polling booth, and on some other place in the neighbourhood, before or during the day of voting.

Model of ballot card to be posted up.

17. The deputy-returning officer, at the poll held by him, shall deliver a ballot card to each elector, who, being entitled to vote at such poll, shall present himself for such purpose, provided he has not already voted.

Ballot card delivered to voter.

18. The deputy-returning officer, upon delivering such ballot card, shall endorse his initials upon the same, and shall affix, or cause to be affixed by the poll clerk, a mark or initials opposite the voter's name on the list of voters.

Initials of dep. ret. off. on ballot card, and mark on list of voters.

Such mark or initials shall be *prima facie* evidence of the identity of the voter with the elector, whose name is so marked or initialed, as also of the fact of such elector having voted at such poll.

Effect thereof.

19. The deputy-returning officer may and shall, when desired verbally or otherwise to do so, either personally or through his clerk explain to the voter, as concisely as possible, the mode of voting, and the colors in which the numbers and names of candidates are printed on the ballot card.

Mode of voting explained upon demand.

20. The deputy-returning officer may and shall, when he is thereto required by any one of the inspectors, put to any person demanding a ballot card the following questions:—

Questions to be put to the voter.

1. Are you the person whose name, A. B., is entered upon the list of electors now shown you, (*showing the list of electors,*) by reason of the property therein described, (*reading the description*)?

2. Have you already voted at this election?

3. Were you at the time of your being entered upon the voters' list, duly qualified as an elector?

4. Are you still so qualified?

21. Any person refusing to reply to such questions, or replying in the negative to the first, third or fourth questions, or in the affirmative to the second, shall forthwith retire from the polling booth, and shall not again present himself to vote at such election.

Refusal to reply or unsatisfactory reply.

22. Any person who answers falsely to any of such questions, shall be liable to be imprisoned for any term not exceeding three months, or shall incur a penalty not exceeding *two hundred dollars*.

Penalty for false reply.

23. Every voter, immediately upon receiving a ballot card, shall retire alone into the balloting compartment, and shall there, without delay, prepare his ballot card, by effacing or striking out, in a sufficient manner, the numbers or names of the candidates for whom he does not desire to vote.

Mode of preparing the ballot card by the voter.

He shall then fold the ballot card into three folds, in such a way as to hide the numbers and names of the candidates, and shall return the same to the deputy-returning officer, who, after having

Deposit of card in box.

verified his initials endorsed upon the ballot card, shall forthwith deposit the same in the ballot-box, without unfolding it and without exhibiting the numbers and names of the candidates, or the erasures made by the voter.

24. While a voter is in the balloting compartment preparing his ballot card, no other person, except as hereinafter provided, shall enter therein, or place himself in such a position as to see the numbers and names of the candidates cancelled or effaced on the ballot card. 6

25. If a voter is blind, or if it appears to the deputy-returning officer that he is physically unable to prepare his ballot card, the deputy-returning officer shall accompany such voter into the balloting compartment, and shall assist him in the preparation of his ballot card. 10

26. Any elector whose name shall have been omitted from the voters' list, or who shall demand to vote under the name and in the capacity of an elector entered upon the list of voters as having already voted at such election, may vote thereat in the manner hereinafter prescribed, provided that he himself has not already voted, and that he replies as required to the questions specified in section twenty of this Act. 15

27. The deputy returning officer, on receiving the ballot card of such elector, shall enclose it in a sealed envelope, upon which he shall record the name and address of the voter, as also the number of his name upon the voters' list, if it is recorded thereon, and the word "tendered;" he shall then place the ballot card so sealed in the ballot box. 25

28. The ballot cards so received shall be counted without being opened, as votes tendered, by the deputy-returning officer and the returning officer; but they shall not be taken into account in the casting up of the votes given for or against each candidate. 30

29. Such ballot cards shall in other respects be dealt with like the rest, and shall be transmitted without being opened to the Clerk of the Crown in Chancery. 35

30. During the whole time of polling, no person shall be entitled to enter into or remain in the polling booth, except the returning officer, the deputy-returning officer, the poll clerk, the candidates' inspectors, the constables required, and the voter who is at the time engaged in voting. 40

31. Any person, other than those specified in the preceding section, who enters into or presents himself in the polling booth, may be imprisoned for the remaining time of polling, upon the written or verbal order of the deputy-returning officer, and shall further incur a penalty not exceeding twenty dollars for each infraction of the provision in the next preceding section contained. 45

32. Every voter who,
1. Shall delay the polling, either by wilfully remaining too long in the balloting compartment or in the polling booth, or in any other manner; or, 50

No person to enter the balloting compartment, &c., while voter is there.

Case of a blind or incapable voter.

Vote tendered by voter not on list, or entered as having voted.

Ballot card of such voter enclosed in a sealed envelope.

Such votes counted separately, not reckoned in total of votes.

Their transmission to the clerk of the crown in chancery.

Who may enter the polling booth.

Penalty for entering unlawfully.

Penalty against persons delaying the voting.

2. Shall permit any person to see how he has marked or prepared his ballot card; or, showing ballot cards or carrying them away

3. Shall carry away his ballot card out of the polling booth,

May be arrested or imprisoned for the remaining period of polling, upon either the written or verbal order of the deputy-returning officer, and shall further incur a penalty not exceeding two hundred dollars, or be subject to imprisonment for a term not exceeding six months for each infraction of the provisions of this section.

10 **33.** On or before the day of polling, it shall be lawful for any candidate to appoint for each poll at such election, one or two inspectors, whose duty it shall be to identify, as far as possible, persons presenting themselves to vote, and to see that the votes be lawfully taken in conformity with the provisions of this Act, Inspectors appointed by the candidates.
15 and generally to represent the candidate who has appointed them.

The candidate shall communicate to the deputy-returning officer in writing, over his signature, the names and addresses of the persons so by him appointed to represent him at the poll in charge of such deputy-returning officer.

34. The deputy-returning officer of each poll shall, immediately after the close of the poll and without leaving the office, open the ballot box and examine the ballot cards which it contains, and shall so do in the presence of the poll clerk and the inspectors appointed for such poll and attending thereat. Examination of ballot cards at close of poll.

35. Every ballot card, upon which there shall remain a larger number of names not erased or effaced than the number of persons to be elected, or upon which the erasures are made in such a manner that it is impossible to ascertain with certainty what numbers and names the voter desired to strike out and efface or leave, or which has not been initialed as prescribed by section eighteen of this Act, shall be rejected at the time of the examination of the votes. Ballot card rejected.

36. The deputy-returning officer shall then count the ballot cards in presence of the persons mentioned in section thirty-four of this Act, and shall draw up a statement in words and in figures of the number of votes given for each candidate, and of the number of ballot cards rejected, as prescribed by the next preceding section. Statement of votes, ballot cards, &c.

Such statement shall be then and there signed by the deputy-returning officer, the poll clerk and the inspectors.

37. The deputy-returning officer shall forthwith place under seal all the ballot cards which shall have been so deposited in the poll for which he acts; and he shall cause to be transmitted, as soon as possible, to the returning officer, the ballot cards which have not been used and the ballot box, together with the statement made under the next preceding section, all books, lists and papers held officially by him or by his poll clerk. Transmission of box, cards, books, lists, &c. to ret. off.

38. If the deputy-returning officer of any poll is unable to agree with the poll clerk, or any of the inspectors present at such poll, in relation to the statement to be made under section thirty-six of this Act, he shall, without making the statement, deposit the ballot cards in the ballot box, which he shall lock and seal If the dep.-ret. off. and the inspectors or poll clerk do not agree as to statement of votes, &c.

anew, and he shall, together with the poll clerk and the inspectors, at once repair to the returning officer, to whom he shall deliver the ballot box so locked and sealed.

Ballot cards in such case to be examined and counted by the ret.-off.

39. The returning officer, in presence of the deputy-returning officer, the poll clerk and the inspectors, shall open the ballot box, examine the ballot cards, count the same, and thereupon make and sign the statement prescribed by section thirty-six of this Act; after which he shall forthwith seal up the ballot cards so examined and counted. 5

Statement of the ballot cards polled in the electoral division, and report of votes, &c., by ret. off

40. The returning officer, so soon as he shall have received the sealed ballot cards, and also the various statements of such ballot cards from each poll, and after having himself reckoned the ballot cards in the case of sections thirty-eight and thirty-nine of this Act, shall establish, in accordance with each such statement, the total number of votes recorded for each of the candidates at the election, and shall make reports thereof to each candidate and to the Clerk of the Crown in Chancery. 10 15

Provisions now in force as to care, &c., of poll books to apply to ballot cards. No one to open them.

41. All provisions of law in force at the time of the passing of this Act, in relation to the transmission, care and preservation of poll-books at an election, shall apply to sealed-up ballot cards at the time of any election; such ballot cards shall however remain so sealed up and shall not be opened or examined by any person whomsoever. 20

Declaration required of election officers and inspectors.

42. Every returning officer, deputy-returning officer, poll clerk, and inspector, acting at any election under the provisions of this Act, shall, after his appointment and before the day fixed for the polling, make and subscribe, before a Justice of the Peace, a solemn declaration in the form B. in the schedule to this Act annexed. Such solemn declaration shall be in addition to the oaths or declarations now by law required to be made and taken by any returning officer, and shall be in substitution for and in place of the oaths or declarations now by law required to be made and taken by any deputy-returning officer or poll clerk. 25 30

Penalty for certain acts.

43. Any person who, before, during, or after any election,

1. Wilfully forges or imitates any ballot card; or, 35
2. Votes or attempts to vote by means of any forged ballot card; or,
3. Abstracts, purloins or takes and carries away out of any polling booth any ballot card, before the same shall have been marked by any voter as hereinbefore provided; or, 40
4. Alters, defaces, destroys, abstracts or purloins any ballot card after the same shall have been so marked, or makes any mark, sign or distinction on the back of the ballot card of any voter by means of which such ballot card may or can be afterwards recognized or identified (except as provided by sections eighteen and twenty-seven of this Act); or, 45
5. Meddles or tampers with any ballot box during the hours of polling, or with any sealed ballot cards after the same have been so sealed, as aforesaid,

Shall be liable to be imprisoned for any term not exceeding two years. 50

44. All laws, statutes, customs and usages now in force relating to elections shall be and the same are hereby repealed, in so far only as they may be in any way inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed as forming part thereof. Repeal of inconsistent enactments.

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SCHEDULE.

FORMS MENTIONED IN THIS ACT.

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FORM A.

Form of Ballot Card.

ELECTORAL DISTRICT OF MONTREAL CENTRE.	
I.	S. A. BEAUMONT.
II.	T. K. SANDERSON.

FORM B.

SOLEMN DECLARATION.

Electoral Division of (*as the case may be*).

I, *A. B.*, being duly appointed to act as _____ at the election of a member to serve in the House of Commons of Canada for this electoral division, to be held on the _____ day of _____, do hereby solemnly, sincerely and truly declare and affirm that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the voters' list of the persons who have voted,

and that I will not in any way whatsoever attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise howsoever, directly or indirectly, aid in or be party or privy to the discovery of the same; and that I will keep secret all knowledge of the person or persons for whom any elector has voted which may come to me in the exercise of such my office.

Made and declared before me this day of

A. D. 18 .

C. D.,

A Justice of the Peace acting in and for

No. 59.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for taking the Votes at Elections of Members of the House of Commons of Canada by Ballot.

Received and read, first time, Tuesday, 28th April, 1874.

Second reading, Friday, 1st May, 1874.

MR. TREMBLAY.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street,
1874.

Copy to Mr. Berrin
4 May

No. 60.]

BILL.

[1874.

An Act to incorporate the Provincial Steamship Company.

WHEREAS John Magee, Stephen S. Hall, and Edwin N. Sharp, Preamble.
have petitioned the Parliament of the Dominion of Canada,
praying that they may be incorporated with such other persons
as shall become associated with them as a Company under the
5 name and style of the "Provincial Steamship Company," for the
purpose, among other things, of building and sailing steam and
other vessels between the different ports of the Dominion, or to
ports in the United States or the West Indies or elsewhere, and
for such other purposes of steam navigation as to the said Company
10 may seem expedient; and it is expedient to grant the prayer of
the said petitioners: Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. John Magee, Robert Reed, James Domville, Gideon Palmer, Certain persons incorporated.
15 R. Barry Dickey, James L. Dunn, Stephen S. Hall, A. Chip. Smith
and Edwin N. Sharp, together with such other person or persons
as shall be and become shareholders in the said Company, and
their respective heirs, executors, administrators, curators and
assigns, shall be and are hereby constituted a body, politic and
20 corporate, by the name of the "Provincial Steamship Company," Corporate name.
with all and every the incidents and privileges to such corpora-
tion belonging.

2. It shall be lawful for the Company to construct, acquire, Business of the company.
charter, navigate and maintain steam vessels for the carrying and
25 conveyance of goods and passengers or other traffic, between the
ports of the Dominion of Canada, and between the said ports and
elsewhere out of Canada, and to, from and between any ports out
of Canada, and steam or other vessels, for all business and pur-
poses connected therewith, and the profitable prosecution thereof,
30 with power to sell or dispose of the said vessels or any of them,
or grant and consent to bottomry or other bonds on the same, or
to mortgage the stock of the Company, or any part thereof, when
and as they may deem expedient, and to make contracts and
agreements with any person or corporation whatsoever, for the
35 purposes aforesaid, or otherwise for the benefit of the said
Company.

3. It shall be lawful for the said Company to purchase, rent, take, Company may acquire real estate.
hold and enjoy, to them and their successors, as well in Canada
as in such other places where it shall be deemed expedient for
40 the purposes of the said Company, either in the name of the said
Company, or in the name of trustees for the said Company, such
lands, wharves, docks, warehouses, offices and other buildings, as

Check?

they may find necessary and convenient for the purposes of the said Company, but not for any other purpose, and to sell, mortgage or dispose of the same, and others to purchase and acquire in their stead: Provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings within the Dominion, at the time when the said Company shall enter into possession thereof, shall not exceed in the whole the sum of twenty thousand dollars.

yearly value \$20,000

Proviso.

Capital stock. 4. The capital stock of the said Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each, with power to increase the same to one million dollars, at any special general meeting called for that purpose, at which meeting not less than two thirds of the stockholders shall be present in person or represented by proxy: Provided always, that the said Company shall have paid up the sum of ten thousand dollars before receiving any passengers or freight.

Proviso.

10% to be paid up

First meeting of shareholders

5. So soon as five hundred shares of the Company have been subscribed, and ten per cent. paid thereon, a general meeting of the shareholders shall be held in the City of Saint John, in the Province of New Brunswick, and may be called by any two of the persons named in the first section of this Act, who shall be Provisional Directors of the Company until the election of their successors as hereinafter provided, by giving notice thereof for ten days in one or more newspapers published in the City of Saint John, at which or any subsequent meeting to be for that purpose holden, by-laws shall be established, and such number of Directors shall be elected as may be required by such by-laws.

Directors may borrow money

6. The Directors may from time to time with the consent of the majority of the shareholders present or represented by proxy at a general meeting, borrow money on behalf of the Company at such rate of interest and upon such terms as they may think proper; and the Directors may for that purpose make or cause to be made, bonds or other instruments under the common seal of the Company, for sums of not less than one hundred dollars, which may be made payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided the aggregate of the sum or sums so borrowed shall not at any time exceed the amount of the paid-up capital of the Company, for the time being, and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any by-law or resolution authorizing the same, or the purpose for which such loan is wanted.

provided that nothing herein contained shall be construed to allow the said Company to issue any notes payable to bearer, or any per note undivided & circulated as they are the notes of a Bank

Proxies.

7. Each shareholder shall be entitled to one vote for each share he or she may hold in his or her name; all votes given at any meeting may be given either personally or by proxy (such proxy being a shareholder), and any proposition at any meeting shall be decided by a majority of the shareholders present or represented by proxy.

Liability limited.

8. The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the said Company or the liabilities, acts or defaults of the said Company, beyond the sum, if any, remaining due to complete the amount of the unpaid-up portion of the shares subscribed for or held by them in the stock of the Company.

9. The Directors aforesaid shall have power, if they think fit, to receive, and take into the stock of the said Company, such steamers as may have already been built or acquired by individual shareholders for the purpose of this Company. Acquisition of vessels.

5 10. The Directors of the Company shall take the said steamers at their cost or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation shall be credited to the shareholders as payment made on account of their stock, but no shareholder shall be entitled to claim from the Directors any money payment for such steamers unless by special agreement to that effect. Valuation of same.

11. All acts done by any person or persons acting as Directors, shall notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director. Acts of directors valid.

12. Aliens shall have the same right as British subjects to take and hold stock and shares in the Company, and to vote either as principals or proxies: Provided always, that the President, Vice-President and a majority of the Directors shall reside in Canada and be subjects of Her Majesty. All shareholders to have equal rights.

13. Section eighteen of the "Canada Joint Stock Companies Clauses Act, 1869," shall not be incorporated with this Act. 32, 33 V., c.12, s. 18 not to apply.

*10 pft. first
year + 10 pft.
annually*

No. 60.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Provincial
Steamship Company.

Received and read, first time, Tuesday, 28th
April, 1874.

Second reading, Friday, 1st May, 1874.

(PRIVATE BILL.)

Mr. DOMVILLE.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate "The Neutral Link Railway Company."

WHEREAS Edward Gurney, John Stuart, Andrew Trew Wood Preamble.
and James Miller Williams have by their petition set forth
that it will be to the general advantage of Canada, that a railway
shall be built from some point at or near the eastern terminus of
5 the projected Canadian Pacific Railway, and in the neighborhood
of Lake Nipissing, to some point near Lake Muskoka, to connect
with the existing railway system there converging, over which
railway all railway companies, whether such as are incorporated
by the Parliament of Canada or the Legislature of Ontario, shall
10 have equal rights and privileges to forward and despatch their
traffic to or from their own respective systems to the Canadian
Pacific Railway, without favor or discrimination; And whereas
the said persons have prayed that they should be incorporated to
accomplish the said objects; And whereas the construction of the
15 said railway for the use of all other railway companies, through
the sparsely peopled country over which the same is projected, will
prevent the waste of capital, and will afford for many years sufficient
railway accommodation; and it is expedient to grant the
prayer of the said petition: Therefore Her Majesty, by and with
20 the advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. Edward Gurney, John Stuart, Andrew Trew Wood, James
Miller Williams, John Field, William J. Copp, James Turner,
Andrew F. Skinner, Donald Nicholson, Peter W. Dayfoot, William
25 McGiverin, John Innes Mackenzie, John Brown, Alexander Peter
Cockburn, Lewis Ross, Adolphus Hugel, Herman Henry Cook,
Certain persons incorporated for purposes of this Act.

and Æmilius Irving with such persons and corporations as shall,
under the provisions of this Act, become shareholders in the
Company hereby incorporated, are hereby constituted and de-
30 clared to be a body corporate and politic, by the name of "The
Neutral Link Railway Company."
Corporate names.

2. In this Act the expression "other Company" shall mean
another railway company, the railway of which, or any part
thereof touches or shall touch the railway hereby authorized to
35 be constructed, or any part thereof.
Interpretation "other Company."

The expression "other Railway" shall mean the line of rail-
way of any company above described as an "other Company."
"Other Railway."

The word "Traffic" shall mean not only passengers and their
baggage, goods, animals and things conveyed by railway, but also
40 cars, trucks and vehicles of any description adapted for running
"Traffic."

over any railway, and whether loaded or unloaded, and also shall include the cars, trucks and vehicles of other companies which may be brought over other railways to be conveyed or forwarded over the railway.

"Local Traffic."

The expression "Local Traffic" shall mean traffic as defined by this Act, which shall be booked to or from any station, or between any stations on the railway, or booked to or from any station on the railway to any station or place on any other railway, or place beyond any place on such other railway. 5

Railway Act 1868, to form part of this Act.

3. The Railway Act, 1868, is hereby incorporated with this Act, and shall form part hereof and be construed herewith as forming one Act: Provided that no powers in the said Act contained, shall be conferred upon, or capable of being exercised by the Company which shall permit or authorize the Company to become carriers of goods or passengers, or acquire rolling stock, save for the purpose of construction and maintenance of the said Company, or for the purpose of supplying locomotive power to move the traffic of other companies, if the Company shall not have made arrangements in pursuance of the sixteenth section of this Act. 10 15 20

Proviso: powers of Company restricted in certain cases.

Special powers granted.

4. The Company hereby incorporated shall have full power and authority under this Act, to construct, maintain and manage a railway from any point or place near Lake Nipissing, at which the Canadian Pacific Railway shall terminate or be located, to some other point at or near Lake Muskoka, to which any railway is now built or under construction, and to any other point to which any railway is now built or under construction in the peninsula between Georgian Bay and Lake Simcoe, not further south than the Town of Barrie. 25

Provisional Directors.

5. The persons named in the first section are constituted the Board of Provisional Directors of the Company and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting, to receive subscriptions of stock; and the Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing; and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of Directors. 30 35 40

Their powers.

Subscription of Stock.

6. No subscription of stock in the capital of the Company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the Directors, and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway, or upon the dissolution of the Company from any cause whatever; and the Directors or a majority of them may, in their discretion, exclude any persons from subscribing, who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the Provisional 45 50 55

Directors may exclude ineligible subscribers.

Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the Directors may, in their discretion, exclude any one or more of the subscribers, if, in their judgment their so doing will best secure the building of the railway.

And allocate surplus stock.

7. All shareholders in the Company, whether British subjects or aliens, or residents, or corporations in Canada or elsewhere, shall have equal rights to hold stock in the Company, and to vote on the same, and (except corporations) to be eligible to office in the Company.

All shareholders to have equal rights.

8. The capital stock of the Company shall be one million dollars divided into ten thousand shares of one hundred dollars each.

Capital.

9. So soon as one hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and five per cent *bond fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the Provisional Directors or a majority of them, shall call a meeting of the shareholders of the Company, at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, at which meeting the shareholders shall elect seven Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

First general meeting of shareholders.

Election of Directors.

10. The annual general meeting of the shareholders for the election of Directors, and other general purposes, shall be held at such place as may be appointed by by-law of the Board of Directors on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication, as provided in the last preceding section.

Annual general meeting of shareholders.

11. No person shall be elected a Director of the Company, unless he shall be the holder and owner in his own right or as trustee for any corporation, of at least forty shares in the stock of the Company, and shall have paid up all calls made thereon.

Qualification of Directors.

12. The Directors of the Company may at any meeting of the Board vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Meetings of Board of Directors.

13. No call to be made at any time upon the capital stock, shall exceed ten per centum on the subscribed capital.

Calls limited.

14. The Company shall have power to become parties to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such promissory note made or endorsed and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn

Company may become party to notes and bills, &c.

Form of note, etc. accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown, and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever; **Proviso.** Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

Company may purchase lands, and for what purposes. 15. Whenever it shall become necessary for the purpose of procuring sufficient lands for stations or gravel pits, or ballasting or other purposes for constructing, maintaining or using the railway, or working or using the trains, to purchase more land than is required for such stations, or gravel pits, or ballasting or other purposes, the Company may purchase, take, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, in such manner and for such purposes connected with the construction, maintenance or use of the works as they may deem expedient, and may sell and convey the same or parts thereof from time to time as they may deem expedient.

May enter into agreements with other companies for use of railway etc. 16. It shall be lawful for the Company to enter into any agreement with any other company for the use or partial use of the railway by such other company or for leasing or hiring from such other company any other railway or part thereof or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any other company touching the use of the railway or of the railway of the other company, or the moveable property of the other company, or touching any service to be rendered by the one company to the other and the compensation therefor, and any other company may agree for the loan of its credit to (either by direct guarantee or traffic contract or otherwise) or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof, and any company accepting and executing such lease or agreement, shall be and is empowered to exercise all the rights and privileges in this charter conferred subject to the limitations and reservations (if any) in such agreement or lease expressed.

And for borrowing money Subscribing to stock. **Tariff rates to be same for all railways passing over railway hereby incorporated.** 17. When the railway is completed and ready for traffic, the cars and traffic of the railway of other companies now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over other railways) shall have the right to be hauled and forwarded over the railway at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favor or against any other company whose cars or traffic may be forwarded over the railway.

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18. Any other company using the railway shall have the right to carry, and compete for the local traffic of the railway, of which monthly returns shall be made to the Company, out of which local traffic a rate shall be allowed to such other company for earning the same, and the balance shall be struck half-yearly and then paid to the Company, and shall form part of the general fund of the Company, to be applied and accounted for in accordance with the twentieth section of this Act.

Other railways may carry local traffic at certain rates.

19. In case of any disagreement, and as often as the same may arise, as to the rights of any other company, whose traffic shall pass or desire to pass over the railway, or to pass over the other railways over which agreements for passing traffic may have been made by the Company, or the tariff rates to be charged in respect thereof, or in respect of local traffic, or the tariff rates in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company, and another by the other company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the Superior Courts of the Province of Ontario, upon application to such Court,—due notice thereof having been given to the parties interested; and the award of the arbitrators, or the majority of them, shall be final; Provided that the terms of the award shall not be binding for a longer term than five years.

Arbitration in case of disagreement.

Proviso.

But in any arbitration in respect of the said matters in this section mentioned, the agreements which shall then be in force with any other company, or the use then being made of the railway by any other company, shall not secure to such other company or companies any favor or discrimination in the use of the railway, by reason or priority of agreement or use by such other company or companies.

Priority of agreement to give no special privileges.

20. The Company shall have the right to charge the other companies, whose traffic shall pass and be forwarded over the railway, such compensation by way of toll or rental, as shall be found by experience requisite to yield an amount which will be sufficient to pay the expense of keeping in repair, maintaining and managing the railway, the interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per centum per annum upon the capital stock, and an additional sum which would be sufficient to furnish a sinking fund each year, not to exceed five per centum of the amount of the bonded debt; and deficiencies in the amount of tolls in any one year may be charged for and collected in any subsequent year.

What compensation for use of railway to be charged against other companies.

21. If the tolls or rental collected shall not in any year have paid the amount which the other companies shall have guaranteed, and the other companies shall have had to pay the deficiency, such deficiency shall be a debt due by the Company to the other companies, to be discharged thereafter with interest; or the other companies and the Company may agree for the discharge of the said debt by the creation and issue of capital stock at such rates or prices as may be agreed on.

This Company to defray deficiency in tolls collected by other companies.

22. It shall be lawful for the Company to agree with any other company using or proposing to use the railway as to the amount of tolls, rental or compensation to be paid for such use, and to commute the same at any fixed or variable amount, and with power to alter and vary the terms of such agreement: Provided,

Tolls may be commuted, etc.

Proviso.

that any money to be so paid or received shall be charged and chargeable, and be applied only in the same manner as the tolls, rentals or payments in lieu of which the same may be substituted would have been applicable had the same been levied and paid.

Limitation
clause.

23. The Railway shall be commenced within three years, and completed within seven years, from the passing of this Act. 5

No. 61.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Neutral Link
Railway Company."

Received and read, first time, Tuesday, 28th
April, 1874.

Second reading, Wednesday, 29th April, 1874.

(PRIVATE BILL.)

Mr. IRVING.

An Act to incorporate the Exchange, Loan and Trust
Company of Manitoba.

WHEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated as a Company, having for its object the borrowing and lending of money, the purchase and dealing in public securities, and in stocks, bonds and debentures of corporate bodies, receiving and holding property upon trust, acting as agents for the investing of money, the carrying on a general banking business by way of discount and deposit, and dealing in exchange without the privilege of issuing notes payable on demand; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Gilbert McMicken, John F. Bain, Alexander McMicken, John Bolsillie, Henry M. Drummond (who are hereby named Provisional Directors), and all other person or persons, body or bodies politic, who shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be and are hereby constituted a Company, and shall be one body, politic and corporate, by the name of "The Exchange, Loan and Trust Company of Manitoba," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded, in all courts whatsoever.

Incorporation.

Corporate name and powers.

2. The head office of the Company shall be in Winnipeg, in the Province of Manitoba, but the Company may establish agencies or offices and transact business in any part of the Dominion of Canada.

Head office.

3. The capital stock of the Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each: Provided always that it shall be lawful for the said Company to increase its capital stock to a sum not exceeding two millions of dollars, as a majority of the shareholders at a general meeting to be expressly convened for that purpose or at a regular meeting, shall agree upon.

Capital stock.

Increase.

4. For the purpose of organizing the Company, the Provisional Directors or a majority of them, may cause stock books to be opened after giving due public notice thereof, in which stock books shall be recorded the names and subscriptions of such persons as desire to become shareholders in the Company; and such books shall be opened in Winnipeg and elsewhere at the discretion of the said Provisional Directors or a majority of them, and shall remain open so long as they deem necessary.

Stock books may be opened

First meeting
of share-
holders.

Election of
directors.

Qualification
and election of
directors.

Election to be
by ballot.

Vacancies.

Proviso.

Proviso :
Increase of
number of
directors.

Failure of
election not
to dissolve
corporation.

Votes.

Proxy.

5. When the said capital stock shall have been subscribed, and twenty per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place in Winnipeg, giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in one or more of the newspapers published in Winnipeg, at which general meeting the shareholders present, or represented by proxy, shall elect five Directors who shall constitute a Board of Directors, and shall hold office until the first Monday in July following their election. 5 10

6. The said Directors shall be shareholders residing in Canada and they shall be elected, except as above provided, at the annual general meeting of shareholders to be holden in Winnipeg, on the first Monday in July in each year, or such other day as may be appointed by by-law, not less than four weeks' notice of such meeting being given as provided in the next preceding section, and all elections of Directors shall be held and made by such of the shareholders present, or represented by proxy, as shall have paid the twenty per cent. above prescribed, and all calls made by the Directors then due ; and all such elections shall be by ballot, and the persons having the greatest number of votes at any such election shall be Directors of the Company and constitute the Board aforesaid, and the said Directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be President, and one to be Vice-President. If any Director shall move his domicile out of Canada, or be absent from Canada more than six months at a time, without the consent of the Board, his seat shall thereby become vacant. Any vacancy occurring amongst the Directors by death, disqualification, or removal during the current year of office, shall be filled for the remainder of the year by the remaining Directors, or a majority of them, electing a shareholder or shareholders, eligible for such office : Provided that no person shall be eligible to be, or continue, as Director, unless he shall hold, in his own name, and for his own use, stock in the said Company to the amount of twenty shares, whereof at least twenty per cent. shall have been paid in ; Provided further, that whenever the capital stock shall be increased as hereinbefore provided, it shall be competent for the shareholders at any special or general meeting to resolve that the Directors be increased to any number not exceeding fifteen, and this power they may exercise from time to time as the said stock is increased, and as they may deem expedient. If an election of Directors from any cause should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not be dissolved for cause thereof, but it shall be lawful on any other day to hold and make the election, as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made. 15 20 25 30 35 40 45

7. At all general meetings of the Company each shareholder shall be entitled to give one vote for each share held by him not less than one month prior to the time of voting, upon which all calls then due have been paid ; such votes may be given either in person or by proxy, the holder of such proxy being a shareholder, and all questions proposed for the consideration of the shareholders shall be determined by a majority of votes, the Chairman at such meeting having a casting vote in case of an equality of votes. 50 55

8. If any shareholder shall refuse or neglect to pay the instalment or instalments due upon any share or shares held by him or her, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share or shares may be sold at public or private sale by the Directors, after such notice as they may order and direct. No shares shall be sold beyond the amount that may be sufficient to pay the arrears and interest, with expenses of sale, the surplus of such sale to be paid to the owner of such share or shares.

Forfeiture of shares for non-payment of calls.

9. The Company may institute and carry on suits or actions against any shareholder for the recovery of arrears and calls, or for any other debt or engagement, and in such suits or actions it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a shareholder, and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act, and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made or such debt due, and that notice was given as directed by this Act; and in all actions or suits by or against the Company, it shall not be necessary to prove the appointment of the Directors, or any matter whatsoever other than what is before mentioned, and a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy, or extract, under the hand of the President, Vice-President, Manager or Secretary of the Company, sealed with the corporate seal, shall be received in all Courts and proceedings as *prima facie* evidence thereof without further proof of the official character, or signature of the officer signing the same, or of the corporate seal.

Recovery of arrears and calls.

10. At all meetings of Directors a majority of the whole Board shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, Vice-President, or presiding Director shall give the casting vote.

Quorum at meeting of directors.

11. The Directors shall have full power and authority to make, and from time to time to alter such by-laws, rules and regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company; they shall also have full power and authority over the management and disposition of its stock, property, estate and effects, the regulation of the rates, terms and conditions, on which guarantee and other agreements shall be undertaken by the Company; the calling of special general meetings, the regulation of the meetings of the Board of Directors; the appointment and removal of officers, agents, clerks and servants, fixing their salaries and the terms and conditions of their appointment, and the regulation of their powers and duties, the regulation of the transfer of stock and the form thereof, the compensation of Directors, the establishment and regulation of agencies; and generally the Directors may in addition to the powers expressly conferred upon them, exercise all such powers, give all such covenants, make all such engagements and agreements, and do all such acts and things as are or shall be necessary and proper for the management of the affairs of the Company, and for carrying out the provisions of this Act according to its true meaning and spirit.

Powers and duties of directors.

Company may lead money. **12.** The Company may from time to time invest, lend or advance moneys in or upon any security, real or personal, which they may deem satisfactory; and they shall have power to do all acts that may be necessary for the advancing of such moneys, for the realizing of such securities, and the repayment of the moneys lent or advanced thereon, with interest, and for enforcing all agreements made in relation thereto, as to sale, forfeiture or otherwise. **5**

Company may act as agency association. **13.** The Company is empowered to act as an agency association, and may hold, invest and deal, in its own name or otherwise, with such moneys, mortgages, hypothecs, securities or evidences of debt, as shall from time to time be transferred or delivered to them as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise; the Company may give such guarantee as may be agreed upon for re-payment of principal or interest, or both, of any moneys, mortgages, hypothecs, securities, or evidences of debt; Provided that no commission to which they may be entitled as agents shall exceed two and one-half per centum upon the amount of the loan, the money realized, or the transaction effected. **10**
Proviso. **15**
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Company may receive deposits. **14.** The Company may receive deposits which may or may not bear interest, as may be ordered and agreed upon, but shall not grant certificates of deposit payable to bearer or on demand; but all certificates of deposit issued by the Company shall be made payable to the order of some person and at some period not less than one month from the date thereof, and the rate of interest if any shall be plainly stated thereon. **25**

Power to hold real estate. **15.** The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in annual value four thousand dollars: they may also hold such real estate as may be acquired by them in payment of debts, mortgages, or hypothecs, or in the ordinary business transactions of the Company; Provided that all real estate so acquired (except such as may be necessary for their business) shall by them be sold or disposed of within five years after the same shall have been acquired. **30**
Proviso. **35**

Calls on stock. **16.** The Directors shall have power, and they are hereby authorized, at the expiration of six months from the organization of the Company, to make a call of ten per cent. upon each share held by the shareholders of the Company; and at any time thereafter they may call in, from time to time, further instalments, until the whole amount of subscribed stock is paid up, but no instalment shall exceed ten per cent. upon each share; and three months' public notice by publication continuously in some newspaper published in Winnipeg, shall be given of each call respectively made, and each shareholder shall be further notified of each call by writing sent to his or her proper post office address, if known by the Secretary, at least sixty days before the day on which such call shall be payable. **40**
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Calls when to date from. **17.** A call shall be deemed to have been made at the time the resolution of the Directors authorizing such call was passed. **50**

Transfers. **18.** No transfer of any share of the stock of said Company shall be made upon which there are arrears of calls due and unpaid.

19. The said Company shall transmit annually, not later than the first day of April in each year, to the Minister of Finance, a statement, verified upon oath of the President, Manager or Secretary, setting out the capital stock of the Company, the proportion paid up, the amount of assets and liabilities respectively, and such other details as may be required by the Minister of Finance; and such statement shall be made up to the thirty-first day of December in each year.

20. The Company shall not make any dividends as of profits or otherwise, whereby the capital stock will be in any way reduced.

21. The eighty-second and three following sections of the Act thirty-second and thirty-third Victoria, Chapter twenty-one, shall, with the addition of the words "or clerk," after the words "public officer," be considered as forming part of this Act, and the punishment for the several offences therein mentioned shall be the same as therein provided.

22. The words "property" and "security," or "securities," shall be interpreted in the manner provided for in the Act above mentioned.

23. Every Director shall be liable for his own acts, and not for the acts of the Board, and shall be indemnified by the Company from and against all costs, charges or expenses incurred in any way arising out of his being such Director, and properly acting as such on behalf of the Company.

24. Every writing, document, instrument, certificate, bond or note, that shews indebtedness on the part of the Company, or a promise to pay or give security to the holder, shall bear distinctly upon its face the words "limited liability," and no shareholder in the said Company shall be liable in any cause or action beyond the amount unpaid on the share or shares held by him or her in said Company, but if any portion of such share or shares remains uncalled or not paid in to the Company, as hereinbefore provided for, the same shall be recoverable from such shareholder or shareholders, and be collected as an ordinary debt, by the creditor bringing the action against the Company—after having recovered a verdict against the Company for any cause of loss, default or non-payment.

No. 62.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Exchange, Loan
and Trust Company of Manitoba.

Received and read, first time, Tuesday, 28th
April, 1874.

Second reading, Wednesday, 29th April, 1874.

(PRIVATE BILL.)

Mr. SCHULTZ.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street :

1874.

An Act relating to Interest and Usury in the Province
of New Brunswick.

WHEREAS it is expedient to repeal a portion of the laws at Preamble.
present in force in the Province of New Brunswick relating
to usury: Therefore Her Majesty, by and with the advice and
consent of the Senate and House of Commons of Canada, enacts
5 as follows:—

1. From and after the passing of this Act, any person or persons Any rate of interest to be lawful.
may stipulate for, allow and exact on any contract or agreement
whatsoever made or to be performed in the Province of New
Brunswick, any rate of interest or discount which may be agreed
10 upon.
2. None of the provisions of this Act shall apply to any Bank Exception as to banks, &c.
or incorporated company, but all laws at present in force in the
said Province relating to interest or usury shall remain in full
force in relation to all transactions of such banks or incorporated
15 companies.
3. Nothing herein contained shall prejudice or affect the rights Rights acquired not affected.
or remedies of any person, or diminish or alter the liabilities of
any person, in respect to any act done before the passing of this
Act.
- 20 4. All Acts and parts of Acts of the General Assembly of the Inconsistent enactments repealed.
Province of New Brunswick inconsistent with the provisions of
this Act are hereby repealed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act relating to Interest and Usury in
the Province of New Brunswick.

Received and read the first time, Tuesday, 28th
April, 1874.

Second reading, Wednesday, 29th April, 1874.

MR. PALMER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate "The Standard Marine Insurance Company of Canada."

WHEREAS the persons whose names are hereinafter mentioned Preamble.
 have by their petition prayed that they may be incorporated for the purpose of establishing a Company to carry on the business of Marine Insurance, and have represented that such a
 5 Company would be a public benefit: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles H. Gould, James McDougall, Daniel Butters, Thomas Persons
 W. Ritchie, John Cassil Hatton, Robert Moat, James O'Brien and incorporated.
 10 James K. Oswald, and such other persons as may become shareholders in the Company to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, under the name of "The Standard Marine Insurance Company of Canada," having the head Corporate
 15 office of the said Company at the City of Montreal, and shall name and
 have perpetual succession and a corporate seal, with power to rights.
 alter and change the same at pleasure; and may, by such name, sue and be sued, implead and be impleaded in all courts of law and equity.

20 **2.** The said Company shall have power and authority to make Business of the
 with any person or persons all insurances connected with marine Company.
 risks of navigation and transportation by water, against loss or damage either by fire or by peril of navigation of or to any vessel, steamer, boat or other craft, either seagoing or navigating upon
 25 lakes, rivers or navigable waters; and of or to any cargo, goods, merchandize, specie, bullion, jewels, bank notes, bills of exchange and other evidences of debt conveyed therein, or on any railway or stored in any warehouse or railway station while in transit; and of and to any timber or other property of any description
 30 borne or carried by water; and of and to any freight, profit, commission, bottomry or respondentia interest; and to cause themselves to be reinsured when deemed expedient against any loss or risk upon which they have made or may make insurance, and generally to do and perform all other matters and things necessary
 35 to such objects.

3. The capital stock of the said Company shall be one million Capital and
 dollars and shall be divided into ten thousand shares of one shares.
 hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same: Provided
 40 always, that it shall and may be lawful for the said Company to Provisions for
 increase its capital stock to a sum not exceeding two million increase.
 dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, shall agree upon.

Provisional Directors.	4. For the purpose of organizing the said Company, the persons named in the first section of this Act shall be Provisional Directors thereof; and they, or a majority of them, may cause a stock book or books to be opened, upon which stock book or books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such book or books shall be opened in the City of Montreal and elsewhere, at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary.	5
To open stock books.		
General meeting for election of Directors.	5. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and not less than ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least fifteen days' notice thereof in some daily newspaper published in the said city: at which general meeting the shareholders present in person or represented by proxy, shall elect nine Directors in the manner, and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office as hereinafter provided: Provided always, that no person shall be eligible to be or continue a Director, unless he shall hold in his own name and for his own use at least ten shares of the capital stock of the Company, and shall have paid all calls thereon and all liabilities incurred by him to the Company; and the shareholders shall have power to increase the number of Directors at any general meeting, to any number not exceeding fifteen, or to reduce them to any number not less than five.	10 15 20 25
Notice.		
Qualification for Director.		
Number of Directors may be altered.		
Payment of shares.	6. The shares of the capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; no instalment shall exceed ten per cent., and not less than thirty days' notice shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively indemnified for paying the same.	30
Calls.		
Directors.	7. The stock, property, affairs and concerns of the said Company shall be managed and conducted by the said Directors, one of whom shall be chosen President and one Vice-President. Three of the said Directors shall, in rotation, retire each year, and the three who shall first retire shall be determined by the Directors, by lot, and so in rotation, but any retiring Director shall be eligible for re-election. If any vacancy should at any time happen amongst the said Directors, by death, during the term of office of any Director, such vacancy shall be filled for the remainder of the term by the remaining Directors, or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office. All elections of Directors shall be made and take place at the annual general meeting of the shareholders, to be holden at the head office of the Company or elsewhere, in Montreal, on the first Tuesday in January in each year, or such other day as may be appointed by by-law, not less than fifteen days' notice of such meeting being given, as provided in section five, and the said election shall be held and made by such of the shareholders present in person or represented by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be Directors; and if two or	35 40 45 50 55
Retirement by rotation.		
Filling vacancies.		
Election of Directors.		
Place and time of election.		
Voters and manner of voting		

- three persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors than should have been chosen, then a second vote on the names of such persons shall be taken, and so on, until the proper number of persons shall be elected; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President. Ties.
Election of officers.
8. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made. Provision in case of failure of election.
9. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due shall have been paid; such votes may be given either in person or by proxy, the holder of such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes. Qualification and manner of voting.
Determination of questions.
10. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws, and such forfeited share or shares may be sold at a public sale by the Directors, after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that if the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses 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. Forfeiture for non payment of instalments and sale of shares.
Proviso: surplus to go to owner.
11. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall not be necessary to prove the appointment of the Directors who made such calls or any other matter whatsoever other than what is hereinbefore mentioned. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President or the Manager of the Company, and sealed with the corporate seal, shall be received in all courts and Payment of arrears before sale of shares forfeited.
Allegations required in suits for calls.
Proof in such cases, and of by-laws, &c.

proceedings as *prima facie* evidence of such by-law, rule, regulation minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal.

Quorum at meeting of Directors.

12. At all meetings of the Directors three shall constitute a quorum for the transaction of business, of whom the President or Vice-President shall be one, and shall preside at such meetings; except in case of illness or absence, when the Directors present may choose one of their number to be chairman for such meeting. 5

Business at annual meetings. Statement of affairs.

13. At the annual meeting of the shareholders, the election of 10 Directors shall be held and all business transacted, and a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be 15 called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President, or in his absence the Vice-President, or in the absence of both of them a Director, chosen by the shareholders, shall preside, and, in case of an equality of votes, shall give the casting vote in addition to his 20 vote as a shareholder.

Special general meeting: who shall preside at meetings.

Power of Directors to make by-laws for certain purposes.

14. The Directors shall have full power and authority to make, and from time to time to alter such by-laws, rules, regulations, and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and dis- 25 position of its stock, property, estate, and effects; the calling of special general meetings, the regulation of the meetings of the Board of Directors, the appointment of a manager and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon 30 the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries and allowances to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors, and the establishment and regulation of 35 agencies: Provided that such by-laws do not contravene the provisions of this Act and are not contrary to law.

Proviso.

Company may hold real estate for certain purposes.

15. The Company shall have power to acquire and hold such real estate as it may require for the purposes of its business, within the Dominion of Canada or elsewhere, not exceeding the 40 annual value of ten thousand dollars; and to sell and dispose of the same and acquire other property in its place as may be deemed expedient, and to take, hold and acquire all such lands and tenements, real and immovable estate as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfac- 45 tion of debts previously contracted in the course of its dealings, or otherwise obtained; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or any of the Provinces thereof, or in the stocks of any banks or building societies, or in the bonds and debentures of any 50 incorporated city, town, or municipality, authorized to issue bonds or debentures, or in mortgages on real estate.

Investment of its funds.

Transfer of shares.

16. No transfer of any share of the said Company shall be valid until entered on the books of the said Company, according

to such form as may, from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder ^{Proviso.} indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

17. In the event of the property and assets of the said Com- ^{Limited} pany being insufficient to liquidate its debts, liabilities, and en- ^{liability of} gagements, the shareholders shall be liable for the deficiency, but ^{shareholders.} to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock.

18. It shall be lawful for the said Company to have offices, ^{Offices in} maintain agencies, and transact business in any part of the United ^{United States.} States, should a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, so determine.

19. This Act and the Company hereby incorporated, and the ^{31 Vict., cap.} exercise of the powers hereby conferred, shall be subject to the ^{48, and 34} provisions contained in the Act thirty-first Victoria, chapter forty- ^{Vict., c. 9 to} eight, intituled, "*An Act respecting Insurance Companies,*" as ^{apply.} amended by the Act thirty-fourth Victoria, chapter nine.

No. 64.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Standard
Marine Insurance Company of Canada."

Received and read, first time, Tuesday, 28th
April, 1874.

Second reading, Wednesday, 29th April, 1874.

Mr. JETTÉ.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1874.

An Act to change the name of "The Victoria Bank of Canada," to that of "The Manufacturers' Bank of Canada."

WHEREAS the "Victoria Bank of Canada" was duly incorporated by an Act passed in the thirty-sixth year of Her Majesty's reign, chapter seventy-five, intituled: "An Act to incorporate the Victoria Bank of Canada," and the Provisional Directors thereof have by their petition prayed that the name of the said bank may be changed, and the time limited by the seventh section of the said Act extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10 **1.** The corporate name of the said bank shall be changed from the "Victoria Bank of Canada" to that of "The Manufacturers' Bank of Canada." Name changed

15 **2.** The time limited by the seventh section of the said Act intituled: "An Act to incorporate the Victoria Bank of Canada" is hereby extended for the further period of twelve months. Section 7 of 36 V., c. 75, amended.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to change the name of the "Victoria Bank of Canada," to that of "The Manufacturers' Bank of Canada."

Received and read, first time, Tuesday, 20th April, 1874.

Second reading, Wednesday, 29th April, 1874.

(PRIVATE BILL)

Mr. JETTÉ.

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1874.

An Act to amend the Act thirty-six Victoria, chapter one hundred and six, incorporating "The Canada Investment and Guarantee Agency."

WHEREAS "The Canada Investment and Guarantee Agency" ^{Preamble.}

have by their petition prayed for an Act to amend certain sections of the Act incorporating the said Agency, to wit: thirty-six Victoria, chapter one hundred and six; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section seven of the said Act is hereby amended by adding ^{36 V., c. 106,} thereto, immediately after the word "Canada," the words follow- ^{s. 7, amended.}
 10 ing: "and in any part of the Kingdom of Great Britain and Ireland."
2. Section eight of the said Act is hereby amended by repeal- ^{Section 8}
 ing the words "one-half shall be subscribed for and at least one ^{amended.}
 hundred thousand dollars shall be paid in," and substituting
 15 therefor the following words: "one quarter shall be subscribed for and at least fifty thousand dollars shall be paid in."
3. Section nineteen of the said Act is hereby amended by re- ^{Section 19}
 pealing the words, "one half," in the first line of the said section, ^{amended.}
 and substituting therefor the words "one quarter."

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 36 Victoria,
chapter 106, incorporating "The Canada
Investment and Guarantee Agency."

Received and read, first time, Tuesday, 28th
April, 1874.

Second reading, Wednesday, 29th April, 1874.

(PRIVATE BILL.)

M. JETTÉ,

OTTAWA:

Printed by L. B. TAYLOR, 29, 31 and 31, Rideau Street.

1874.

An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian produce.

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

Preamble.

GENERAL PROVISIONS.

1. The Governor in Council may, from time to time, designate the several cities, counties, towns, and other places or Inspection divisions in Canada at and for which, respectively, it is expedient to appoint Inspectors of the several articles hereinafter mentioned, or any of them, and the Governor may, from time to time, determine the limits of such Inspection Divisions and appoint at and for each of such cities, counties, towns, places or divisions, an Inspector of any of the following articles, that is to say:—

Governor may appoint Inspectors of certain articles.

- Flour and meal;
- 10 Wheat and other grain;
- Beef and pork;
- Pot ashes and pearl ashes;
- Pickled fish and fish oil;
- Butter;
- 15 Leather and raw hides;
- Petroleum.

Such Inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council may assign to them, and they and their Deputies shall be appointed only from among duly qualified persons, certified as such by the Examiners hereinafter mentioned.

Tenure of office and limits of action.

2. The Board of Trade at each of the cities of Quebec, Montreal, Toronto, Kingston, Hamilton, London, Ottawa, and St. John, N.B., and the Chamber of Commerce at the City of Halifax, may from time to time appoint in the said cities respectively, and the Governor may from time to time appoint in any county in the Dominion or for any Inspection Division, five fit and skilful persons, any three of whom shall be a quorum, for each class of articles to be inspected at such city, or county, to examine and test the ability and fitness of applicants for the office of Inspector or Deputy Inspector of such articles; and no person shall be appointed such Inspector or Deputy Inspector, who has not been examined by and received a certificate of qualification from the proper Board of Examiners: Provided always, that the Governor may in his discretion appoint as an Inspector under this Act, without a new examination, any person who has been an Inspector of the same article under any Act hereby repealed. And the Board may at any such examination permit the attendance of any person or persons of experience and skill in the subject of such examination and allow them to propose questions pertinent thereto to the examinee, in order to test his knowledge and skill.

Boards of Examiners of Inspectors, how appointed.

Inspectors or Deputies must have been examined.

Proviso: as to present Inspectors.

Who may be present at examination.

Examiner to
take oath.

3. Each such Examiner shall before acting as such, take before some Justice of the Peace, an oath in the following form or to the same effect:—

Oath.

"I, A. B., do swear that I will not, directly or indirectly, personally
"or by means of any person or persons in my behalf, receive 5
"any fee, reward or gratuity whatever, by reason of any
"function of my office of Examiner of applicants for the office
"of Inspector or Deputy Inspector of
"except such as I may be entitled to receive by law,
"and that I will therein well and truly, in all things, act with- 10
"out partiality, favor or affection, and to the best of my know-
"ledge and understanding. So help me God."
Which oath shall remain in the custody of the Justice admin-
istering it.

Inspector not
to trade in ar-
ticles which
he inspects.

4. No Inspector shall deal or trade in, or have any interest 15
directly or indirectly, in the production of any article subject to
inspection by him, or sell or buy any such article (except for the
consumption of himself and his family) under a penalty of two
hundred dollars for any offence against this section and the forfeiture 20
of his office.

Inspector to
take oath.

5. Each Inspector shall, before acting as such, take and subscribe
before some Justice of the Peace, an oath of office in the form or to
the effect following:—

Oath.

"I, A. B., do solemnly swear, that I will faithfully, truly and 25
"impartially, to the best of my judgment, skill and under-
"standing execute and perform the office of an Inspector
"and that I will not directly or indirectly, by myself
"or by any other person or persons whomsoever, manu-
"facture, or prepare, deal, trade in, or sell, or buy, except 30
"only for the consumption of myself and family, any (*insert*
"the description of the articles he is to inspect) on my account, or
"upon the account of any other person or persons whomsoever,
"while I continue such Inspector. So help me God."

Deputy In-
spector to
have no inter-
est in articles
he inspects.

No Deputy Inspector shall have any or indirect interest by him- 35
self or by any other person whomsoever, in any article inspected by
him.

Deputy In-
spector to take
oath.

Every Deputy Inspector shall, before acting as such, take and
subscribe before some Judge of the Peace, the following oath:—

Oath.

"I, A. B., do solemnly swear that I will faithfully, truly and impar- 40
"tially, to the best of my judgment and skill and understand-
"ing, execute and perform the office of a Deputy Inspector
"of _____, and that I will not inspect, brand or
"certify to the quality of any article or thing in which I have
"any direct or indirect interest on my own account or upon 45
"the account of any other person whomsoever, while I continue
"to hold office as a Deputy Inspector. So help me God."

Such oaths shall remain in the custody of the Justice administer-
ing them, and any copy thereof certified by the said Justice of the
Peace shall be prima facie evidence of such oaths. 50

Security to be
given by In-
spector or De-
puty.

6. Each Inspector or Deputy Inspector shall, before acting as
such, give security for the due performance of the duties of his
office, in such sum as the Governor may direct, by bond to Her
Majesty, with two sureties to the satisfaction of the Governor, to be
bound jointly and severally with him, in the form and subject to the 51
provisions prescribed by law relative to the security to be given by

persons appointed to offices of trust in Canada, and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof, and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be *prima facie* evidence of such bond, and of the contents and tenor thereof, and such copy shall be furnished when required on payment of a fee of one dollar.

7. Each Inspector may, and shall, when thereunto required by the Governor, appoint a Deputy or so many Deputies as may be necessary for the efficient and speedy performance of the duties of his office, such assistants being duly examined and sworn and giving security as above provided; and they shall be held to be the Deputies of the Inspector for all the duties of his office, and their official acts shall be held to be the official acts of the Inspector, and he shall be responsible for them as if done by himself; and each Deputy Inspector shall make such returns and reports of his official acts as shall be required of him by the Inspector whose Deputy he is.

Appointment of Deputy Inspectors.

8. The said Deputies shall respectively be paid by and shall hold their offices at the pleasure of the Inspector; and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn Deputy or Deputies appointed as aforesaid.

Duties and tenure of office of Deputy Inspector.

9. In the event of the death of any Inspector, his senior Deputy Inspector shall perform all the duties of the Inspector until his successor is appointed.

Deputy to act on death of Inspector.

10. The Governor in Council may, from time to time, require any or every Inspector to make such returns or reports of his or their official acts to any public department or officer, Board of Trade or municipal authority, and in such form and containing such particulars and information as he may deem expedient, and may, from time to time, by Order in Council, make such regulations for the governance of Inspectors under this Act or any of them, and of parties employing them as such, as he may think proper, and may by such regulations impose penalties not exceeding fifty dollars on any person offending against them; and any copy of such regulations printed in the *Canada Gazette* shall be *prima facie* evidence of any such regulations, and that they are then in force; and such regulations, not being contrary to or inconsistent with this Act, shall be obeyed by such Inspectors and parties employing them, as if embodied in this Act, and any offence against them shall be deemed an offence against this Act and punishable as such.

Returns or reports of official acts, under regulations to be made by Governor in Council.

11. If any dispute arises between any Inspector or Deputy Inspector and the owner or possessor of any article by him inspected, with regard to the quality and condition thereof, or relating in any respect to the same, then upon application, by either of the parties in difference, to any Justice of the Peace for the place in which such Inspector or Deputy Inspector acts, such Justice of the Peace shall issue a summons to three persons of skill and integrity one to be named by the Inspector or Deputy Inspector, another by the owner or possessor of the article in question, and the third by such Justice of the Peace (who, failing the attendance of either of the parties in difference shall name for him), requiring such three persons forthwith to examine such article, and report their opinion of the quality and condition thereof under oath (which oath the Justice of the Peace shall administer), and their determination, or that of the majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately conform

Disputes how settled, where there is no Board of Trade or Chamber of Commerce.

thereto, and brand or mark such article, or the package containing the same (as the case may be) of the qualities or condition directed by the determination aforesaid; and if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable cost or charges of re-examination (to be ascertained by the said Justice of the Peace), shall be paid by the said owner or possessor of the article in question, and, if otherwise, by the Inspector or Deputy Inspector. 5

And in cities where there is a Board of Trade or Chamber of Commerce. Provided always that if any dispute arises between the Inspector or Deputy Inspector for any of the said cities of Quebec, Montreal, Kingston, Toronto, Hamilton, St. John, N. B., or Halifax, N.S., and the proprietor or possessor of Flour or Meal, with regard to the quality or condition thereof, or relating in any respect to the same, such dispute shall not be decided in the manner hereinbefore provided, but, upon application by either of the parties in difference, to the Secretary of the Board of Trade or the Chamber of Commerce for the city where the dispute has arisen, the said Secretary shall forthwith summon a meeting of the Board of Examiners for the said city, who, or a majority of them, shall immediately examine such Flour or Meal and report their opinion of the quality and condition thereof, and their determination, or that of a majority of those present, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately attend and conform himself thereto, and shall brand or paint, or cause to be branded or painted, each and every barrel or half-barrel, of the quantity and condition directed by the determination aforesaid:— 10 15 20 25

Proviso: Examiners may be named for the occasion by the Board or Chamber. In the absence of a sufficient number of the Examiners to form a quorum, as many additional Examiners may be named for the occasion by the Board of Trade or Chamber of Commerce, for the place where the inspection is to be made, as will form a board of three, and such additional members of the board shall be sworn in the same manner as the original members were:— 30

Costs. And if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable costs and charges of re-examination, according to the rates allowed by the Council of the Board of Trade or Chamber of Commerce for the city, shall be taxed by the said Secretary and paid by the proprietor or possessor of such Flour and Meal, and, if otherwise, by the Inspector, with all damages. 35

Fees from re-examination, how to be fixed. **12.** The Council of the Board of Trade, or Chamber of Commerce, if there be one, for each of the said cities or places where Inspectors are appointed, and, if not, or in case such board fails to make such tariff, the Governor in Council shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the persons re-examining any article on appeal from the decision of the Inspector or Deputy Inspector: And all such fees shall be payable before the delivery of the Bill of Inspection, or the re-delivery by the Inspector of the articles inspected, on which he shall have a special lien for such fees. 40 45 50

Penalty in case of neglect or refusal of Inspector to act. **13.** If any Inspector or Deputy Inspector refuses or neglects on application to him, made personally or by writing, left at his dwelling-house, store, office or warehouse, on any lawful day between sunrise and sunset, by any owner or possessor of any article which such Inspector or Deputy Inspector is appointed to inspect (such Inspector or Deputy Inspector not being at the time of such application employed in inspecting elsewhere) forthwith, or within two hours thereafter, to proceed to such inspection, he shall for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars over and above all the damages occasioned 55 60

by such refusal or neglect to the party complaining, recoverable in a summary way before any one Justice of the Peace, on the oath of one credible witness other than such complainant.

- 14.** Any person who, with a fraudulent intention, alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks, on any article having undergone inspection, or on any package containing any such article, or counterfeits any such brand, or mark, or brands, impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector or of the manufacturer or packer of such article, either with the proper marking instruments of such Inspector, manufacturer or packer, or with counterfeit imitations thereof, or empties or partially empties any such package marked, after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection, or uses for the purpose of packing any article, any old package bearing inspection marks,—or (not being an Inspector or Deputy Inspector of any article) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any article, and any person who being in the employ of any Inspector or Deputy Inspector, or of any manufacturer or packer of any article subject to inspection, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid, shall, for such offence, incur a penalty of forty dollars; and any Inspector or Deputy Inspector who inspects or brands or marks any article out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act, shall, for each such offence, incur a penalty of one hundred dollars, and shall forfeit his office, and shall be disqualified from ever after holding the same.

How recoverable.
As to fraudulent alteration, or imitation or use, &c., of Inspector's marks, &c.

False certificate.
Penalty.

Penalty.

Similar offences by Inspector or Deputy; or acting out of his district.

- 15.** Any person not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of Inspector or Deputy Inspector, or issues any bill, certificate or declaration purporting to establish the quality of any Pot-ashes or Pearl-ashes, Flour or Meal, Beef or Pork, Grain, Pickled Fish or Fish Oil, Butter, Leather, or Raw Hides, or Petroleum, shall for every such offence incur a penalty not exceeding one hundred dollars.

Person assuming title, &c., of Inspector, without authority.

- 16.** Every penalty and forfeiture imposed by this Act, or by any regulation made under it, not exceeding forty dollars, shall, except when it is otherwise herein provided, be recoverable by any Inspector, or Deputy Inspector, or by any other person suing for the same, in a summary way before any two Justices of the Peace for the place, in their ordinary or other sessions, and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices, against the goods and chattels of the offender;

Penalty under \$40, how recoverable.

2. And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, Deputy Inspector, or any other person, by bill, plaint, information or civil action, in any Recorder's Court or in any other Court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt;

Penalty over \$40, how recoverable.

3. And the moiety of all such penalties (except such as may be herein otherwise applied) when recovered, shall belong to the Crown

Application for penalties.

for the public uses of the Dominion, and the other moiety shall belong to and be paid to the Inspector or Deputy Inspector, or other person suing for the same.

Limitation of time for commencing suits.

17. Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein may plead the general issue, and give this Act and the special matter in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, then the judgment shall be for the defendant, and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble cost and have the like remedy for the same as defendants have in other cases.

By whom cost of inspection shall be paid when article is sold subject to inspection.

18. In all cases where any article is sold subject to inspection, the person applying to the Inspector shall be entitled to reimbursement of the cost of inspection from the vendor, if such applicant be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection;—And such agreement to submit to inspection, shall imply a warranty that the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it be otherwise expressly stipulated.

Inspection not compulsory, unless expressly so declared.

19. Nothing in this Act shall oblige any person to cause any article to be inspected, unless such inspection is expressly declared to be compulsory, but if inspected, it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, with respect to such article and the packages in which it is contained—

Proviso.

Regulations as to fees to Inspectors, Deputy Inspectors, and Examiners.

The Governor in Council may make regulations whenever he deems it necessary to do so, for the apportionment of the fees paid under this Act between the Inspectors and their deputies, and for providing for the payment of fees to the Examiners appointed under this Act by parties who present themselves for examination, and every such regulation may be rescinded or varied from time to time.

35 Vict. c. 49, repealed.

20. The Act passed in the session held in the thirty-sixth year of Her Majesty's reign, intituled "An Act to amend and to consolidate and to extend to the whole Dominion of Canada, the laws respecting the inspection of certain staple articles of Canadian produce" is hereby repealed, except that such repeal shall not affect the repeal of any former Act or provision of Law, any liability incurred, any bond or security given, any action, suit or proceeding pending, any penalty, forfeiture or punishment incurred for any offence committed, any appointment made in Council, regulation, or order made or given and not inconsistent with this Act, or anything lawfully done before this Act comes into force; and if, in any contract made before the coming into force of this Act, it has been stipulated that any article therein mentioned shall be subject to inspection, then unless the contrary be clearly expressed, the intended standard of quality of such article shall be understood to be that established by the laws in force at the date of such contract, and if the inspection is made after this Act is in force, it shall be made according to standard established

Proviso: as to things done before the passing of this Act.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FLOUR AND MEAL.

21. The Inspector or Deputy Inspector shall examine and inspect every barrel and half barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof, and shall ascertain the qualities and condition thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth of the cask, by an instrument (not exceeding five-eighths of an inch in diameter within its gauge or bore) for that purpose; and after inspecting such Flour or Meal, the Inspector or Deputy Inspector shall cause the hole bored in each barrel or half barrel for inspection to be plugged; and such inspection may be made either at the store or warehouse of such Inspector, or at some store within the limits of the place for which the Inspector is appointed, at the option of the owner or possessor of such Flour or Meal; and each Inspector may provide and keep in some convenient situation in the place for which he is appointed, a proper or store warehouse for the reception and inspection of Flour and Meal.

Inspection of Flour and Meal.

22. Each Inspector shall provide and have sufficient number of iron or other metal brands, and every Inspector or Deputy Inspector shall, in the inspection of Flour and Meal, observe the following rules:—

Inspector's brands.

1. He shall, immediately after inspection, brand or mark on each and every barrel or half barrel of Flour or Meal, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John," or the name of any other place where the inspection is made, and the initial of the Christian name and the surname at full length of the Inspector, with the quality of the Flour or Meal, as hereinafter directed;

How barrels shall be branded.

2. On each and every barrel or half barrel of Flour or Meal which may on inspection be found sour, without any other damage or unmerchantable quality, he shall brand the word "Sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality;

Sour.

3. In all cases where Flour or Meal is found to be of unsound or unmerchantable quality from other causes, he shall brand the word "Rejected" at full length, in plain legible characters, in addition to the brand or mark designating the quality;

Rejected.

4. In all cases where the quality of the Flour or Meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the Inspector or Deputy Inspector shall erase and correct the same; he shall also brand or mark on each barrel or half barrel of Flour or Meal inspected by him, the month and year in which it is inspected, with the quality of the Flour or Meal therein;

Incorrect brands to be erased.

5. All the said brands and other marks shall be branded or marked on one head of the barrel or half barrel;

Where to be branded.

6. For such inspection and branding or marking, the person who required the inspection thereof shall pay to the Inspector for each and every barrel and half barrel of Flour or Meal so inspected and branded or marked, the sum of two cents (exclusive of cooperage) before such Flour or Meal should be removed;

Fees.

7. As soon as any Flour or Meal is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity and

Bill of Inspection to be furnished.

quality ascertained by inspection, and the charges therefor, and the name of the mill at which the Flour is manufactured ;

Penalty for giving false Bill of inspection.

8. If any Inspector or Deputy Inspector, knowingly and wilfully gives, in any Bill of Inspection, an untrue and incorrect certificate of the quantity or quality of any Flour or Meal by him inspected, or gives such Bill without a personal examination and inspection of such Flour or Meal, he shall incur a penalty of forty dollars for each offence, and be dismissed from his office and be disqualified from ever after holding the same ;

Brands in case of re-inspection.

9. Provided always, that all Flour or Meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear in addition the mark and brand of the year and month when last inspected ;

Name of packer to be marked on barrel.

10. Provided also that the Inspector or Deputy Inspector shall examine each and every barrel of Flour or Meal offered for inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the Flour or Meal, and the tare and net weight, are branded or marked legibly thereon ;

Character of unsoundness to be noted.

11. The Inspector or Deputy Inspector shall note in his certificate the character of any unsoundness in the Flour or Meal to which it relates, such as "Musty" ; and when Flour has been wet, and the wet part removed by the Inspector or owner, as the case may be, the Inspector shall note in his Bill of Inspection "Cleaned" ; and when the Inspector in his judgment deems it necessary to strip or empty out the Flour to find out if there is the proper weight of Flour in any cask, he shall be entitled to two cents for each barrel so stripped or emptied (if it prove to be of short weight) in addition to the two cents per barrel for inspecting and branding ;

Inspector to return flour taken out by instrument if required.

12. The Inspector or Deputy Inspector shall, if required, deliver all Flour or Meal taken from any barrel or half-barrel with the instrument used for the purpose of inspection, to the person requiring such inspection, and shall incur a penalty of twenty dollars every time he fails in so doing.

Provisions as to qualities for branding.

23. The Inspector or Deputy Inspector shall govern himself as far as may be possible, by the standards of quality for each description of Flour or Meal, and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every barrel and half barrel of Flour or Meal inspected by him, all brands and marks required by this Act, under a penalty of ten cents for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than is required by this Act.

Qualities of flour.

24. In branding or marking the different qualities or descriptions of Flour, the same shall be designated as follows:—

That of a very superior quality, by the words "Superior Extra;" 45
 That of the second quality, by the words "Extra Superfine;"
 That of the third quality, by the words "Fancy Superfine;"
 That of the fourth quality, by the words "Spring Extra;"
 That of the fifth quality, by the word "Superfine;"
 That of the sixth quality, by the word "Fine;" 50
 That of the seventh quality, by the words "Fine Middlings;"
 That of the eighth quality, by the words "Ship Stuffs," or "Pollards;"
 That of another quality, to be called "Strong Bakers."

Qualities of meal.

And in branding or marking the different qualities of Rye Flour, 55

Indian Meal or Oatmeal, the words "Rye Flour," "Indian Meal," or "Oatmeal" (as the case may be) shall be plainly branded or marked on every barrel and half barrel, to designate the Grain from which the same is made;—and the qualities shall be designated as follows:—

- The superior quality of Rye Flour, by the word "Superfine;"
 The second quality, by the word "Fine;"
 The Superfine qualities of Indian Meal or Oatmeal by the word "First;"
 10 The second quality, by the word "Second;" and
 The third quality, by the word "Third."

25. And in order that there may be one uniform standard of quality for the various grades of Flour or Meal throughout the Dominion, for the government of Inspectors thereof, one or more members of each of the Boards of Examiners, for the Cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Halifax, and St. John, N.B., shall meet together in the City of Montreal between the fifteenth day of August and the fifteenth day of October, in each year, for the purpose of choosing samples of Flour and Meal of the various grades, to be the standards by which the Inspectors of Flour and Meal throughout the Dominion shall be governed in the work of inspection; and such standards shall be chosen and approved by the said Examiners, or a majority of them present at such meeting, notice of which shall be given by the Board of Trade of Montreal;

Uniform standards how established.

It shall be the duty of the Secretary of the Board of Trade of Montreal to send samples of such standard so chosen by the said members of the Board of Examiners at such meeting as aforesaid, to the Minister of Inland Revenue, to be by him distributed to the several Inspectors for their guidance in such manner as they may be directed by the Governor in Council.

Transmission of samples.

26. Every barrel of Flour or Meal shall contain 200 pounds or two centals, and every half barrel shall contain 100 pounds or one cental, and whenever the barrel contains less than the above named quantity the number of pounds short shall be distinctly marked in figures below a black line, and such deficiency shall be stated in any certificate of Inspection that may be granted in respect of such flour or meal:

How much barrels of flour and meal shall contain.

And it shall be the duty of the packer or manufacturer to brand, paint or mark the initials of his christian name, and his surname at full length, and the name of his mill or place of packing, the quality and weight of the Flour and Meal therein contained, and the tare of the cask, on one end of each and every barrel or half barrel of Flour or Meal packed for sale, in a plain and distinguishable manner, and he shall incur a penalty of *ten* cents for each and every barrel or half barrel offered for sale or inspection, with regard to which the requirements of this section are not complied with; such penalty to be paid to the Inspector before delivery of the Flour or Meal.

Packer to mark his name, etc., on the barrel.

27. All Flour packed in Canada for sale, shall be packed in good and strong barrels not less in weight than twenty pounds or half barrels of seasoned oak, elm or other hardwood timber, and made as nearly straight as may be, and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length, from croe to croe, with heads of the same;—the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen

Barrels in which flour shall be packed.

inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and bound with at least ten wooden hoops of which three shall be at each end with a lining hoop within the chimes, the whole well secured by nails, under the penalty of two cents for each cask of Flour offered for sale or exported which shall not be one of the foregoing description of barrels and half barrels,—such penalty to be incurred by the person offering such cask for sale or exporting it. 5

Inspector to verify weight.

28. The Inspector or Deputy Inspector shall ascertain by examination the weight of the Flour or Meal in every cask which he suspects not to contain such full weight required by this Act, and if it does not contain such full weight he shall cause it to be filled up by the person requiring such Flour or Meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred; 10 15

Proportion of lots to be so verified.

2. And the Inspector or Deputy Inspector shall weigh such proportion of every lot of Flour or Meal offered for inspection (being not less than ten per cent. of each lot) as is necessary to verify whether the contents come up to the weight required by law; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law, and the Inspector or Deputy Inspector shall, when required, certify the cost and expense thereby incurred; 20 25

Penalty for neglect.

3. And every Inspector or Deputy Inspector who neglects so to examine and ascertain and weigh such Flour or Meal, and to cause the casks to be weighed as required by this section, shall, for every such neglect, incur a penalty of forty dollars, and shall be liable for all damages which the buyer or seller of such Flour or Meal suffers in consequence of such neglect. 30

If foreign matters are mixed with flour or meal.

29. If upon the inspection of any barrel or half barrel of Flour or Meal, the Inspector or Deputy Inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the package, and make report thereon to any Justice of the Peace, under oath, and such Justice may, if he see fit, authorise the detention of the same in some safe place until the suit to be instituted for the penalty thereby incurred is determined: and every person wilfully and fraudulently mixing or blending any Flour or Meal by him packed for sale or exportation with any foreign matter, shall, for each offence, incur a penalty not exceeding one hundred dollars; but no prosecution, suit, or action for the recovery of any such penalty shall be commenced after the end of one month from the seizure and report so made by the Inspector or Deputy Inspector: and if such penalty be recovered, the Flour or Meal in respect of which it has been incurred shall thereupon be forfeited to and belong to the Corporation of the place. 35 40 45

Penalty for undermarking tare.

30. Every manufacturer or packer of Flour or Meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of Flour or Meal than is branded there, shall incur a penalty of two cents for every barrel or half barrel so undermarked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel. 50

Penalty for offering for sale flour deficient in weight.

31. If any person knowingly offers for sale any barrel or half barrel of Flour or Meal upon which the tare is undermarked, or in which there is a less quantity of Flour or Meal than is branded 55

thereon, he shall incur a penalty of one dollar for every cask so undermarked or deficient, without prejudice to the civil remedy of any party aggrieved for any damage sustained by him.

- 32.** Every Inspector shall, on Monday in every week, make out, 5 sign, and transmit to the Secretary of the Board of Trade or Chamber of Commerce for the city, county or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city or county, or in the county in which such place is situated, a statement of the quantity and quality of all 10 Flour and Meal inspected or re-inspected by him or his Deputies during the next proceeding week, and of all Flour or Meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely marked, stating also the brand and manufacturers' names, and a duplicate of every such 15 statement shall also be sent to the Department of Inland Revenue, at Ottawa.

Inspector to furnish statement to Board of Trade, &c.

- 33.** In the foregoing enactments respecting the Inspection of Flour and Meal, the word "Meal" includes Oatmeal, Corn Meal and Rye Meal, and the said enactments shall extend and apply to flour 20 and meal imported into Canada, and the re-inspection of flour and meal at any place to which it is removed within the Dominion of Canada whenever such re-inspection is declared to be necessary in the public interest by any order of the Governor in Council in that behalf.

Enactments to apply to imported and re-inspected flour and meal

- 34.** The inspection of flour and meal shall be compulsory at every 25 place where an Inspector or Deputy Inspector has been appointed, and every uninspected barrel or half barrel of flour or meal, sold, offered for sale or exported or offered for export or laden in any vehicle or vessel for the purpose of being exported, shall be forfeited, 30 and the person so selling or offering for sale or exporting, shall incur a penalty of one dollar for every barrel or half barrel so sold, offered for sale, exported or offered for export by him.

Inspection compulsory wherever Inspector or Deputy appointed: forfeiture and penalty in case of contravention.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF WHEAT AND OTHER GRAIN.

- 35.** The grades of grain shall be as follows:—

Qualities of Grain.

Winter Wheat.

- No. 1 *White Winter Wheat* shall be pure White Winter Wheat, 35 sound, plump and well cleaned.

No. 2 *White Winter Wheat* shall be pure White Winter Wheat, sound, and reasonably clean.

No. 1 *Red Winter Wheat* shall be Red or Red and White mixed, sound, plump, and well cleaned.

- 40 No. 2 *Red Winter Wheat* shall be pure Winter Wheat, Red or Red and White mixed, sound and reasonably clean.

No. 3 *Winter Wheat* shall include Winter Wheat not clean and plump enough for No. 2, and weighing not less than fifty-six and a half pounds to the measured *Imperial* bushel.

- 45 *Rejected Winter Wheat* shall include Winter Wheat damp, musty, or from any cause so badly damaged, as to render it unfit for No. 3.

Spring Wheat.

No. 1 *Spring Wheat* shall be plump and well cleaned.

Spring Wheat. No. 2 *Spring Wheat* shall be sound, reasonably clean, and weighing not less than fifty-eight pounds to the measured *Imperial* bushel.

No. 3 *Spring Wheat* shall be reasonably clean, not good enough for No. 2, weighing not less than fifty-five and a half pounds to the measured *Imperial* bushel. 5

All *Spring Wheat* damp, musty, grown, badly bleached, or from any other cause unfit for No. 3 shall be graded as *Rejected*.

A mixture of *Spring* and *Winter Wheat* shall be called *Spring Wheat*, and graded according to the quality thereof.

Black Sea and *Flinty Fife Wheat* shall, in no case, be inspected as 10 higher than No. 2.

Corn.

Co. n. No. 1 *White Corn* shall be white, and in all other respects No. 1 Corn.

No. 1 *Yellow Corn* shall be Yellow, and in all other respects No. 1 Corn.

No. 1 *Corn* shall be sound, dry, plump and well cleaned, White 15 and Yellow.

No. 2 *Corn* shall be dry, reasonably clean, but not plump enough for No. 1.

All damp, dirty, or otherwise badly damaged *Corn*, shall be graded as *Rejected*. 20

Oats.

Oats. No. 1 *Oats* shall be sound, clean, and free from other grain.

No. 2 *Oats* shall be sound, reasonably clean, and reasonably free from other grain.

Rejected Oats shall include such as are damp, unsound, dirty, or from any cause unfit for No. 2. 25

Rye.

Rye. No. 1 *Rye* shall be sound, plump and well cleaned. 2

No. 2 *Rye* shall be sound, reasonably clean, and reasonable free from other grain.

All *Rye* which is damp, musty or dirty, or which is from any cause unfit for No. 2 *Rye* shall be graded as *Rejected*. 30

Barley.

Barley. No. 1 *Barley* shall be plump, bright, sound, clean, and free from other grain.

No. 2 *Barley* shall be reasonably clean and sound, but not bright or plump enough for No. 1, and reasonably free from other grain.

No. 3 Barley shall include shrunken, or otherwise slightly damaged Barley, not weighing less than forty-three and a half pounds to the measured Imperial bushel.

All Barley which is damp, musty, or from any cause badly damaged, or largely mixed with other grain, shall be graded as Rejected.

Provisions respecting Grain generally.

No Grain that is warm, or is in a heating condition shall be graded.

General provisions as to inspection of grain.

In the inspection of Grain, the weight shall not alone determine the grade.

All Inspectors shall make their reasons for grading Grain, when necessary, fully known by notation on their books.

All wheat shall be weighed, and the weight per Imperial bushel entered on the Inspection Book.

Rates of Inspection for Grain.

		c ^{ts} :	
15	For inspecting Grain in bulk per cental.....	00 $\frac{1}{2}$	Rates for inspection.
	For inspecting Grain in sacks per cental.....	00 $\frac{1}{2}$	

36. As soon as any Wheat or other Grain is inspected, a Bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Deputy Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected.

Bill of inspection to be furnished.

37. The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade or Chamber of Commerce of the city or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city, or in the county in which such city or place is situate, a statement of the quantity and quality of all Wheat and other Grain inspected or re-inspected by him, or his Deputy, during the next preceding week.

Inspector to make weekly statement.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BEEF AND PORK.

38. The Inspector or Deputy Inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt if necessary, and coopering the same according to the requirements of this Act, every barrel, half barrel, tierce or half tierce of Beef or Pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the Inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such Beef or Pork submitting it for inspection; and every Inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of Beef and Pork.

Inspection of beef and pork.

39. Each Inspector and Deputy Inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in

Inspector's brands.

inspecting Beef or Pork, shall observe the following rules:—

- Brands, what to show.** 1. He shall brand, immediately after inspection, on each and every barrel or half barrel, tierce or half tierce of Beef or Pork, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John, N.B.," or other name of the place for which he is appointed, as the case may be, and the initial of the Christian name and the surname at full length of the Inspector, with the quality as hereinafter directed; 5
- Soft.** 2. Every barrel or half barrel, tierce or half tierce of Pork or Beef which may on inspection be found to be soft or still fed, although it may be in all other respects fat and of good quality, shall be branded with the word "Soft," in letters as large as those upon the rest of the brand, in addition to the brand designating the quality; 10
- Rejected.** 3. In all cases where Beef or Pork is found to be of unsound and unmerchantable quality, from other causes than those aforesaid, he shall brand the same with the word "Rejected" at full length, and in plain legible characters; 15
- Incorrect marks to be erased.** 4. In all cases where the Beef or Pork appears inferior to the mark of the packer, or of any former inspection, the Inspector, or Deputy Inspector, shall erase and correct the same; 20
- What shall be branded on barrels, etc.** 5. He shall also brand upon each barrel or half barrel, tierce or half tierce of Beef or Pork inspected by him the month and year in which it is inspected, with the net weight and quality of the Beef or Pork therein; 25
- Fees for inspection, etc.** 6. For such inspection and branding the Inspector shall be entitled to receive of and from the person submitting the same for inspection, for each and every barrel and half barrel, tierce or half tierce of Beef or Pork so inspected, salted, packed, pickled and branded, cents for each barrel, cents for each half barrel, cents for each tierce, and cents for each half tierce, exclusive of cooperage and repairs, the charge for which said cooperage and repairs shall not exceed cents per barrel or half barrel, tierce or half tierce; in consideration of which charges, all barrels or half barrels, tierces and half tierces, shall be delivered in good shipping order; 30 35
- By whom payable.** 7. Such fee or allowance shall be paid by the owner or possessor of such Beef or Pork before it shall be removed; 40
- Bill of inspection.** 8. As soon as any Beef or Pork is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity of Beef or Pork so delivered to him, and the owner's mark or marks thereon, and the quantities and qualities ascertained by inspection and the charges therefor; 45
- Penalty for false certificate.** 9. If any Inspector or Deputy Inspector knowingly or wilfully gives an untrue or incorrect certificate of the quantity or quality of any Beef or Pork by him inspected, or gives such certificate without a personal examination and inspection of such Beef or Pork, he shall thereby incur the penalty hereinbefore provided for each offence, and be dismissed from his office and incapable of ever after holding the same; 50
- Date of inspection not to be changed in case of re-inspection.** 10. No Beef or Pork inspected and branded in one month or year, and re-inspected and repacked in another, shall bear any other brand of the year and month than that originally affixed to it,—except that on the vessel containing any Beef or Pork re-inspected, the

date of such re-inspection, with the other particulars required in case of inspection, may be branded; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case here-
5 without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act, and the person making it shall thereby incur the penalty aforesaid;

11. All Pork or Beef offered for re-inspection, and which has been packed, or inspected, twelve months or more previously, shall be
10 branded in addition to its grade of quality, by the word "Old" in large letters;

12. All the said brand marks shall be branded on one head of the barrel or half barrel, tierce or half tierce; and all such brand marks shall be large and legible; and all such marks shall be branded
15 within a space not exceeding fourteen inches long by eight inches broad, on each of the casks inspected, under a penalty of eighty dollars for each barrel or half barrel, tierce or half tierce inspected and not branded, or otherwise branded than is required by this Act;

How casks shall be branded.

13. In all cases where any Beef or Pork is sold subject to inspection, the person applying to the Inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation to the contrary was made
25 at the time of sale, or of the agreement to submit the beef or Pork to inspection; and any such agreement shall imply a warranty that all the requirements of this Act have been complied with, as well with regard to the Beef or Pork to which it relates as to the vessels in which they are contained, and the marks upon such
30 vessels.

By whom fees shall be payable.

Warranty by seller.

40. All Beef which the Inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight nor less than four pounds weight, and shall be sorted and divided
35 for packing and re-packing in barrels, half barrels, tierces and half tierces into four different sorts, to be denominated respectively, "Mess," "Prime Mess," "Prime," and "Cargo" Beef.

Qualities of beef.

2. Mess Beef shall consist of the choicest pieces only, that is to say: Briskets, the thick of the Flank, Ribs, Rumps and Sirloins of
40 Oxen, Cows or Steers, well fattened; and each barrel or half barrel, tierce or half tierce containing beef of this description, shall be branded on one of the heads with the words "Mess Beef;"

"Mess beef."

3. Prime Mess Beef shall consist of pieces of meat of the second class, from good fat cattle, without shanks or necks; and barrels
45 and half barrels, tierces and half tierces containing beef of this description, shall be branded on one of the heads thereof with the words "Prime Mess Beef;"

"Prime mess beef."

4. Prime Beef shall consist of choice pieces of fat cattle, amongst which there shall not be more than the coarse pieces of one side of
50 a carcass, the houghs and neck being cut off above the first joint; and barrels and half barrels, tierces and half tierces containing Beef of this description, shall be branded on one of the heads thereof with the words "Prime Beef;"

"Prime beef."

5. Cargo Beef shall consist of the meat of fat cattle of all the descriptions of three years old and upwards, with not more than
55 half a neck and three shanks (with the houghs cut off above the

"Cargo beef."

first joint,) and the meat otherwise merchantable; and barrels and half barrels, tierces and half tierces containing such Beef shall be branded on one of the heads "*Cargo Beef*;"

What barrels, etc., shall contain.

6. Each barrel in which Beef of any one of the foregoing description shall be packed or re-packed, shall contain two hundred pounds of Beef, and each half barrel one hundred pounds, each tierce three hundred pounds, and each half tierce one hundred and fifty pounds. 5

Qualities of pork.

41. All Pork which the Inspector finds on examination to be fat and merchantable, shall be cut in pieces as nearly square as may be, and not more than six nor less than four pounds weight, and shall be sorted and divided into five different sorts, to be denominated respectively: "*Mess*," "*Extra Prime*," "*Prime Mess*," "*Prime*," and "*Cargo*" Pork. 10

"Mess pork."

2. Mess Pork shall consist of the rib pieces only, of good hogs; not weighing less than two hundred pounds each; and barrels and half barrels, tierces and half-tierces containing such Pork shall be branded on one of the heads, "*Mess Pork*;" 15

Extra prime.

3. Extra Prime Pork shall consist of heavy untrimmed fat shoulders, cut into three or four pieces;

"Prime mess pork."

4. Prime Mess Pork shall consist of the pieces of good fat hogs not weighing less than one hundred and ninety pounds each, the barrel to contain the coarse pieces of one hog only, that is to say, two half heads (not exceeding together sixteen pounds in weight) with two shoulders and two hams and the remaining pieces of a hog,—the tierce to contain the relative proportion of heads, shoulders and hams; and the remaining pieces of one hog and a half hog, but when the pork under inspection is from hogs exceeding two hundred pounds each in weight, the Inspector shall make "*Mess Pork*" of such rib and side or flank pieces thereof, cut in the manner and of the weight above prescribed, as shall in his judgment be equal in quality on the average to "*Mess Pork*," as above defined, and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads "*Prime Mess Pork*;" 20 25 30

"Prime pork."

5. Prime Pork shall consist of the pieces of good fat hogs, not weighing less than one hundred and fifty pounds each, the barrel to contain the coarse pieces of one hog and a half only,—that is to say,—three half heads, (not exceeding together twenty-four pounds in weight,) three hams and three shoulders, and the remaining pieces of a hog and a half hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; And each barrel or half barrel, tierce or half tierce containing Pork of this description shall be branded on one of the heads "*Prime Pork*;" 35 40

"Cargo pork."

6. Cargo Pork shall consist of the pieces of fat hogs, weighing not less than one hundred pounds each,—the barrel to contain the coarse pieces of not more than two hogs,—that is to say four half heads (not exceeding together in weight thirty pounds,) four shoulders and four hams, and the remaining pieces of two hogs, and to be otherwise merchantable Pork; the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs, and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads, "*Cargo Pork*;" 45 50

What parts to be cut off in all cases.

7. But in all cases the following parts shall be cut off, and not packed, namely,—the ears close to the head,—the snout above the 55

tusks,—the legs above the knee joint,—the tail shall also be cut off, and the brains, tongue and bloody gristle taken out;

8. Each barrel in which Pork of any of the foregoing descriptions may be packed or re-packed, shall contain two hundred pounds, and 5 each tierce three hundred pounds,—and each half barrel or half tierce one half those quantities respectively,—of the several kinds and qualities of pork aforesaid, and shall be branded accordingly. What weight barrels, &c., shall contain

42. On the head of every barrel or half barrel, tierce or half tierce containing any thin, rusty, measly, tainted, sour or unmer- 10 chantable Pork, or unmerchantable or spoiled Beef branded "Re-jected" in consequence of its being so, the true character both as to quality and condition of such Pork or Beef shall also be marked with black paint; and each Inspector shall certify, whenever 15 required, the quality of any Beef or Pork by him inspected, the state and condition thereof and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation originally defective packing or putting up, and also specifying the 20 brands, or other marks, upon the casks or packages inspected, and the name of the owner or possessor thereof. Rejected beef or pork.

43. The salt used in packing and re-packing Beef and Pork ins- 25 pected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh Beef or Pork shall be well salted with seventy-five pounds, and every tierce with one hundred and 30 twelve pounds, of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it; and to each barrel of Beef or Pork shall be added four ounces, and to each tierce six ounces of saltpetre; and each half barrel, or half tierce of fresh 35 Beef or fresh Pork, shall be salted with half the quantity of salt and saltpetre above mentioned, with a sufficiency of pickle; and in all cases of packing and re-packing Beef or Pork to be inspected and, branded under the authority of this Act, the Inspector may use salt, saltpetre and pickle in his discretion. Quality and quantity of salt.

44. Every barrel and half barrel, tierce or half tierce, contain- 35 ing Beef or Pork inspected in the Provinces of Ontario or Quebec, shall be made of good seasoned white oak staves, and the heads shall not be less than three quarters of an inch thick; and each 40 stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three quarters of an inch thick when finished for tierces, and the wood of half barrels or half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect: How barrels, etc., shall be made.

2. Every barrel and half barrel, tierce or half tierce, shall be 45 hooped and covered two thirds of its length with good oak, ash, or hickory hoops, leaving one-third in the centre uncovered; and each barrel or half barrel, tierce or half tierce, shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle; Hoops, etc.

3. Each barrel shall not be less than twenty-seven inches nor 50 more than twenty-eight inches and a half long; and the contents of each barrel in which Beef shall be packed or re-packed shall not be less than twenty-eight gallons, nor more than twenty-nine gallons, wine measure; and the contents of each barrel in which 51 Pork shall be packed or re-packed shall not be less than thirty gallons, nor exceed thirty-one gallons, wine measure; Length, etc., of barrel.

Length, &c., of tierces.	<p>4. Each tierce shall not be less than thirty inches, nor more than thirty-one inches long; and the contents of each tierce in which Beef shall be packed or re-packed, shall not be less than forty-four gallons, nor exceed forty-five gallons, wine measure; and the contents of each tierce in which Pork shall be packed or re-packed shall not be less than forty-five gallons, nor exceed forty-six gallons, wine measure;</p>	5
Half barrels and half tierces.	<p>5. Half barrels or half tierces in which Beef or Pork shall be packed and re-packed shall severally contain half the number of gallons above mentioned, and no more;</p>	10
Inspector to examine barrels, &c.	<p>6. And the Inspector shall examine carefully and ascertain the sufficiency of each barrel and half barrel, tierce or half tierce, before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with.</p>	
Furnishing of salt and other requisites.	<p>45. Nothing in this Act shall prevent any Inspector of Beef and Pork from furnishing salt, saltpetre, or barrels or half barrels, tierces or half tierces, if necessary, but it shall be optional with the proprietor or possessor of such Beef or Pork, to furnish such salt, saltpetre, barrels or half barrels, tierces or half tierces, himself, if he sees fit, whether the same be for new packing or to replace unsound old packages, or bad salt, and whether the same be at the stores of the Inspector or of such proprietor or possessor.</p>	15 20
Beef and pork to be protected from the weather.	<p>46. No Inspector shall suffer any Beef or Pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, under the penalty of forty dollars for every such offence; and every Inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he has neglected to provide himself with such store after his appointment as Inspector.</p>	25 30
As to storage.	<p>47. No Inspector of Beef and Pork, shall, when he inspects any Beef or Pork, at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same shall have been left in his store more than five days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an Inspection Bill thereof.</p>	35
Inspection to be made only by inspector or deputy.	<p>48. No person other than an Inspector or Deputy Inspector under this Act, and who has previously complied with all the requirements thereof, or the actual owner of the Beef or Pork inspected shall inspect any Beef or Pork, or brand or mark any barrel or half barrel, tierce or half tierce, or cask or vessel of any kind, containing such Beef or Pork, or give any certificate of inspection, under a penalty of forty dollars for each barrel, half barrel, tierce or half tierce, cask or vessel, of Beef or Pork so inspected or branded, or with regard to which such certificate is given, to be recovered and applied in the manner provided by this Act, with regard to penalties hereby imposed :</p>	40 45
Penalty if packer neglect to mark date on vessels.	<p>2. And if any owner of any Beef or Pork brands any such vessel as aforesaid containing Beef or Pork, without affixing to his surname and the initial of his Christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the penalty aforesaid.</p>	50
Inspection not compulsory, subject to cer-	<p>49. Nothing in this Act shall prevent any person from packing for exportation or exporting any Beef or Pork without inspection,</p>	55

provided such Beef or Pork be packed in tierces or half tierces, barrels or half barrels of the dimensions hereinbefore prescribed for such vessels, respectively, and be marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the Beef or Pork contained in each package :

tain conditions.

2. Nor shall anything in this Act prevent any person from packing for exportation or from exporting without inspection any rounds of Beef, rounds and briskets of Beef, the meat of young pigs called Pig Pork, the tongues of neat cattle, the tongues of pigs, hams of pigs, or pig's cheek, or any smoked or dried meat of any description contained in tubs, casks, or barrels or other packages of any kind, provided each package be marked in the manner above mentioned.

Rounds and briskets of beef, etc., excepted.

3. But every person who exports any meat of the kind last mentioned, not so marked as aforesaid, or Beef or Pork of any other kind not so marked or not packed in barrels or half barrels, tierces or half tierces of the dimensions hereinbefore prescribed shall thereby incur a penalty of one dollar for each and every barrel or half barrel, tierce or half tierce, tub, cask or other package with regard to which the provisions of this section are contravened.

Penalty for contravention.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF POT AND PEARL ASHES.

50. Every Inspector or Deputy Inspector, on proceeding to inspect any Pot or Pearl Ashes, shall, either by emptying the whole of the Pot or Pearl Ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the barrel and cakes of Ashes, carefully examine, try and inspect and sort the same into three different sorts or qualities to be denominated *first sort*, *second sort* and *third sort*, determining the several sorts as follows:

Inspection of ashes.

First sort Pot Ashes, shall contain seventy-five per cent of pure Alkali, at the least;

Qualities of ashes.

Second sort Pot Ashes, shall contain sixty-five per cent of pure Alkali, at the least;

Third sort Pot Ashes, shall contain fifty-five per cent of pure Alkali, at the least;

First sort Pearl Ashes, shall contain sixty-five per cent of pure Alkali, at the least;

Second sort Pearl Ashes, shall contain fifty-five per cent of pure Alkali, at the least;

Third sort Pearl Ashes, shall contain forty-five per cent of pure Alkali, at the least;

Each quality shall be in all other respects, entitled to rank of the quality designated thereon;

2. The Inspector or Deputy Inspector shall re-pack the Ashes into good and sufficient barrels of the size and description hereinafter specified, to be properly coopered and branded and shall weigh each barrel, and mark on the branded head, with black, the weight thereof, including tare, and the weight of the tare under the same;

Ashes to be re-packed.

3. He shall brand in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the

Branding.

words, "*First sort*"; of the second quality, the words "*Second sort*"; and of the the third quality, the words, "*Third sort*"; together with the words, "*Pot Ash*", "*Pearl Ash*"; as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made; 5

Crustings and scrapings, how disposed of.

4. He shall also collect the crustings or scrapings of the barrels and cakes of Pot and Pearl Ashes (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him;

Adulterated ashes.

5. He shall mark the word "*unbrandable, No. 1,*" (2, 3, 4, or 5,) 10 according to its strength, on every barrel which he shall discover to contain Ashes so adulterated with stone, sand, lime, salt or any other improper substance, as not to admit of their being classified as *first, second, or third sort*;

Weigh note or bill.

6. He shall also make and deliver a separate Weigh Note or Bill 15 of each quality of Ashes, whenever required so to do by the owner thereof or his agent.

Description of barrels.

51. No Pot or Pearl Ashes shall be inspected in barrels of any size or description other than the following,—Pot Ashes in barrels to be constructed of oak or white ash timber; and Pearl Ashes, in barrels,—and the said timber to be of the best description, and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least fourteen sound oak, ash, hickory, blue beech or elm hoops, or ten good iron 25 hoops each; the said barrel shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor be less than thirty inches in length by twenty inches in diameter in either head, and the chime thereof shall not exceed one inch; and the Inspectors shall reject all barrels not constructed according to 30 the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear, and usage to which they are liable; and from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted; and every manufacturer of Ashes shall mark, in legible characters, on the end of 35 each barrel, before it is filled, the exact weight thereof.

Tare, weight of barrel to be marked on them.

Inspectors to provide warehouse.

52. In any place where there is an Inspector of Ashes, except in the City of Montreal, each Inspector shall provide himself with suitable and convenient premises for the storage and inspection of Ashes, and he shall keep all barrels of Ashes delivered to him for 40 inspection, while in his possession, in some dry place, safe from the injuries of the weather or of floods, and any Inspector contravening this section shall forfeit two dollars for every barrel not stored as aforesaid, and forfeit and pay to the owner thereof, two dollars 45 besides the actual damages sustained by the owner.

Special provision as to the City of Montreal.

53. The Inspector (which word in this section includes the Joint Inspector) for the City of Montreal, shall provide suitable and convenient buildings for the storage and inspection of Ashes, of that description commonly known as first class *buildings*, or such as shall be approved of by the Council of the Board of Trade for 50 that city:

Ashes to be insured.

2. Such Inspector at all times, and at his own cost and charges, shall keep the Ashes stored in the said premises, insured to the amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the Secretary of said Board of 55 Trade for the time being, and renew such policies from time to time,

as occasion requires, but such insurance shall not be effected until after the name of the company or companies with whom he is desirous of effecting the same has been submitted to the Council of the said Board of Trade of the said City for their approval, and such approval has been signified to the Inspector in writing ;

3. And should the said insurance, at any time, be less than the actual value of the Ashes stored in the said premises, the said Inspector shall, at his like cost and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid ; and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the inspection stores.

Further provisions as to insurance.

54. For all the services to be performed, as aforesaid, each Inspector may charge on the Inspection Bill as aforesaid :

Fees for inspection, etc.

The sum of _____ cents for every hundred pounds of Pot or Pearl Ashes by him so inspected ;

The actual cost for every barrel by him furnished ;

The sum of _____ cents for each new head so furnished, and the sum of _____ cents, as and for cooperage and repairs, on each barrel of Pot or Pearl Ashes by him so inspected (the said cooperage to include nails and the end hoops of the barrel) ;

The sum of _____ cents for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do ;

The sum of _____ cents per barrel in all cases where lime, raw ashes, damaged ashes, or other trash have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same ;

In consideration of which charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such Pot or Pearl Ashes for inspection, or his agent.

How paid.

55. Each Inspector shall have all Ashes sent to him for inspection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment within a period not exceeding thirty-six working hours from the date such Ashes are received into the inspection stores : and such Inspector shall further be entitled to receive _____ cents per barrel, for the storage of each barrel of Ashes which remains stored with him as aforesaid more than _____ days after the date of the Invoice, Weigh Note, or Inspection Bill, and _____ cents per barrel for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the Invoice, Weigh Note, or Inspection Bill), and such storage and all other charges shall be paid by the person or persons receiving or shipping the said ashes or by his or their agent ; but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the Invoice or Weigh Note.

Time for inspection.

Storage.

Proviso.

56. The Inspector of Ashes for the City of Montreal shall further be entitled to charge a sum not exceeding _____ cents per barrel, as and for insurance, on each barrel of Pot or Pearl Ashes sent to

Fees for insurance in Montreal.

his premises for inspection, and such insurance shall be considered as chargeable from the day such barrel is received into the said premises, and the said Ashes shall be held to be insured from the period of such reception, but such rate shall cover all insurance on the said Ashes during the whole period they may remain stored in the said premises; and the said insurance shall be charged by the Inspector in the Inspection Bill. 5

Inspector for Montreal to make returns to Board of Trade.

57. The said Inspector for the City of Montreal shall, from time to time, make returns of the business of his office to the Council of the Board of Trade of the said City of Montreal, whenever duly required so to do by the said Council; and duplicates of all returns so made shall be forwarded to the Department of Inland Revenue at Ottawa. 10

Offences and penalties.

58. Every Inspector or Deputy Inspector who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any Pot or Pearl Ashes, or who brands any barrel of Ashes of any description or size other than is prescribed by this Act, or who dates any Weigh Note or Bill of Inspection otherwise than of the day when the Ashes were actually inspected, or who delivers out of his possession any such Weigh Note or Bill of Inspection without any date, or who does not conform to the provisions of this Act—shall, for every such offence, incur a penalty not exceeding four hundred dollars, and be for ever thereafter disqualified from holding and exercising the office of Inspector of Pot and Pearl Ashes, or of Deputy Inspector; and any Inspector or Deputy Inspector or Clerk, or other person, who makes or causes to be made any false or fraudulent Bill of Ashes, shall be guilty of felony, and shall be punishable by imprisonment in the Penitentiary for any term not exceeding seven years and not less than two years, or in any other gaol or place of confinement for any term less than two years. 15 20 25 30

False bill of inspection.

Inspection not compulsory subject to certain conditions.

59. Nothing in this Act shall prevent any person from exporting Pot and Pearl Ashes, without inspection, provided that on one end of the barrel, containing the same, there be neatly and legibly branded or marked, the name and address of the manufacturer, the weight and tare of the barrel, and the quality of Ashes contained in it; but any person who exports any Pot or Pearl Ashes not so marked as aforesaid, or who marks any such barrel falsely, shall thereby incur a penalty of twenty dollars for every barrel or other package so marked. 35 40

Penalty.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF PICKLED FISH AND FISH OILS.

Inspector to provide branding irons.

60. Every Inspector shall provide himself with proper branding irons, or stencil plates, for the purpose of branding such casks, barrels and boxes as may by him be inspected pursuant to this Act; and it shall be the duty of each Inspector to know that all his Deputies are duly provided in this respect. 45

Inspecting, etc., to be done in presence of Inspector.

61. The inspecting, culling, classing, weighing, packing, and branding of any fish or oil shall be done in the immediate presence and sight of an Inspector or Deputy Inspector.

Duty of Inspector.

62. It shall be the duty of the Inspector or Deputy Inspector to see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with pickle and salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind; and all fish or oil intended for market or exportation, and 50

branded as inspected and merchantable, shall be well and properly packed, in good, tight and substantial packages or casks, which shall be made of the materials and in the manner following:—

5 Tierces, barrels and half-barrels shall be made of sound, well seasoned split or sawed staves, free from sap, and in no case to be of hemlock, and the heading shall be of hardwood, pine, *fir* or spruce, free from sap, and planed on the outside, and shall be at least three quarters of an inch in thickness. The staves shall be four-eighths of an inch in thickness. Staves for salmon and mackerel
10 barrels shall be twenty-nine inches in length, and the heads between the chimes seventeen inches. Staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches, and the bung staves of all such barrels shall be of hardwood. All casks shall be hooped one-third of
15 their whole length from each chime, with sound, good hoops of not less than one inch in width at the large end for all tierces and barrels, and in no case to be of alder. The makers of all tierces, barrels and half-barrels, shall brand the initials of their Christian names and their whole surnames, and also the letters S. M. or H., according
20 as the package may be intended for salmon, mackerel or herrings, at or near the bung staves, under a penalty of twenty cents for every package not so branded.

Tierces, barrels, etc., how to be made.

All empty packages shall be subject to the inspection and approval of the Inspector or his deputies who shall brand the word "condemned" immediately after the maker's name on all packages that
25 will not pass inspection.

Inspection and branding of empty packages.

63. The inspection of all pickled fish cured for market or exportation, and of all fish oils, codfish tongues or codfish sounds cured for such purpose and contained in any such packages as are
30 hereinafter mentioned, shall be compulsory in every Province of the Dominion, except Manitoba and British Columbia, at any place where an Inspector is appointed by law; and if any such pickled fish, fish oil, or other articles aforesaid, in any such package as aforesaid is sold, or offered for sale, or exported, or shipped,
35 or laden in any vehicle for exportation, or otherwise offered to be exported in or from any place within any Province of Canada, except British Columbia or Manitoba, for which an Inspector or Deputy Inspector has been appointed without being inspected under this Act it shall be forfeited, and the person so selling or offering it for sale,
40 or exporting it or offering it for exportation shall incur a penalty of five dollars for each such package.

In what cases inspection shall be compulsory.

64. All pickled fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected weighed, or gauged and branded, only in accordance with this Act;
45 and all green codfish, in boxes or packages, shall be inspected and culled, and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any Inspector or Deputy Inspector.

Inspection, etc., to be in accordance with this Act.

65. The various kinds of fish to be inspected under this Act shall be branded of the following denominations, respectively:—
50

Qualities of fish.

1. SALMON to be branded "No. 1" shall consist of the largest or best and choicest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust or damage of any kind:
Sa'm n.

55 Those to be branded "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be

good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust, or damage of any kind.

Those to be branded "No. 3" shall consist of those that remain after the selection of the first two qualities, but must be good sound fish, and in every respect free from taint, rust, or damage of any kind. 5

Mackerel.

2. MACKEREL to be branded "Mess Mackerel," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, or rust, or damage of any kind, and shall be such as would have measured not less than fourteen inches from the extremity of the head to the crotch or fork of the tail, and shall have the heads and tails taken off: 10

Those to be branded "Extra No. 1," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint or rust, or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail: 15

Those to be branded "No. 1," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust, or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail: 20 25

Those to be branded "No. 2" shall comprehend the best mackerel that remain after the selection of the first qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust, or damage of any kind, and shall be divided into two qualities, those from thirteen inches and upwards not being sufficiently fat to make No. one being branded No. 2 large, and those from eleven inches up to thirteen inches shall be branded No. 2. 30

Those to be branded "Large No. 3" shall consist of good sound mackerel, properly washed, well cured and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail: 35

Those to be branded "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust, or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail: 40

All mackerel under eleven inches in length, of good, sound quality, and free from taint and rust, or damage of any kind, shall be branded with the word "Small Spring" or "Small Fall" in the place of a number:

All short, sunburnt or ragged mackerel, of whatever class and not otherwise defective, shall be branded "No. 4." 45

Herring, Gaspereaux, and Alewives.

3. HERRINGS, GASPÉREAUX and ALEWIVES to be branded "No. 1" shall consist of the largest and best fish well struck with salt, thoroughly cured and cleaned and bright in colour. 50

And those to be branded "No. 2" shall comprehend the best herrings that remain after the selection of the first quality.

All undersized herrings to be branded "No. 3," with the word "Small" in addition to the other brands:

All ripped herrings shall be branded with the word "split," in addition to other brands:

All gibbed herrings shall be branded with the word Round in addition to other brands:

- 5 All herrings that are not gibbed or ripped shall be branded with the word gross in addition to other brands.

All spring-caught herrings shall be branded with the word "spring," in addition to other brands:

- 10 The above shall be well cleansed and cured, and in every respect free from rust, taint or damage.

Herrings that are caught at Magdalen Islands, Bay des Chaleurs, Labrador or Newfoundland, shall be branded "Magdalen Islands," "Bay des Chaleurs," "Newfoundland" or "Labrador," respectively in addition to other brands. Branding of herrings caught at certain places.

4. Smoked herrings to be branded "No. 1" shall comprehend the best and fattest fish; and those to be branded "No. 2" shall consist of the poorer, smaller and inferior fish. Both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded unless they be well and sufficiently saved and cured, and carefully packed in good and substantial barrels, or half barrels; and if in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom, of not less than half an inch in thickness, and the ends at least three quarters of an inch thick; and the inside measurement of each box shall be eighteen inches long, and nine inches broad and eight inches deep, well nailed, and the tops or covers smoothed. Smoked Herrings.

- 20 Tainted, burnt, scorched and badly smoked herrings, shall be considered "refuse," and may be branded as such without any other character. Tainted herrings.

5. SEA TROUT to be branded "No. 1" shall consist of the largest, best and fattest kind, being well split, and in every respect free from taint, rust or damage of any kind; Sea trout.

- 35 Those to be branded "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good sound fish, free from taint, rust, or damage of any kind;

6. LAKE and SALMON TROUT to be branded "No. 1 Lake," shall consist of the largest and fattest fish, and be free from taint, rust, or damage; Lake and salmon trout

- 40 Those to be branded "No. 2 Lake" to be the next best fish, free from taint, rust, or damage.

7. WHITE-FISH to be branded "No. 1" shall consist of the largest and fattest kind, cured in good condition, and be in every respect free from taint, rust or damage; White fish.

- 45 "No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust, or damage.

8. GREEN CODFISH in barrels, with or without pickle, to be classed "No. 1," shall consist of the best and fattest, being well split and cleansed, well cured, in first-rate condition; and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure at least fifteen inches to the crotch of the tail. Green codfish in barrels.

Those remaining, after selection of first quality to class "No. 2," shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind:

- Other fish.** 9. ALL OTHER KINDS OF FISH not enumerated herein, and belonging to denominations specified by this Act, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass, eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded as such, and must be sound and well cured, free from taint, salt-burn, rust or damage of any kind. 5
- Small fish.** 10. SMALL FISH, which are usually packed whole, with dry salt or pickle, shall be put into good casks of the size and materials required by this Act for the packing of split, pickled fish, and shall be packed close, edgewise in the cask, and properly salted with good, coarse wholesome dry salt, and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities, &c., of other pickled fish. 10 15
- Rusty and sour fish.** 11. ALL RUSTY OR SOUR FISH, of whatever kind or class, shall be branded with the word "rusty" or "sour," in addition to the other brands. 20
- Fish which shall not pass inspection.** 12. No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearances of illegal capture, or unsizeable shall pass inspection; and it shall be the duty of every Inspector or Deputy Inspector to seize, and any magistrate may confiscate to Her Majesty all fish found or exposed for sale having been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in unwholesome condition. 25
- Fish in bulk.** 13. Fish known as pickled fish, that may be cured in bulk, if not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded with the word "bulk," in addition to other brands. 30
- Packing of fish.** 14. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean, suitable salt, free from lime, shall be regularly placed, and in like proportion for other packages, at the discretion of an Inspector, or Deputy Inspector; and after the cask shall have been properly packed and headed it shall be filled with clean pickle, strong enough to float a fish of the kind so packed. 35 40
- Sound and unsound fish to be separated.** 15. Should it appear to any Inspector, or Deputy Inspector, that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand the same according to its quality; and such portion as the Inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks. 45
- Re-packing to be in presence of Inspector.** 16. If any casualty renders it necessary to re-pack inspected fish it shall in all cases be done by and in the presence of an Inspector or Deputy Inspector; and any other person attempting to re-pack or brand the same shall be liable to a penalty of not more than twenty dollars for every such offence. 50
- Inspector may correct packing, etc., of deputy inspector.** 17. When any fish branded by a Deputy Inspector, proves unequal in quantity or quality to that which may be indicated by the brand, or deficient in any way of the requisites prescribed by this Act, the Inspector may cause the same to be re-inspected; and if it

appear that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the Deputy who branded the same.

- 5 18. Pickled fish, duly inspected, packed and branded, and oils, inspected and branded under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within the Dominion, except only in cases already provided for in this Act. Inspected fish not to be re-inspected.
- 10 19. Each tierce shall be three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall be two hundred pounds, and each half barrel one hundred pounds; each quintal shall be one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty-five pounds. Contents of tierce, etc.
- 15 In each of the above instances the weight shall be clear avoirdupois, exclusive of salt and pickle.
- 20 20. There shall be branded on the head or butt of each cask of pickled or dry-salted fish, in plain legible letters after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and quality contained in the package, the initials of Christian name or names and the whole surname of the Inspector or Deputy Inspector by whom the fish was inspected, and the name of the place where he acts as Inspector, and the month and the year of inspection. Brands on packages of fish.
- 25 26. The Boards of Examiners of Inspectors of fish and fish oils shall fix and have in charge the standard of fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded according to such standards, as follows:— Standards of fish oils, how fixed and kept.
- 30 1. WHALE OIL shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown." Whale oil.
- 35 2. SEAL OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Strictly pale;" if No. 2, "Pale;" if No. 3, "Straw;" if No. 4, "Brown;" if No. 5, "Dark Brown." Seal oil.
- 40 3. PORPOISE OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown." Porpoise oil.
- 45 4. COD OIL shall be free from adulteration, and be branded as such: first quality, "A;" second quality, "B." Cod oil.
- 50 5. HERRING, Hake, Pollock and Dog Fish Oil, and all other oils shall be branded as such: first quality, "A;" second quality, "B." Other fish oils.
6. An Inspector or Deputy Inspector shall determine the gauge of each cask, and the outs thereof, and shall mark the same on the cask; and the barrels shall be in good order and condition, sound and staunch, and made of hard wood, and if any cask or casks found to contain water or other adulteration, such shall be scribed or branded by the Inspector or Deputy Inspector, on the cask. Duties of inspectors.
7. Casks containing fish oils shall be scribed or branded with such quality, the month and the two last figures of the year when inspected, the initials of the Christian name or names, and the entire Brands.

surname of the Inspector, and also the place of inspection, and the initial letters of the name of the Province in which it was inspected.

Definition of fish oils.

8. The designation, "Fish Oils," in this Act, shall include whale, seal, porpoise, cod, herring, sturgeon, siskawitz, and all other kinds of oils derived from fishes and marine animals. 5

Fees for inspection.

67. Every Inspector or Deputy Inspector who shall inspect and brand any cask or package of pickled fish or in bulk, or any fish oil, in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance:— 10

1. For each tierce of salmon, salmon-trout or sea-trout, cents. 15
2. For each half-tierce of salmon, salmon-trout or sea-trout, cents. 15
3. For each barrel of salmon, salmon-trout or sea-trout, fifteen cents.
4. For each half-barrel of salmon, salmon-trout or sea-trout, cents.
5. For each barrel of mackerel, ten cents. 20
6. For each half-barrel of mackerel, cents.
7. For each barrel of herring, cents.
8. For each half-barrel of herring, cents.
9. For each barrel of shad, ten cents.
10. For each half-barrel of shad, cents. 25
11. For each barrel of whitefish, ten cents.
12. For each half-barrel of whitefish, seven cents.
13. For each barrel of pickled cod-fish, hake, haddock or cat-fish, cents
14. For each half-barrel of ditto, cents. 30
15. For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, five cents.
16. For each half-barrel of ditto, three cents.
17. For each barrel of bass, ten cents.
18. For each half-barrel of bass, cents. 35
19. For each barrel of cod tongues, cod sounds, halibut or eels, ten cents.
20. For each half-barrel of ditto, cents.
21. For inspecting, gauging and branding each puncheon of oil, twenty cents. 40
22. For inspecting, gauging and branding each hogshead of oil, fifteen cents,

23. For inspecting, gauging and branding each tierce of oil, cents.

24. For inspecting, gauging and branding each barrel of oil cents.

5 25. The foregoing rates shall be reckoned exclusive of salt, pickle, cooperage, storage, and labor employed in washing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish. Rates to be exclusive of salt, etc.

26. For branding Newfoundland fish which are not inspected cents per barrel.

10 27. For inspecting empty packages cents.

15 Provided always, that any person causing his fish or oil to be inspected, may employ at his cost and charges, a cooper to attend upon and assist the Inspector or Deputy Inspector in the performance of his duty, in which case the Inspector or Deputy Inspector shall not be allowed any charge for cooperage, and the cooper so employed shall be governed and guided solely by the directions which he receives from the Inspector or Deputy Inspector with respect to any fish or oil by him inspected, and not by any other person whomsoever. Proviso: owner may employ his own cooper, to act under the inspector.

20 68. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place of sale within the Dominion. Where inspection shall be effected.

25 69. When fish are not inspected at the place of packing, the packer's name and the quality of the fish must be marked in paint, on each barrel, half-barrel or package; and when they are inspected at the place of sale, the inspector shall empty out ten packages in each hundred, of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred, shall regulate the grade of the fish so submitted for inspection. When not inspected at place of packing; and when at place of sale.

30 70. So soon as any fish is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the Inspector at the place of packing. Bill of inspection.

35 71. This Act shall not apply to fish landed at any port of the Dominion from the United States fishing vessels for the purpose of re-shipment to the United States, unless the owners of such fish wish them to be inspected: Provided always that such fish if so re-shipped without being inspected, shall not be branded. As to fish landed from U. S. vessels for re-shipment there. Proviso.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BUTTER.

40 72. No Inspector or Deputy inspector of Butter shall brand, mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the Inspector or Deputy Inspector to whom it is submitted be re-packed in the manner hereby required, and the Inspector or Deputy Inspector shall receive the actual cost of such new packages as may be required for such re-packing, and the further sum of five cents for each firkin or keg of butter so re-packed for compensation of his time and labour. Inspection of butter. Re-packing.

2. All butter submitted for inspection shall be packed in kegs, firkins or tubs, containing each 25 lbs., 50 lbs., 75 lbs., or 100 lbs. How butter shall be packed.

- Every such package shall be made of the best seasoned wood, shall be well bound with sufficient hoops, and shall be of such size respectively as will contain as nearly as may be the above mentioned quantities. The thickness of the staves shall be three-quarters of an inch, and the weight of the packages respectively shall not exceed 6 lbs., 10 lbs., 12 lbs. and 15 lbs., and the actual weight of each package when dry, together with the names of the maker of such package shall be legibly branded on the outside thereof. 5
- Weight to be marked.**
- Further provisions as to packages.** 3. The packages may be of such form and the heads or ends may be secured in such manner as the maker may deem best, but the length of the stave shall in all cases be equal to the greatest diameter of the package, and the Inspector may reject and refuse to stamp or brand any package that he considers insufficient for preserving the contents in good order, or for the prevention of fraud with reference to the stamps or brands. 10
- Mode of inspection.** **73.** In inspecting butter, the Inspector or Deputy Inspector shall take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out and throw aside all salt or pickle which, in his judgment, is not necessary to the preservation of the butter; and after he has ascertained the quality of the butter, he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity; 15 20
- Coopering and branding.** 2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound, and the tare, which shall include one pound weight for each firkin, and two pounds weight for each keg, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or "fourth," or as "grease," according to the quality of the butter, and adopting such standard of quality and system of classification, as may be approved by the Governor in Council; first removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the Inspector. 25 30 35
- Quality and standard.**
- Fit premises to be provided** **74.** Each Inspector shall provide himself and his Deputy with suitable and convenient premises for the storage and inspection of butter, and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under tight roof, and any Inspector or Deputy Inspector contravening this provision, shall forfeit and pay to the owner the sum of one dollar, for every package not stored as aforesaid, besides the actual damages sustained by such owner. 40
- Fees for inspection and services.** **75.** For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each Inspector shall be entitled to receive ten cents for every package of butter by him inspected as aforesaid,—and if re-inspected, seven cents,—together with the actual cost or charge of any package by him furnished, or for extra cooperage or repairs done to packages containing butter by him inspected, and no more; the charge for which extra cooperage and repairs shall not in any case exceed five cents per package; in consideration of which all packages shall be delivered in good shipping order; and such charges shall be paid by the person offering such butter for inspection, or his agent. 45 50 55

2. Each Inspector shall further be entitled to receive two and a half cents per month, per firkin, and two cents and a third of a cent per keg, per month, for the storage of each package of butter, which remains stored with him as aforesaid more than ten days after the date of the Invoice, Weigh Note and Inspection Bill, and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid or required when the butter has not remained stored as aforesaid during ten days from the date of the Inspection Bill.

Storage.

10 3. All the charges of inspection and storage shall be payable before the butter is re-delivered by the Inspector; and the Inspector shall furnish a Bill of Inspection signed by him and specifying neatly and legibly the quantity and quality of the butter, the charges thereon, and the owner's name.

Charges when payable.

15 76. The inspection of butter offered for sale or exportation in packages containing twenty-five pounds weight of butter or more, shall in any city, town or village where an Inspector is appointed by law, be compulsory; and any such package offered for sale or exportation, or exported or shipped or laden in any vehicle for exportation or otherwise offered to be exported in contravention of this Act, shall be forfeited, and the person so selling or offering it for sale, or exporting it or offering it for exportation shall incur a penalty of two dollars for each such package.

How far and in what cases inspection shall be compulsory.

Penalty of contravention.

25 Every Inspector shall, at the end of every month, make a return to the Department of Inland Revenue of the quantity of each quality of Butter inspected by him or his Deputy, and such return shall be in such form as may be required by the said Department.

Inspector to make monthly returns of quantity and quality inspected.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF RAW HIDES AND LEATHER.

30 77. Every Inspector or Deputy Inspector may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof.

Inspection of leather.

35 78. Such inspection shall be made either at the store or warehouse of such Inspector, (which he is hereby required to keep in a convenient situation for that purpose in the city, town or place for which he is appointed Inspector), or if he thinks fit at the store or warehouse of the owner thereof: No charge for storage, shall be made until twenty-four hours after such inspection; but all trouble and expense attendant upon the loading, unloading or moving such raw hides or leather shall be borne and paid by the party at whose request the same was inspected.

Where inspection shall be made.

45 79. Every Inspector or Deputy Inspector shall mark or stamp on each hide the net weight of such hide; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the Inspector, if he is required to do so, shall give a certificate of the net weight of such hide, without any charge for such certificate.

Mode of inspection.

50 80. Every Inspector or Deputy Inspector shall subtract from the weight of each raw hide all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that such hides may have lost by drying, the whole at his discretion; he shall also classify them as number one, two, three or damaged, as the case may be.

Powers of inspector in respect of weight.

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- Fees.** **81.** Every Inspector shall be entitled for the inspection of such hides to a fee of five cents for each hide in lots under one hundred in number, and four cents for each hide in lots over one hundred in number.
- Harness leather.** **82.** The Inspector or Deputy Inspector may inspect harness leather and certify the weight thereof, but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather. 5
10
- Red or moccasin leather.** **83.** The Inspector or Deputy Inspector may also inspect leather known as red leather or moccasin leather, and certify to its weight, quality and condition.
- Leather sold by the foot.** **84.** The Inspector or Deputy Inspector may inspect and measure all kinds of leather which are sold by the foot, and shall be entitled to charge two cents for each side or piece of such leather inspected and measured by him. 15
- None but inspector to stamp leather, etc.** **85.** Any person, except the Inspector or Deputy Inspector, who shall stamp or number any of the raw hides or leather above mentioned, and shall expose them for sale, shall be liable to a fine not exceeding twenty dollars, but he shall be at liberty to mark on the said raw hides or leather in ordinary and legible figures the weights of the said raw hides or leather, and in such cases the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures; and any person who shall expose for sale any raw hides or leather, the weights of which shall be so marked without the words "Not Inspected" as above prescribed, shall be liable to a fine not exceeding twenty dollars. 20
25
- Exception.**
- Inspector to provide brands and stamps.** **86.** Each Inspector or Deputy Inspector shall provide and have a sufficient number of brands, stamps, stencil plates, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded, stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the inspector. 30
- How leather shall be branded or stamped.** **87.** All brand or stamp marks shall be neat and legible, and shall be made at one end of the hide or piece of leather, within a space of not less than two inches long by one and one half broad. 35
- Qualities of sole leather.** **88.** Sole leather so inspected shall be divided as to quality into three classes; to be known as a number one, number two, and number three; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles. 40
- And of other leather.** And such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes, to be known as heavy, middling, and light weight; every piece or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pounds weight and over shall be considered heavy or over weight: 45
50
- As to liability for deficiency limited.** The Inspector or Deputy Inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of leather.

89. Red leather or moccasin leather and harness leather shall, after inspection, be marked or branded, respectively, with the figures 1, 2, according to the quality thereof. Moccasin and harness leather.

90. The brand or mark may be fixed or attached to the raw hide or leather, by stamping, or by any other process that may render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:— Brands or marks described.

1. 112 lbs.
T., J. B., I.

2. 90 lbs.
T., J. B., I.

The figure 1, representing the first quality, 112 lbs., the weight, T., Toronto, J. B., I., initials of Inspector's name and office.
The figure 2, designating second quality.

3. 60 lbs.
T., J. B., I.

The figure 3 designating a damaged or rejected article.

91. Every Inspector of Raw Hides and Leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw and salted Hides and Leather inspected by him or any of his Deputy Inspectors, showing the respective weight, quality and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection. Inspector to keep books.

92. Every such Inspector shall twice in each year, and not later than the tenth day of January and the tenth day of July, make a return to the Board of Trade of the city or town in respect to which he has been appointed, of particulars mentioned in the next preceding section and a duplicate of such return shall be sent to the Department of Inland Revenue at Ottawa. Inspector to make returns.

93. Every Inspector who neglects or refuses to keep such a book as mentioned in the nineteenth section of this Act, or to make the entries required to be made therein, or neglects or refuses to make returns required by section ninety-one of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same. Penalty for neglect to keep books, &c.

94. The Inspection of Raw Hides shall be compulsory at every place where an Inspector or Deputy Inspector has been appointed and every raw hide sold, offered for sale or exported, offered for export or laden in any vehicle or vessel for the purpose of being exported, shall be forfeited, and the person so selling or offering for sale or exporting them, shall incur a penalty of one dollar for every hide, so sold offered for sale or exported. Inspection to be compulsory wherever Inspector or Deputy. Penalty for contravention.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF REFINED
PETROLEUM.

Trade inspectors of petroleum.	95. Inspectors of Refined Petroleum under this Act, shall be known as "Trade Inspectors." They shall provide themselves with all necessary instruments, utensils plates, brands, stamps, pyrometers, and other instruments, chemicals, and appliances, requisite for the performance of their duties in a proper manner.	5
Books to be kept by inspector.	96. Every such Trade Inspector shall keep a book or books which shall be open to the public during all reasonable office hours, wherein he shall record, in a distinct manner, the full particulars of every inspection made by him, shewing:— (1.) The date upon which each inspection is made; (2.) The place where made; (3.) The name and residence of the person who required him to make the inspection; (4.) The number of packages inspected, and the quantity and quality of Petroleum contained in such packages.	10 15
Weight when empty to be branded on every package	97. Every package containing Petroleum submitted for inspection shall have inscribed or branded thereon in a legible manner the tare or weight of such package when empty.	
Mode of inspection.	98. When required to inspect any Petroleum by the owner or holder thereof, the Trade Inspector shall proceed as follows:—	20
Quantity.	(1.) He shall determine, by weighing or otherwise, as may be directed by regulations made by the Department of Inland Revenue, the quantity of Petroleum in each package.	
Quality.	(2.) He shall determine, by means of Tagliabue's or some other similar pyrometer, the degree of heat at which the Petroleum gives off a vapour that will ignite or flash on the application of fire.	25
Class as to quality.	(3.) He shall determine, by careful examination, as to which of the grades herein established, the Petroleum under inspection should be classed in.	
Brand.	Having ascertained these particulars, the Inspector shall brand the packages in which the Petroleum is contained in a neat and legible manner so as to show;— (1.) The capacity of the package in gallons. (2.) The first test, or degree of heat at which the vapour given off ignites. (3.) The gravity, by Baume's Hydrometer. (4.) The grade or quality in which the Petroleum is classed. (5.) The place where the inspection is made. (6.) The Trade Inspector's name, and the date of inspection.	30 35
Where brands shall be placed.	99. The Trade Inspector's brands shall be on the end of the cask or package, opposite the marks and brands placed upon it by the officers of Inland Revenue.	40
Grades of refined petroleum.	100. Refined Petroleum shall be classified in the following grades or qualities: No. 1. Having a gravity of 44° by Baume's Hydrometer. No. 2. Having a gravity of from 43° upwards by Baume's Hydrometer.	45

No. 3. Having a gravity of from 42° upwards by Baume's Hydrometer.

No. 4. Having a gravity of from 40° upwards by Baume's Hydrometer.

- 5 **101.** The gravity shall, in each case, be taken at or reduced to a uniform temperature of sixty degrees of Fahrenheit's Thermometer, and each grade or quality shall stand a fire test of not less than one hundred and five degrees of heat by Fahrenheit's Thermometer, without giving off a vapor that will ignite or flash upon the application of fire, and shall be free from offensive odour. Each grade shall also stand the lead or litharge test, that is to say, the Petroleum shall not change colour when tested by the admixture of a saturated solution of litharge and caustic soda. Further requirements on inspection.
Gravity.
Litharge test
- 10
- 15 **102.** All packages containing Petroleum submitted for inspection which will not stand the tests above prescribed, shall be branded with the word "REJECTED," the Trade Inspector's name, and the date and place of inspection. Rejected petroleum.
- 20 **103.** For each package inspected and branded, and of which an account is entered in the books of the Trade Inspector, and a return made as herein required, the Trade Inspector shall be entitled to receive from the person who required the inspection to be made, a fee of five cents. Fees for inspection.
- 25 **104.** As soon as any lot of Refined Petroleum has been inspected, the Trade Inspector shall deliver to the owner or holder thereof a Bill of Inspection, in which there shall be set forth, neatly and legibly, the full particulars of such inspection as herein required to be entered in the Trade Inspector's books, together with a "facsimile," or description of the trade mark or other designation which the owner or holder may have caused to be placed on the package in which it is contained. Bill of inspection to be furnished.
- 30
- 35 **105.** Every Trade Inspector of Petroleum shall within ten days after the last days of March, June, September and December in each year, make and deliver to the Secretary of the Board of Trade of the place for which he is appointed, or to such other person as may be designated by the Governor in Council, a true return or statement of the total quantity of Petroleum inspected by him during the three months next preceding the days specified; and every such return shall set forth the nature and description of packages, and the number of gallons of each grade inspected, and also the number of packages and gallons rejected, and a duplicate of every such return shall be forwarded to the Department of Inland Revenue. Return to be made by the inspector.
- 40
- 45 **106.** The inspection herein provided for shall be irrespective of any inspection made, ordered, or provided for by the laws respecting Excise or the Inland Revenue, which shall in no wise be affected by this Act. Inspection to be irrespective of excise law.
- 50 **107.** The inspection of Petroleum shall be compulsory at every place where an Inspector or Deputy Inspector has been appointed, and every package of Petroleum sold, offered for sale, exported or offered for export, or laden on any vehicle or vessel for the purpose of being exported, shall be forfeited, and the person so selling or offering for sale, or exporting them, shall incur a penalty of two dollars for every such package. Inspector to be compulsory wherever inspector or deputy.
Penalty for contravention.
- 108.** This Act may be cited as "The General Inspection Act, 1874." Short title.

1st Session 3rd Parliament, 37 Victoria, 1874.

B I L L .

An Act to make better provision, extending to the whole Dominion of Canada, respecting the Inspection of certain Staple Articles of Canadian produce.

Received and read 1st time,
May, 1874.

Second reading, May, 1874.

Hon. MR. FOURNIER.

OTTAWA:
Printed by MacLean, Roger & Co.

An Act to provide for the construction of the Canadian
Pacific Railway.

WHEREAS by the terms and conditions of the admission of British Columbia into Union with the Dominion of Canada, set forth and embodied in an address to Her Majesty adopted by the Legislative Council of that Colony in January, 1871, under the provisions of the 146th section of *The British North America Act, 1867*, and laid before both the Houses of the Parliament of Canada during the Session of 1871, and concurred in by the Senate and House of Commons of Canada, and embodied in addresses of the said Houses to Her Majesty under the said section of the *British North America Act*, and approved by Her Majesty and embodied in the Order of Her Majesty in Council of the 16th May, 1871, admitting British Columbia into the Union under the said Act as part of the Dominion of Canada, from the twentieth day of July, 1871, it is among other things provided :

Preamble
Recital of part
of order of H.
M. in Council
admitting
British Colum-
bia into the
Dominion.

That the Government of the Dominion shall construct a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected for the purpose east of the Rocky Mountains towards the Pacific, to connect the sea-board of British Columbia with the Railway System of Canada : and further that the Government of the Dominion shall secure the commencement of such Railway within two years and its completion within ten years from the date of the Union ;--the Government of British Columbia agreeing to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in furtherance of the construction of the said Railway, a similar extent of public lands along the line of railway, throughout its entire length in British Columbia, (not to exceed, however, twenty (20) miles on each side of the said line) as may be appropriated for the same purpose by the Dominion Government from the public lands in the

Act of 1872,
chap. 71.

North West Territories and the province of Manitoba, subject to certain conditions for making good to the Dominion Government from contiguous lands the quantity of land which may be held under pre-emption right or by Crown Grant within the said limits, and for restraining the sale or alienation by the Government of British Columbia during the said two years, of lands within the said limits; 5

And whereas, the House of Commons of Canada resolved in the session of the year 1871, that the said Railway should be constructed and worked by private enterprise and not by the Dominion Government, and that the public aid to be given to secure its accomplishment, should consist of such liberal grants of land and such subsidy in money or other aid, not increasing the then existing rate of taxation, as the Parliament of Canada should thereafter determine; And whereas the Statute 35 Victoria, chapter 71, was enacted in order to carry out the said agreement and resolution; but the enactments therein contained have not been effectual for that purpose: 15

And whereas, by the legislation of this present session, in order to provide means for meeting the obligations of the Dominion the rate of taxation has been raised much beyond that existing at the date of the said resolution: And whereas, it is proper to make provision for the construction of the said work as rapidly as the same can be accomplished without further raising the rate of taxation: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons enacts as follows:— 20 25

Railway to be made from near L. Nipissing to the Pacific.

1. A Railway to be called the "Canadian Pacific Railway" shall be made from some point near to and south of Lake Nipissing to some point in British Columbia on the Pacific Ocean, both the said points to be determined and the course and line of the said Railway to be approved of by the Governor in Council. 30

Divisions into four sections.

2. The whole line of the said Railway, for the purpose of its construction, shall be divided into four sections;—the first section to begin at a point near to and south of Lake Nipissing, and to extend towards the Upper or Western end of Lake Superior, to a point where it shall intersect the second section hereinafter mentioned: the second section to begin at some point on Lake Superior, to be determined by the Governor in Council, and connecting with the first section, and to extend to Red River, in the Province of Manitoba; the third section to extend from Red River, in the Province of Manitoba, to some point between Fort Edmonton and the foot of the Rocky Mountains, to be determined by the Gov- 35 40 45

First section.

Second section.

Third section.

ernor in Council; the fourth section to extend from the Western terminus of the third section to some point in British Columbia on the Pacific Ocean. Fourth section.

3. Branches of the said Railway shall also be constructed as follows, that is to say :— Branches.

First—A branch from the point indicated as the proposed eastern terminus of the said Railway to some point on the Georgian Bay, both the said points to be determined by the Governor in Council. From eastern terminus to Georgian Bay.

10 Secondly—A branch from the main line near Fort Garry, in the Province of Manitoba, to some point near Pembina on the southern boundary thereof. From Fort Garry to Pembina.

4. The branch Railways above mentioned shall, for all intents and purposes, be considered as forming part of the Canadian Pacific Railway and as so many distinct sections of the said railway, and shall be subject to all the provisions hereinafter made with respect to the said Canadian Pacific Railway, except in so far as it may be otherwise provided for by this Act. How this Act shall apply to branches.

20 5. A line of electric telegraph shall be constructed in advance of the said Railway and branches, along their whole extent respectively, as soon as practicable after the location of the line shall have been determined upon. Lines of telegraph.

6. The gauge of the said Railway shall be *four feet eight inches and a half*, and the grades thereof, and the materials and manner of and in which the several works forming part thereof shall be constructed, and the mode of working the Railway, including the description and the capacity of the locomotive engines and other rolling stock, shall be such as may be determined by the Governor in Council. Gauge, materials and mode of construction.

7. The said Canadian Pacific Railway and the branches or sections hereinbefore mentioned, and the stations, bridges, and other works connected therewith, and all engines, freight and passenger cars and rolling stock shall be constructed under the general superintendence of the Department of Public Works. To be under superintendence of Dept. of Public Works.

8. The Governor in Council may divide the several sections of the said Railway into sub-sections, and may contract with any person, co-partnership or company incorporated Sub-sections may be made, and given out by contract.

- or to be hereafter incorporated (hereinafter referred to as the "Contractors," which expression shall be understood to include a single "Contractor" for any such work,) for the construction of any section or sub-section of the said Railway, including all works connected therewith, and all rolling stock required to work the same, and for the working of the same as hereinafter provided, on such terms and conditions as by the Governor in Council may be deemed just and reasonable, subject to the following provisions :—
- What the contracts shall include. 5
- Conditions to be observed. 10
- Tenders.
1. That the works on any section or sub-section of the said Railway shall not be given out to any contractor or contractors except after tenders shall have been obtained for the same ;
 2. That the contract for any portion of the said works shall not be given to any contractors, unless such contractors give satisfactory evidence that they possess a capital of at least \$4,000 per mile of their contract and of which twenty-five per cent. in money, Government or other sufficient securities, approved by the Governor in Council, shall have been deposited to the credit of the Receiver General, in one or more of the chartered Banks of the Dominion, to be designated for that purpose by the Governor in Council, as security for the completion of the contract ; and the Governor in council may make such further conditions as he may deem expedient for securing the performance of the contract, as well with respect to the construction as to the working of the Railway after completion, and any such condition shall be valid and may be enforced as provided by the contract. 15
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 3. That the total sum to be paid to the contractors shall be stipulated in the contract, and shall be \$10,000 for each mile of the section or sub-section contracted for, and that such sum shall be paid to the contractors as the work progresses by monthly payments in proportion to the value of the work then actually performed, (according to the estimates of the Engineers designated for the purpose by the Minister of Public Works,) as compared with the value of the whole work contracted for, including rolling stock and all things to be done or furnished by the contractors ; and except money arising from the sale of lands as hereinafter provided, no further sum of money shall be payable to the contractors as principal, but interest at the rate of four per cent. per annum for twenty-five years from the completion of the work, on a sum (to be stated in the contract) for each mile of the section or sub-section contracted for, shall be payable to the contractors, and guarantees for the payment thereof shall be given from time to time to the contractors in like manner and proportion, and on like conditions, as payments are to be made on the principal sum above mentioned ; and the tenders for the work shall be required to state the lowest sum per mile on which such interest and guarantees will be required. 35
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- Contractors must have capital and give security on it.
- Further security may be required.
- Total sum per mile payable in money limited.
- Guarantee may be given for interest only on a further sum for 25 years : and on what conditions.
- Tenders to state lowest sum for guarantee.

4. That a quantity of land, not exceeding twenty thousand acres for each mile of the section or sub-section contracted for, shall be appropriated in alternate sections of twenty square miles each, along the line of the said Railway or at a convenient distance therefrom, each section having a frontage of not less than three miles nor more than six miles on the line of the said Railway, and that two-thirds of the quantity of land so appropriated shall be sold by the Government at such prices as may be from time to time agreed upon between the Governor in Council and the contractors, and the proceeds thereof accounted for and paid half yearly to the contractors, free from any charge of administration or management; the remaining third to be conveyed to the contractors. The said lands to be of fair average quality, and not to include any land already granted or occupied under any patent, license of occupation or pre-emption right; and when a sufficient quantity cannot be found in the immediate vicinity of the Railway, then the same quantity, or as much as may be required to complete such quantity, shall be appropriated at such other places as may be determined by the Governor in Council.

Subsidy in land :

Location of land, and conditions of subsidy : sales of land, &c., by government.

Quality of lands.

Proviso as to location.

5. That the said blocks of land to be appropriated as aforesaid, shall be designated by the Governor in Council as soon as the line of railway, or of any section or sub-section thereof, is finally located. Provided that all such payments of the proceeds of lands sold, and conveyances of lands to be granted shall be so made and granted from time to time as the work of construction is proceeded with, in like manner and proportion and on like conditions, as the money and guarantees above mentioned, and subject to any conditions of the contract as respects the construction or the working of the Railway after completion.

When to be appropriated.

Proviso : as to conditions of land subsidy.

6. That the Governor in Council may further grant to the contractors the right of way through Government lands, as also any such lands required for stations or workshops, and generally all such lands as may be necessarily required for the purpose of constructing or working the said railway.

Right of way.

7. That the cost of surveys and of locating the line of the several sections and sub-sections of the said railway shall be part of the subsidy or consideration allowed to the contractors or not, as may be determined by the Governor in Council and agreed upon in the contract entered into with the contractors.

Cost of surveys.

8. Each section or sub-section of the said railway, as it is in whole or in part completed, shall be the property of the contractors for the same, and shall be worked by and for the advantage and benefit of such contractors under such regulations as may from time to time be made by the Governor in Council, as regards the rates chargeable for passengers and freight, the number and description of trains to be run, and the accommodation to be afforded for freight and passengers.

Railway, &c., to be property of contractors and worked by them. Conditions.

Railway Act
1868 to apply.

9. All and every the provisions of the Railway Act of 1868, in so far as the provisions therein contained are applicable to the said Canadian Pacific Railway or any section or sub-section thereof, and are not inconsistent with or repugnant to the provisions of this Act, shall be considered as forming part of this Act and are hereby incorporated therewith.

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How interpreted for that purpose.

10. In applying the said Railway Act to the Canadian Pacific Railway or any portion thereof, the expression "the Railway" shall be construed as meaning any section or sub-section of the said Railway, the construction of which has been undertaken by any contractors,—and the expression "the Company" shall mean the contractors for the same. And such contractors shall have all the rights and powers vested in Companies by the said Act.

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Section 8 modified as to "plans and surveys."

11. As respects the said railway, the eighth section of 15 "The Railway Act, 1868," relating to *Plans and Surveys*, shall be subject to the following provisions:—

Deposit of map or plan, &c.

It shall be sufficient that the map or plan and book of reference for any portion of the line of the railway, not being within any district or county for which there is a Clerk of the Peace, be deposited in the office of the Minister of Public Works of Canada, and any omission, mis-statement or erroneous description of any lands therein may be corrected by the contractor with the consent of the Minister, and certified by him; and the railway may then be made in accordance with such certified correction.

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viations.

The eleventh sub-section of the said eighth section of the Railway Act shall not apply to any portion of the railway passing over ungranted lands of the Crown, or lands not within any surveyed township in any Province; and in such places, deviations not exceeding five miles from the line shown on the map or plan, approved by the Minister of Public Works, shall be allowed, on the approval of the Engineer employed by the said Minister, without any formal correction or certificate; and any further deviation that may be found expedient may be authorized by the Governor in Council, and the railway made in accordance with such authorized deviation.

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Proof of map or plan, &c.

The map or plan and book of reference made and deposited in accordance with this section, after approval by the Government, shall avail as if made and deposited as required by the said "The Railway Act, 1868," for all the purposes of the said Act, and of this Act; and any copy of or extract therefrom, certified by the said Minister or his deputy, shall be received as evidence in any court of law in Canada.

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When no registry office.

It shall be sufficient that a map or profile of any part of the completed railway, which shall not lie within any county or district having a registry office, be filed in the office of the Minister of Public Works.

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12. The provision made in sub-sections thirty, thirty-one and thirty-two, of section nine of "The Railway Act, 1868," as to incumbrances on lands acquired for the said railway shall apply to lands so acquired in the Provinces of Manitoba and British Columbia, and in the North West Territories; and as respects lands in the North West Territories, the Court of Queen's Bench for the Province of Manitoba shall be held to be the Court intended by the said sub-sections.

Sections, respecting incumbrances how to apply.

14. In the Provinces of British Columbia and Manitoba, any Judge of a Superior or County Court shall have all the powers given by the said Act to a County Judge, and in the North West Territories such powers shall be exercised by a Judge of the Queen's Bench of the Province of Manitoba.

Exercise of certain judicial powers in Br. Columbia, Manitoba and N. W. Territories.

15. It shall be lawful for the contractors to take from any public lands adjacent to or near the line of the said railway, all stone, timber, gravel and other materials which may be necessary or useful for the construction of the railway; and also to lay out and appropriate to the use of the contractor a greater extent of lands, whether public or private, for stations, depots, workshops, buildings, side-tracks, wharves, harbors and roadway, and for establishing screens against snow, than the breadth and quantity mentioned in "The Railway Act, 1868," such greater extent taken, in any case, being allowed by the Government, and shown on the maps or plans deposited with the Minister of Public Works.

Power to take materials.

And to take extra land for stations, &c.

16. As respects places not within any Province, any notice required by *The Railway Act, 1868*, to be given in the "Official Gazette" of a Province, may be given in the *Canada Gazette*.

Notices in Gazette.

17. Deeds and conveyances of lands to the contractors (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form following, that is to say:—

Form of conveyances to contractors.

"Know all men by these presents, that I, A.B., in consideration of _____ paid to me by the contractor for section _____ (or as the case may be,) of the Canadian Pacific Railway the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Contractors for section _____ successors and assigns, all that tract or parcel of land (*describe the land*) to have and to hold the said land and premises unto the said contractors, their successors and assigns for ever.

"Witness my hand and seal, this _____ day of _____ one thousand eight hundred and _____
"Signed, Sealed and delivered }
in presence of _____ A.B. [L.S.]

" C. D.
" E. F."

or in any other form to the like effect.

18. Her Majesty's naval and military forces, whether Imperial or Canadian, Regular or Militia, and all artillery, ammunition, baggage, provisions, or other stores for their

Terms of conveyance of H. M. troops, stores, &c., by contractors.

use, and all officers and others travelling on Her Majesty's naval or military or other service, and their baggage and stores, shall at all times, when the contractors shall be thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Minister of Militia and Defence of Canada, or by the Chief Naval Officer on the North American Station on the Atlantic, or on the Pacific Ocean, be carried on the said railway by the contractors on such terms and conditions and under such regulations as the Government shall from time to time make. 10

As to exercise
of powers of
Justices under
Railway Act.

19. The Justices of the Peace for any county or district in British Columbia and Manitoba, assembled in general or quarter sessions, shall have the power vested by section forty-nine of "*The Railway Act, 1868*," in the Justices so assembled in the Province of Ontario as to the appointment of Railway Constables, and in places where there are no such sessions, any two Justices of the Peace in any Province, or in any place not within a Province, shall have the powers given by the said section to any two Justices of the Peace in Ontario for the appointment and dismissal of any such constables; and where there is no Clerk of the Peace the record of the appointment of constable shall be dispensed with. 15 20

GENERAL PROVISIONS.

As to offences
against Penal
clauses of Rail-
way Act, 1868.

9. Any felony or misdemeanor in contravention of the "Penal Clauses" of "*The Railway Act, 1868*," committed in the Province of Manitoba or British Columbia, shall be tried punished, and dealt with in such Province, by and before the court or tribunal having cognizance of felonies and misdemeanors respectively (as the case may be), and punished in the manner provided by the said Act; and, if committed in any place not within the Province, may be tried, punished and dealt with by any court having like jurisdiction, in British Columbia, Manitoba, or Ontario, in any of which Provinces the offender may be arrested and dealt with as if the offence had been committed there; or he may be arrested in the territory where the offence is committed, and committed by any Justice of the Peace for such territory for trial at such court, and in such county, district or place in either of the said Provinces, as the Justice may think most convenient. and to the common gaol whereof he may commit such offender, and authorize his being conveyed by any constable; and if the punishment to which he is sentenced be imprisonment in the penitentiary, and there be no penitentiary in the Province, such imprisonment shall be in the common gaol for the place where he is convicted; and any offence against the said "Penal Clauses," or any other section of the said Act thereby cognizable before a Justice or Justices of the Peace, shall be cognizable before a Justice or Justices of the Peace for the place where the offence is committed; and if any pecuniary penalty be imposed and there be no party entitled to receive it under the said Act, it shall be paid to the Receiver General, to the credit of the 25 30 35 40 45 50

Railway Inspection Fund. And this section shall apply as well to any part of the said Railway, constructed by the Government of Canada as a Public Work, as to any portion thereof constructed by contractors.

To apply to any portion made by Govt.

5 **10.** In every contract for the construction of the said railway or of any section or sub-section thereof, the Government of Canada shall reserve the right to purchase under the authority of Parliament, the said railway or such section or sub-section thereof, on payment of a sum equal to the
10 actual cost of the said railway, section or sub-section, and ten per cent. in addition thereto; the subsidies in land and money granted or paid by the Government for the construction of the said railway being first returned or deducted
15 from the amount to be paid, the lands sold being valued at the full amount the contractors may have received from the sale of such lands as may have been sold.

Right of purchase of Railway from contractors by Govt. to be reserved.

11. No contract for the construction of any portion of the *main line* of the said railway shall be binding until it shall have been laid before the House of Commons for one month
20 without being disapproved, unless sooner approved by a resolution of the House.

As to contracts for part of main line.

12. In case it shall be found by the Governor in Council more advantageous to construct the said railway or any portion thereof, as a public work of the Dominion of Canada, the construction thereof shall be let out by contracts offered to public competition, and the Governor in Council may establish from time to time the mode
25 and regulations under which the contracts shall be given, and the railway or such portion thereof shall be constructed and worked after it shall have been completed, including the rates to be charged for freight and passengers; such regulations not being contrary to any of the provisions of the Acts regulating the Department of Public Works. or to any other Act or law in force in the Dominion.

Any portion may be made by government as a public work if found more advantageous.

Provision in such case.

35 **13.** The Branch Railways shall be constructed as follows, that is to say: That section of the first Branch extending from the eastern terminus of the first section of the said railway to some point on the Georgian Bay to be fixed as
40 said, shall be constructed by contractors as a private enterprise on the same terms and conditions as provided with respect to the main line of the said railway, or any section thereof; or as a public work of the Dominion under such contract or contracts as may be agreed upon and sanctioned by the Governor in Council.

How branch line to Georgian Bay may be made.

45 **14.** The Governor in Council may also grant such bonus or bonuses, subsidy or subsidies to any company or companies already incorporated or to be hereafter incorporated, not exceeding twelve thousand dollars per mile, as will secure the construction of the branch lines extending from
50 the eastern terminus of the said Canada Pacific Railway to connect with existing or proposed lines of railway; the

Bonuses or subsidies in aid of Railways from eastern terminus to existing or proposed Railways.

Conditions.

granting of such bonuses or subsidies to be subject to such conditions for securing the running powers and other rights over and with respect to the whole or any portion of the said branch railway, to the owners or lessees of the main line of the said railway or of any section thereof, or to the owners or lessees of any other railway connecting with the said branch railway as the Governor in Council may determine: But every Order in Council granting such subsidy shall be laid before the House of Commons for its ratification or rejection, and shall only be operative after its ratification by resolution of the House.

Ratification by House of Commons required.

Arrangements for leasing or working any portion made by government.

15. The Governor in Council may, at any time after the construction of the said Branch Railway, make with the company or companies owning any portion of the said Branch Railway, such arrangement for leasing to such company or companies any portion of the said Branch Railway which may belong to the Government, on such terms and conditions as may be agreed upon, such lease not to exceed a term of ten years, and may also make such other arrangements as may be deemed advantageous for working the said railway in connection with that portion of the said Branch Railway belonging to such company or companies; provided no such contract for leasing the said Branch Railway, and no such agreement for working the said railway in connection with any other railway shall be binding until it shall have been laid before the House of Commons for one month without being disapproved unless sooner approved by a resolution of the House.

Proviso: for approval of House of Commons.

Branch from Fort Garry to Pembina, how to be made.

16. The Branch of the said Railway, from Fort Garry to Pembina, in the Province of Manitoba, shall be built either as a private enterprise, on the terms and conditions on which the main line may be constructed, or as a Public Work of the Dominion, under such contract or contracts as may be agreed upon and sanctioned by the Governor in Council.

Commencement, &c., of works on any section.

17. The Governor, by Order in Council, shall have the right to determine the time when the works on each section or sub-section of the said Railway shall be commenced, proceeded with, and completed.

Information to be furnished by contractors.

18. The Contractors shall furnish such information of the progress of the works as may be required by the Minister of Public Works, and such statistical details, accounts and information, as may be required from them after completion.

Report by Minister of P. W. to Parliament at each session.

19. The Minister of Public Works shall, within one month of the opening of each session, lay before the two Houses of Parliament a report of the progress of the works, and of the sums expended, together with copies of all contracts entered into since the last report made to Parliament, for the construction of the said Railway or any portion thereof, or for the running or working of the same.

20. The Governor in Council shall have the power at any time to suspend the progress of the work until the then next session of Parliament. Gov. in C. may suspend progress of works.

21. Out of the sums of money to be raised under the Act of the present session, intituled "*An Act to authorize the raising of a loan for the construction of certain Public Works, with the benefit of the Imperial guarantee for a portion thereof,*" and subject to the provisions of the said Act, the Governor in Council may from time to time apply sums not exceeding 10 in the whole two million five hundred thousand pounds sterling out of the sum so raised with the Imperial guarantee,—and sums not exceeding in the whole 15 dollars out of the sum raised under the said Act without the Imperial guarantee, for the construction of the said railway; and the purposes of this Act. Appropriation for Railway out of loan with Imp. guarantee. Out of loan not guaranteed.

22. Separate accounts of the monies expended under this Act and of the sums proceeding from the sale of any of the lands appropriated by this or any other Act for the constructing or assisting in the construction of said railway and 20 branches thereof, shall be kept by the Receiver General, and all sums required for the carrying out of this Act shall be paid out of monies, mentioned in this or the next preceding section, and not out of any other fund, except that the Governor in Council may (as provided by the Act last cited) authorize the advance, out of the Consolidated Revenue Fund, of 25 such sums as it may be necessary to expend for the purposes aforesaid, before the said loans can be raised, such sums to be repaid to the Consolidated Revenue Fund out of the loans. Separate accounts of monies hereby appropriated. What moneys only shall applied for carrying out this Act.

30 23. The Act entitled "*An Act respecting the Canadian Pacific Railway,*" passed in the session of 1872, by the Parliament of Canada, is hereby repealed. Act of 1872, c. 71, repealed.

24. This Act may be cited as "*The Canadian Pacific Railway Act, 1874.*" Short title.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for the construction
of the Canadian Pacific Railway.

Received and read the 1st time, Tuesday,
12th May, 1874.

Second reading, Wednesday, 13th May, 1874.

Hon. Mr. MACKENZIE.

*See Reprinted
copy*

No. 69.]

BILL.

[1874.]

An Act to further amend the Act 31 Victoria, chapter 48,
intituled "An Act respecting Insurance Companies."

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

1. Section four of the said Act, cited in the title of this Act, is Section 4 of
5 hereby amended, by repealing the words following, to wit: 31 Vict., c. 48
"Guarantee or Accident Insurance Company, a sum of not less amended.
than fifty thousand dollars,"--and substituting therefor the words,
following:—"or Guarantee Company, a sum of not less than fifty
thousand dollars; and by every Accident Insurance Company, a
10 sum of not less than twenty thousand dollars."

No. 69.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to further amend the Act 31
Victoria, chapter 48, intituled "An Act
respecting Insurance Companies."

Received and read, first time, Wednesday, 29th
April, 1874.

Second reading, Thursday, 30th April, 1874.

Hon. Mr. HOLTON.

OTTAWA

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to further amend the Act 31 Victoria, chapter 48,
intituled "An Act respecting Insurance Companies."

(Reprinted as amended in Committee of the Whole.)

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

Preamble.

1. Section four of the said Act, cited in the title of this Act, is hereby amended, by repealing the words following, to wit: "Guarantee or Accident Insurance Company, a sum of not less than fifty thousand dollars,"--and substituting therefor the words following:—"or Guarantee Company, a sum of not less than fifty thousand dollars; and by every Accident Insurance Company, a sum of not less than twenty thousand dollars."

Section 31 Vic., c. 48 amended.

2. For and notwithstanding anything in the said Act contained, any company licensed under the said Act may at any time or times deposit in the hands of the Receiver General any further or other sum or sums of money or securities beyond the sum in and by the said Act required to be deposited, and any such further sum or sums of money or securities therefor so deposited in the hands of the Receiver General, shall be held by him subject to, and to be dealt with according to the provisions of the said Act and of an Act passed in the thirty-fourth year of Her Majesty's reign, intituled "An Act to amend the Act respecting Insurance Companies," in respect to the original sum required to be deposited by such company, as if the same had been part of such original deposit.

Company may deposit further security.

34 V., c. 9.

3. Whenever any company licensed under the said Act shall change its chief agent or its chief place of agency in Canada, such company shall file a power of attorney according to the provisions of the ninth section of the said first mentioned Act, containing any such change or changes in such respect; and shall thereby to declare that service of process for or in respect of any liabilities under the said Acts hereinbefore mentioned, respectively, at such last mentioned chief agency, or personally on such last mentioned agent at the place where the chief agency is established, shall be legal and binding on the company to all intents and purposes whatever.

Provision when a company changes its chief agent or place of agency in Canada.

No. 69.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to further amend the Act 31
Victoria, chapter 48, intituled "An Act
respecting Insurance Companies."

*(Reprinted as amended in Committee of
the Whole.)*

Received and read, first time, Thursday, 7th
May, 1874.

Read second time and adopted in Committee of
the Whole, 15th May, 1874.

Hon. Mr. HOLTON.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street

1874.

No. 70.]

BILL.

[1874.

An Act to amend the Act passed in the 34th year of Her Majesty's Reign, intituled: "An Act to amend and explain the Act to amend the Charter of the Ontario Bank."

WHEREAS the shareholders of the Ontario Bank at their annual meeting held at Bowmanville, on the third day of June, 1873, resolved that an application should be made to the Parliament of Canada for an Act to amend the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-seven, and intituled: "An Act to amend and explain the Act to amend the Charter of the Ontario Bank;" And whereas, in pursuance of the said resolution, the Directors of the Ontario Bank have by their petition set forth the said resolution, and asked for the amendment therein mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding any thing contained in the said recited Act or any other Act relating to the Ontario Bank, the Directors of the said Bank are hereby authorized and required to call a meeting of the shareholders of the said Bank, to be held at Bowmanville, to consider the subject of the removal of the Head Office of the said Bank from Bowmanville to such other place as the said shareholders shall determine upon.

2. The subject of the said removal of the said Head Office may be considered and decided at any annual meeting of the shareholders of the said Bank, instead of a special meeting to be called for that purpose.

3. Any special meeting to be called under this Act shall be called by the Directors of the said Bank, by notice specifying the object of such meeting, which notice shall be given within thirty days after the passing of this Act, and shall be published in the manner required by the charter of the said Bank, for the publication of notices for thirty days before the day of such meeting: Provided always, that if at any such special meeting the majority of the shareholders fail to agree upon any place to which the Head Office of the said Bank shall be removed, the Directors of the said Bank may, at any time or times thereafter, call another or other special meeting or meetings of the said shareholders to consider and decide upon the said removal of the Head Office of the said Bank from Bowmanville, upon thirty days' notice, to be published as aforesaid.

4. If the majority of the shareholders of the said Bank present at any such meeting as aforesaid, either in person or represented by proxy, shall determine upon the removal of the Head Office

Session
1874

of the
Ontario Bank

34 V., c. 37.

Meeting to
consider re-
moval of Head
Office.

Or removal
may be consi-
dered at annual
meeting.

How special
meeting may
be called.

Provide: for
other meetings
if shareholders
do not agree.

Directors to
carry out
removal if
decided on.

ONTARIO

1874

thereof from Bowmanville to any other place, it shall be the duty of the Directors to remove the Head Office to such place as the shareholders shall so direct, and, by resolution, to fix the time within which such removal shall take place.

Annual meetings.

5. The annual meeting of the shareholders of the said Bank shall be held on the third Thursday in June every year, at the Head Office of the said Bank, unless otherwise directed by by-laws of the Directors of the said Bank.

Head Office to be as so decided upon.

6. The place to which the Head Office of the said Bank shall be removed under this Act or any Act or Acts relating to the said Bank, shall be, and is hereby declared to be, the Head Office of the said Bank.

No. 70.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act to amend the Act passed in the 34th year of Her Majesty's reign, intituled: "An Act to amend and explain the Act to amend the Charter of the Ontario Bank."

Received and read, first time, Wednesday, 29 April, 1874.

Second reading, Thursday, 30th April, 1874.

(PRIVATE BILL.)

MR. CAMERON (Cardwell).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1874.

An Act declaring the Canada Southern Railway to be a work for the general advantage of Canada, within the meaning of the ninety-second section of the British North America Act, 1867.

WHEREAS the Canada Southern Railway is a work which, Preamble.
though wholly within the Province of Ontario, is for the general advantage of Canada; and whereas it is expedient to declare the same, so as to bring the said work within the meaning of clause C of sub-section ten, of section ninety-two, of the *British North America Act, 1867*;

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

- 10 1. The Canada Southern Railway is hereby declared and shall be held, to be a work for the general advantage of Canada, within the meaning of the said provision of the "*British North America Act, 1867.*" To be within clause C of sub-sec. 10 of B.N.A. Act, 1867.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act declaring the Canada Southern Railway to be a work for the general advantage of Canada, within the meaning of the ninety-second section of the "*British North America Act, 1867.*"

Received and read, first time, Wednesday, 29th April, 1874.

Second reading, Thursday, 30th April, 1874.

HON. MR. MACKENZIE.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1874.

An Act to incorporate the Montreal Steam Ferry Company.

WHEREAS the several persons hereinafter named have Preamble.
 petitioned for power to keep up and maintain, from the
 opening to the close of navigation, a steam ferry within the
 Harbour of Montreal, between the north and south shores, and to
 5 St. Helens Island; and whereas it would conduce to the public
 advantage and convenience that such a ferry should be established,
 and it is expedient to incorporate a company for that purpose,
 and to grant the prayer of the said petition: Therefore Her
 Majesty, by and with the advice and consent of the Senate and
 10 House of Commons of Canada, enacts as follows:—

1. The Honorable John Young, Daniel Butters, James Stuart, Certain persons incorporated.
 David Shaw, William J. M. Jones, all of Montreal, together with
 such other parties as may become shareholders in the Company
 hereby incorporated, are hereby declared to be a body corporate
 15 and politic, by the name of "The Montreal Steam Ferry Corporate name and powers.
 Company," and the said Company shall have full power and
 authority to use any lands on the south shore covered with
 water, or any lots the property of Her Majesty, or on the beach of
 St. Helens Island which may be necessary for the construction of a
 20 wharf or wharves for the convenient landing of the passengers
 using the Ferry, and for the making of roads to communicate
 with adjacent highways, on such conditions as may be agreed on
 with the Government, and the Company may acquire any other
 land or real estate, the property of individuals or corporations,
 25 necessary for their actual use or occupation for the purposes afore-
 said, upon such terms as may be agreed upon between the parties.

2. The persons named in the preceding section are constituted Provisional Directors.
 the Board of Provisional Directors of the said Company, and shall
 hold office till the first election of Directors, and have full power
 30 and authority to open stock books after the passing of this Act.

3 The capital stock of the Company shall be one hundred Capital stock and shares.
 thousand dollars, in shares of one hundred dollars each, and when
 the said one hundred thousand dollars are subscribed, and ten per
 centum of the same is paid and deposited in a chartered bank, the
 35 Provisional Directors or a majority of them shall call a meeting of First meeting of shareholders.
 the shareholders, at such time and place in the City of Montreal
 as they may think proper, giving one week's notice of the same in
 one or more newspapers published in the said city, at which
 meeting the shareholders present in person or represented by
 40 proxy shall elect by ballot seven Directors, four of whom shall
 be a quorum for the transaction of business.

Annual meeting.

4. The annual meeting of the Company shall be held on the second Tuesday in January of each year, and no shareholder shall be a Director unless he be the holder of ten shares.

Officers.

5. The Directors, at the first meeting after their election, shall elect a President and Vice-President.

Company to have exclusive right of ferrage to Island of St. Helens.

6. So long as communication with the Island of St. Helens by the Steam Ferry to be established under the provisions of this Act shall be maintained by the Company, it shall not be lawful for any corporation or person whatsoever to establish or run any steam ferry between the Island of St. Helens and the north or the south shore of the River St. Lawrence; and the exclusive right to establish and maintain such steam ferry shall be vested in the Company hereby incorporated: Provided always that the rate of toll on such ferry each way shall never exceed five cents for each person, either to the Island of St. Helens or to the main shore, nor for freight, vehicles, horses, or other animals or things such rates as shall be approved of by the Governor in Council: Provided also that if such communication by steam ferry with the Island of St. Helens be not established by the Company within one year from and after the passing of this Act, or if such communication after being so established be and continue interrupted for six consecutive months, otherwise than in consequence of the closing of navigation, or of any order of the Governor in Council under the next section, the powers and privileges hereby conferred shall absolutely cease and determine.

Proviso, as to tolls.

Proviso, ferry to run continuously.

Governor may restrict privileges in case of military occupation of Island.

7. If at any time hereafter the possession of the Island of St. Helens should be re-assumed by the Government for any military purpose, the Governor in Council shall have power to modify or restrict the privileges hereby conferred, and to impose such conditions in respect of the running of the Ferry to and from the said Island, as he may deem expedient.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to incorporate the Montreal Steam Ferry Company.

Received and read first time, Wednesday, 29th April, 1874.

Second reading, Thursday, 30th April, 1874.

(PRIVATE BILL.)

MR. JETTÉ

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1874.

An Act for suppressing Gaming Houses, and to punish the keepers thereof,

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

1. If the chief constable, deputy chief constable, or other officer authorized to act in his absence, of any city or town shall report in writing to any of the commissioners of police of such city or town, or to the police magistrate of any town, that there are good grounds for believing, and that he does believe, that any house, room or place within the said city is kept or used as a common gaming house, it shall be lawful for the said commissioners or commissioner, or the said police magistrate, by order in writing, to authorize the said chief constable, deputy chief constable or other officer as aforesaid, to enter any such house, room or place with such constables as may be deemed requisite by said chief constable, deputy chief constable or other officer as aforesaid, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein and to seize all tables and instruments of gaming found in such house or premises, and also to seize all monies and securities for money found therein.
2. It shall be lawful for the chief constable, deputy chief constable, or other officer as aforesaid, making such entry as aforesaid, in obedience to any such order as aforesaid, with the assistance of any constable or constables accompanying him, to search all parts of the house, room or place which he shall have so entered, where he shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and to seize all tables and instruments of gaming which he shall so find.
3. When any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game, shall be found in any house, room, or place suspected to be used as a common gaming house, and entered under a warrant or order issued under this Act, or about the person of any of those who are found therein, it shall be evidence until the contrary be made to appear that such house, room or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming have been found were playing therein although no play was actually going on in the presence of the chief constable, deputy chief constable or other officer as aforesaid, entering the same under a warrant or order issued under this Act or in the presence of those persons by whom he is accompanied as aforesaid; and it shall be lawful for the police magistrate or other
- Police magistrate, &c., on report in writing, may authorize constables to enter or break open doors of common gaming houses, and seize all instruments of gaming, monies, &c., and take into custody all persons found therein.
- Constables may search for instruments of gaming.
- What shall be deemed evidence of gaming.

justice before whom any person is taken by virtue of such order or warrant as aforesaid, to direct all such tables and instruments of gaming to be forthwith destroyed.

Penalty on persons obstructing the entry of constables, &c., authorized to enter any house suspected to be a common gaming house.

4. Any person who wilfully prevents any constable or other officer authorized under either of the preceding sections of this Act to enter any house, room or place, from entering the same, or any part thereof, or who obstructs or delays any such constable or officer in so entering, and any person who, by any bolt, chain or other contrivance secures any external or internal door of, or means of access to, any house, room, or place so authorized to be entered, or uses any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any constable or officer authorized as aforesaid, into any such house, room, or place, or any part thereof, shall, for every such offence, on a summary conviction before the police magistrate or other justice of the peace before whom he or they may be brought, be adjudged to pay any penalty not exceeding *one hundred dollars*, with such costs attending the conviction as to the said police magistrate or justice of the peace appear reasonable, and on non-payment, or, in the first instance, if it seem fit to the said police magistrate or justice of the peace, may be committed with or without hard labor for a period not exceeding six months.

What shall be sufficient evidence that a house is a common gaming house.

5. When any constable or officer authorized as aforesaid to enter any house, room, or place, is wilfully prevented from, or obstructed, or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to any such house, room, or place, so authorized to be entered, is found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any constable or officer authorized as aforesaid, or for giving an alarm in case of such entry, or if any such house, room, or place, is found fitted or provided with any means or contrivance for unlawful gaming or with any means or contrivance for concealing, removing, or destroying any instruments of gaming, it shall be evidence until the contrary be made to appear that such house, room or place is used as a common gaming house within the meaning of this Act, and of any former acts relating to gaming, and that the persons found therein were unlawfully playing therein.

Magistrate, &c., may require any of the persons apprehended to be sworn and give evidence.

6. It shall be lawful for the police magistrate or justice before whom any persons are brought who have been found in any house, room, or place, entered in pursuance of any warrant or order issued under this Act, to require any of such persons to be examined on oath and give evidence touching any unlawful gaming in such house, room, or place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such house, room, or place, or any part thereof of any constable or officer authorized as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such police magistrate or justice as aforesaid or from being so examined at any subsequent time by or before the police magistrate or the same or any other justice of the peace, or by or before any court, on any proceeding, or on the trial of any indictment, information, action, or suit in anywise relating to such unlawful gaming, or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the

ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any justice or court in obedience to a summons or subpoena and refusing without lawful cause or excuse to be sworn or to give evidence may by law be dealt with.

Penalty on refusing to be sworn.

7. Every person so required to be examined as a witness as aforesaid, who upon such examination shall make true discovery to the best of his knowledge of all things as to which he is so examined, shall receive from the judge, justice, magistrate, examiner, or other judicial officer, before whom such proceeding is had, a certificate in writing to that effect, and shall be freed from all criminal prosecutions and penal actions and from all penalties, forfeitures and punishments to which he may have become liable for anything done before that time in respect of the matters touching which he has so been examined; but such certificate shall not be effectual for the purpose aforesaid, unless it states that such witness made a true disclosure touching all things as to which he has been examined; and upon the production and proof of such certificate as aforesaid any action, indictment, or proceedings pending or brought in any court against such witness in respect of any act of gaming touching which he was so examined, shall be stayed upon summary application to the court in which such action, indictment, or proceeding is pending, or any judge thereof, or any judge of any of the superior courts of any Province, to stay the proceedings aforesaid.

Persons required to be examined as witnesses, and making a full discovery, to be freed from all penalties, &c.

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No. 73.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act for suppressing Gaming Houses and
to punish the keepers thereof.

Received and read, first time, Wednesday, 29th
April, 1874.

Second reading, Thursday, 30th April, 1874.

Mr. Moss.

OTTAWA:

Printed by J. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

No. 74.]

BILL.

[1874.

An Act to continue for a limited time certain temporary provisions in the Act respecting the admission of Prince Edward Island into the Dominion.

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

1. The second and third sections of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "*An Act respecting the admission of the colony of Prince Edward Island, as a Province of the Dominion,*" which would otherwise expire at the end of the present session, shall be and are hereby continued, and shall remain in force until the first day of January, in the year of Our Lord one thousand eight hundred and seventy-five, and thence until the end of the then next session of the Parliament of Canada, and no longer.

36 V., c. 40, ss.
2, 3, continued.

No. 74.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to continue for a limited time certain temporary provisions of the Act respecting the admission of Prince Edward Island into the Dominion.

Received and read 1st time, Wednesday,
29th April, 1874.

Second reading, Thursday, 30th April, 1874.

Hon. Mr. BURPEE.

OTTAWA:
Printed by MacLean, Roger & Co.

An Act to amend the Pilotage Act, 1873.

WHEREAS by the Pilotage Act, 1873, it is among other things Preamble
 provided, that the Governor General may within thirty days
 after the commencement of that Act, appoint, by instruments under
 the Great Seal of Canada, three persons to be with others the first
 5 Commissioners under the said Act at the City of Halifax, and a like
 number of persons to be, with others, the first Commissioners under
 the said Act at the City of St. John; and whereas by the said Act
 the first day of January, one thousand eight hundred and seventy-
 10 four, was fixed for the commencement thereof, and the appointments
 above mentioned were not made within thirty days after such com-
 mencement, but the other persons to be Commissioners under the
 said Act at each of the Cities aforesaid were duly elected, and all
 the requirements of the Act were complied with as respects them ;
 therefore in amendment of the said Act and for the avoidance of
 15 doubts in the cases aforesaid, Her Majesty, by and with the advice
 and consent of the Senate and House of Commons of Canada, enacts
 as follows :

1. So much of the said Act as limits the time for the appointment Amendment
as to appoint-
ment of com-
missioners.
 of such three Commissioners as aforesaid at the city of Halifax, and
 20 the City of St. John, respectively, is hereby repealed, and such ap-
 pointments may be made at any time after the passing of this Act,
 as if no time had been limited for making them.

1st Session 3rd Parliament, 37 Victoria, 1874.

B I L L .

An Act to amend the Pilotage Act, 1873.

Received and read 1st time, Wednesday,
29th April, 1874.

Second reading, Thursday, 30th April, 1874.

Hon. MR. SMITH, *Westmoreland*.

OTTAWA:
Printed by MacLean, Roger & Co.

An Act to exempt Transports from Port and Harbour Dues.

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

1. All Transports or Vessels employed exclusively in Transports
exempted.
carrying Troops shall be exempt from any Port or Harbour
Duties, at any Port or Harbour in Canada, whether the same
be imposed directly by the Parliament of Canada, or by any
local or other authorities subject to its control.

No. 76.

1st Session 3rd Parliament, 37 Victoria, 1874.

B I L L .

An Act to Exempt Transports from Port
and Harbours dues.

Received and read 1st time, Wednesday,
29th April, 1874.

Second reading, Thursday, 30th April, 1874.

Hon. MR. SMITH, *Westmoreland.*

OTTAWA:
Printed by MacLean, Roger & Co.

An Act respecting Carriers by Water.

WHEREAS it is expedient to define the liabilities and Preamble.
rights of Carriers by Water in the Dominion of Canada
with respect to certain matters, touching which different
rules may now prevail in some Provinces thereof:—There-
5 fore Her Majesty by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as follows :

1. Carriers by Water shall, at the times and in the manner
and on the terms of which they have respectively given
public notice, receive and convey according to such notice,
10 all persons applying for passage, and all goods offered for
conveyance, unless in either case there is reasonable and
sufficient cause for not doing so : Responsibility
of such Car-
riers defined
and limited as
to goods.

They shall be responsible not only for goods received on
board their vessels, but also for goods delivered to them for
15 conveyance by any such vessel, and they shall be bound to
use due care and diligence in the safe-keeping and punctual
conveyance of such goods, subject to the provisions herein-
after made :

They shall be liable for the loss of or damage to goods
20 entrusted to them for the conveyance as aforesaid,—

Except that they shall not be liable to any extent what-
ever to make good any loss or damage happening without
their actual fault or privity,—

(1) To any goods on board any such vessel, or delivered
25 to them for conveyance therein, by reason of fire or the
dangers of navigation :

(2.) Arising from any defect in or from that nature of
the goods themselves, or from armed robbery or other irre-
sistible force :

30 (3.) To any gold, silver, diamonds, watches, jewels, or
precious stones, money or valuable securities, or article of
great value not being ordinary merchandize, by reason of
any robbery, theft, embezzlement, removal or secreting
thereof, unless the true nature and value thereof has at the
35 time of delivery for conveyance been declared by the owner
or shipper thereof to the Carrier or his agent or servant,
and entered in the bill of lading or otherwise in writing.

2. Carriers by waters shall be liable for the loss of or As to per-
sonal baggage.
40 damage to the personal baggage of passengers by their ves-
sels, and the oath or affirmation of any such passenger shall

be *prima facie* evidence of the loss or damage to such articles, and of their value; provided that such liability shall not extend to any greater amount than *one hundred and fifty dollars*, or to the loss of or damage to any such valuable articles as are mentioned in the next preceding section, unless the true nature and value of such articles so lost or damaged have been declared and entered, as provided by the said section. 5

Interpreta-
tion.

§ 53. In this Act the word "goods" means and includes goods, wares, merchandize, and articles of any kind whatsoever; and the expression "valuable securities" shall have the meaning assigned to that expression in and by the *Act respecting larceny and other similar offences*, and any Act amending the same. 10

THE UNIVERSITY OF CHICAGO
LIBRARY

No. 77.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting Carriers by Water.

Received and read the first time, Wednesday,
29th April, 1874.

Second reading, Thursday, 30th April, 1874.

Hon. Mr. SMITH, *Westmoreland*.

OTTAWA:
Printed by MacLean, Roger & Co.

No. 78.]

BILL.

[1874.

An Act for the removal of obstructions, by wreck and like causes, in Navigable waters of Canada, and other purposes relative to wrecks.

WHEREAS it frequently happens that the navigation of the rivers and other waters of the Dominion, is obstructed by wrecks and other obstacles hereinafter mentioned; for remedy thereof, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Whenever in the opinion of the Minister of Marine and Fisheries, the navigation of any river, lake, bay, creek, harbour or other navigable water over which the jurisdiction of the Parliament of Canada extends, is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking or lying ashore or grounding, of any vessel or craft whatever, or of any part thereof, or other thing, and whether the cause of such obstruction occurred before or after the passing of this Act,—then if such obstruction continues for more than twenty-four hours, the said Minister may under the authority of an order of the Governor in Council, cause the same to be removed or destroyed in such manner and by such means as he may think fit, including the use of gunpowder or other explosive substance if he deems it advisable, and may cause such vessel, craft, or its cargo or the material or thing causing or forming part of such obstruction to be conveyed to such place as he may think proper and to be there sold by auction or otherwise as he may deem most advisable, and may apply the proceeds of such sale to make good the expenses incurred for the purposes aforesaid, paying over any surplus of such proceeds to the owner or owners of the things sold, or other parties entitled to such proceeds or any part thereof, respectively.

Minister of Marine and Fisheries may cause removal of such obstructions.

2. The owner, master or person in charge of any vessel, or craft, or other thing, by which any such obstruction or obstacle as aforesaid is caused, shall forthwith give notice of the existence of that obstacle to the said Minister, under a penalty of forty dollars for every day which he neglects so to do without lawful excuse; but neither such notice nor anything in this Act shall be construed to exempt such owner, master or person from any obligation or responsibility with respect to such obstruction imposed on him by any other law then in force, or to derogate from or impair any power or right vested by any such law in any Trinity House or other authority with respect to such obstruction, and not incompatible with the powers hereby vested in the Minister of Marine and Fisheries, under this Act.

Notice to be given to the Minister and by whom.

Penalty for neglect.

3. Any pecuniary penalty imposed by this Act shall be recoverable and payment thereof enforced in a summary manner, with costs, before any two Justices of the Peace, or any magistrate having the powers of two such Justices, under the Act respecting the duties of Justices of the Peace, out of sessions in relation to summary convictions and orders, and one moiety of such penalty shall belong to the prosecutor and the other moiety to the Crown for the public

Recovery of penalty.

uses of the Dominion, unless the same be recovered on the evidence of such prosecutor alone, in which case the whole shall belong to the Crown for the uses aforesaid.

The Minister may appoint a person to act instead of Collector of Customs, under 32, 33 V. c. 33.

4. The Minister of Marine and Fisheries may appoint any officer of the Government of Canada by his name or title of office, and, without otherwise naming or designating him, to make the enquiry mentioned in the first four sections of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting inquiries and investigations into shipwrecks and other matters,*" and such officer shall then have and perform all the powers and duties assigned by the said Act to any principal officer of Customs or other person appointed for the like purpose by the said Minister under the first section of the said Act; and the Governor in Council may appoint any officer or officers of the Government of Canada or any body corporate, commissioner or commissioners, constituted for any public purpose subject to the legislative authority of the Parliament of Canada, by his, their or its name or names or title or titles of office, or corporate name, to be a court or tribunal under and for the purposes of the fifth and six following sections of the said Act, and such officer or officers or body corporate, commissioner or commissioners, shall then have and perform all the powers and duties assigned by the said Act to any such court or tribunal constituted under it.

Interpretation.

5. In this Act the word "vessel" includes every description of ship, vessel, boat or craft of any kind, and whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only.

BILL.

An Act for the removal of obstructions, by Wreck and like causes, in the navigable waters of Canada, and for other purposes.

Received and read the 1st time Wednesday, 29th April, 1874.

Second Reading, Tuesday, 30th April, 1874.

Hon. Mr. SMITH (Westmoreland.)

An Act to extend the Powers of the Ontario Savings and Investment Society.

WHEREAS the Ontario Savings and Investment Society, by Preamble.
 their petition, have represented that they were incorporated under the Authority of the Act passed by the Legislature of the late Province of Canada, in the ninth year of Her Majesty's
 5 Reign, intituled: "An Act to encourage the establishment of certain societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada," and of the Act amending the same; and that by reason of the great extension of their business, it is necessary that they should seek
 10 from Parliament further powers than those which the Act above mentioned is authorized to confer; and, whereas it would be for the public advantage as well as for the convenience of the Corporation that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the
 15 Senate and House of Commons of Canada, enacts as follows:—

1. The said Ontario Savings and Investment Society may lend Society may lend money.
 money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the By-laws of the said Society, to any person or persons or body corporate, at such
 20 rates of interest as may be agreed upon without requiring any of such borrowers to become subscribers to the stock or members of the said Society: Provided always, that all such borrowers from Proviso.
 the said Society shall be subject to all the rules of such Society in force at the time of their becoming borrowers but not to any other
 25 rules.

2. The said Society may purchase mortgages upon real estate, Society may buy, sell or assign securities, &c., and make advances on same.
 debentures of municipal corporations, Dominion or Provincial stock or securities, and they may re-sell all such securities as to them shall seem advisable, and for that purpose the said society
 30 may execute such assignments or other instruments as may be necessary for carrying the same into effect, they may also make advances to any person or persons or body corporate upon any such securities at such rates of discount or interest as may be agreed upon.

3. The principal moneys so advanced on mortgages may be Repayment and recovery of moneys advanced.
 35 paid by means of a sinking fund of not less than two per centum per annum, within such time as the said Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate and of such revenues,
 40 rates, rents, tolls or profits as hereinafter mentioned, and the said Society may do all acts that may be necessary for advancing such money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any

conditions annexed to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers, whatsoever, requisite or expedient to be done or exercised in relation to the said purposes. 5

Rate of interest or discount on contracts, &c., to be unrestrained.

4. Notwithstanding anything in chapter fifty-eight of the Consolidated Statutes of the late Province of Canada, or chapter forty-three of the Consolidated Statutes for Upper Canada, both respectively entitled: "An Act respecting Interest," the said Society may stipulate for, allow and exact on any contract or agreement whatsoever any rate of interest or discount which may be agreed upon. 10

Society may receive deposits, and issue debentures.

5. It shall be lawful for the said Society to receive money on deposit to an amount not exceeding the paid-up capital of the Society, and for the Board of Directors of the said Society to issue debentures of the Society to an amount not exceeding two million dollars for such sums not being less than one hundred dollars, and in such currency, as they may deem advisable, and payable not less than one year from the issue thereof, and the subscribed and paid-in capital of the said Society shall be liable for the payment of such debentures, and for any amounts received on deposit by the said Society; and after the passing of this Act, all subscribed capital in the said Society, when paid up, shall become fixed or permanent stock in the said Society, and shall, like other fixed or permanent shares in said Society, be subject to the rules thereof, and shall not be withdrawn therefrom. 15 20 25

Paid up capital of Society not to be withdrawn.

Form of debentures.

6. The debentures of the Society may be in the form of Schedule A. to this Act, or to the like effect.

Interest on advances may be demanded in advance.

7. The said Society may and are hereby empowered to demand and receive in advance, the half-yearly, periodical or other interest from time to time accruing on any advances of money made by the said Society under and by virtue of this Act. 30

Mortgage and Debenture Book.

8. The Society shall keep a book to be called "The Mortgage and Debenture Book," and in such book shall be fairly and distinctly entered from time to time the date, names, amount of mortgage money advanced, and other short particulars of every mortgage deed in their custody and possession, together with the number and amount and other short particulars of the debenture or debentures issued in respect thereof. 35

Liability of shareholders limited.

9. No shareholder of the Society shall be liable for or charged with the payment of any debt or demand due from the Society, beyond the extent of his shares in the capital of the Society not then paid up. 40

Yearly statement to be transmitted to Minister of Finance.

10. The Society shall on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain in addition to such other particulars as a Minister of Finance may require:— 45

1. The amount of stock subscribed.
2. The amount paid in upon such stock. 50
3. The amount borrowed for the purposes of investment and the securities given therefor.
4. The amount invested and secured by mortgage deeds.
5. The value of real estate under mortgage.

11. And such statement shall be attested by the oath, before some Justice of the Peace, of two persons, one being the President, Vice-President or other functionary for the time being at the head of the Society, and the other the Manager or Auditor of the Society, each of whom shall swear distinctly that he has such quality or office as aforesaid, that he has the means of verifying and has verified the statement aforesaid, and found it to be exact and true in every particular, that the property under mortgage has been set down at its true value to the best of his knowledge and belief, and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance in such manner as he shall think most conducive to the public good, and for any neglect to transmit such statement in due course of post within five days after the day to which it is to be made up, the Society shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Society is insolvent, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Society to have ceased; and if the Minister of Finance shall in any case suspect any such statement to be wilfully false he may depute some competent person to examine the books and enquire into the affairs of the Society and to report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Society is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Society to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Society to have ceased, he may before so doing give notice to the Society and afford the same an opportunity of making any explanation it may be advisable to make, and all expenses attending such periodical statements and the publication thereof shall be borne by the Society.
12. The Directors may delegate any of their powers to committees consisting of such member or members of their body, stockholder or stockholders as they think fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the Directors.
13. A committee may elect a chairman of their meetings; if no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.
14. A committee may meet and adjourn as they think fit and proper; questions arising at any meeting shall be determined by a majority of votes of the members present, and in the case of an equality of votes the chairman shall have a second or casting vote.
15. All acts done by any meeting of Directors, or of a Committee of Directors or shareholders, or other committee, or by any person or persons acting as a Director or committee, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Director or persons acting as aforesaid, or that they or any of them were dis-
- Attestation of statement.
- Publication thereof.
- If Society fails to transmit statement, or becomes insolvent, Minister may declare its business to have ceased.
- Proceedings if statement is suspected to be wilfully false.
- Committees of Society may possess powers of Directors.
- Chairman of committee.
- Conduct of committee meetings.
- Acts not invalidated by defects in personality of meetings.

qualified, be as valid as if every such person had been duly appointed or was qualified to be a Director.

Powers, &c.,
of officers and
Directors of
the Society.

16. The President, Vice-President and Directors of the said Society shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating the Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto, and by the rules and by-laws to be made for the management of the said Society; and the Directors and Committees shall and may lawfully exercise all the powers of the Society except as to such matters as are directed by this Act to be transacted by a general meeting of the Society; the Directors may use and affix, or authorize a Committee to use and affix, or otherwise cause to be used and affixed the seal of the Society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may remit fines on all or any shares; they may make any payments and advances of money as they may deem expedient, which are or shall at any time be authorized to be made by or on behalf of the Society, and enter into all contracts for the execution of the purposes of the Society, and for all other matter necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the Society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Society, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate but by any of her Majesty's subjects being of full age; they may do, authorize, assent to, or adopt all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the Society by the Parliament of Canada for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities, or altering or repealing the same respectively or any of them.

Auditors.

17. The choice and removal of the Auditors of the said Society, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Society; and at all meetings of shareholders of the Society the shareholders shall have one vote for each share held by them.

Appointment
of agents, &c.

18. It shall be lawful for the Directors from time to time to appoint such and so many officers, counsel, solicitors and agents, either in Canada or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Society, and to allow them such salaries and allowances as may be agreed upon between them and the Society, and, in addition to the powers heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, counsel, solicitors, agents and servants of the Society, and for providing for the due management of the affairs of the Society in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others: Provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting the Society; and all by-laws of the Society shall be reduced to writing, and shall have affixed thereto the common seal

Proviso.

By-laws, and
seal of Society,
evidence of.

of the Society, and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all courts of justice in Canada of such by-laws or extract from them, and that the same were duly made and are in force; and in any
 5 action or proceeding at law, criminal or civil, or in equity, it shall not be necessary to give any evidence to prove the seal of the Society, and all documents purporting to be sealed with the seal of the Society shall be held to have been duly sealed with the seal of the Society.

10 **19.** The present President, Vice-President, Directors and officers of the Society shall continue in office until replaced in conformity with the by-laws of the said Company, and the provisions of
 Present officers to remain until replaced.
 the law.

20. All the present by-laws and rules of the Society shall con-
 15 tinue in full force and effect and shall be binding in law, as regards the Society, its Directors, officers, shareholders and borrowers, until modified, amended or repealed in conformity with the provisions of this Act.
 Present by-laws, &c., to be binding until modified.

21. The Directors of the Society may, from time to time, alter,
 20 amend, repeal or create any regulation, rule or by-law for the working of the said Society: Provided that such action of the Directors shall not have a binding force beyond the day of the holding of the next annual meeting of the Society, unless confirmed thereat.
 Directors may provisionally repeal or create by-laws, &c.

22. All special general meetings of the shareholders of the said
 25 Corporation, for any object relative to the business of the said Society, shall be called by the President, Vice-President, or Manager, on the order of the Board of Directors or upon a requisition of twenty or more shareholders whose shares in the Society
 30 amount to at least fifty thousand dollars, by a notice inserted at least once a week, in one or more newspapers published in the City of London, in the Province of Ontario, during the two weeks next preceding the day fixed for such meeting, when a majority of the shareholders present in person or by proxy, shall govern; and the
 35 annual general meetings of the said Society shall continue to be held at the time and in the manner provided for the holding of the annual general meetings of the said Society, unless otherwise provided by by-law.
 Calling of special general meetings.

SCHEDULE A.

THE ONTARIO SAVINGS AND INVESTMENT SOCIETY.

Debenture No. Transferable, \$

Under the authority of the Act of Parliament of Canada,
 Vict., chap. :

The President and Directors of the Ontario Savings and Investment Society promise to pay to or bearer, the sum of dollars, on the day of, in the year of Our Lord One thousand eight hundred and, at the office of the Society here (or, at their agent's in London, England) with interest at the rate of per cent. per annum,

An Act to amend the Act respecting the Trinity House and Harbour Commissioners of Montreal.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal:*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the first day of August next after the passing of this Act, the members of the Corporation of the Harbour Commissioners of Montreal elected by the Montreal Board of Trade, the Montreal Corn Exchange Association and the Montreal City Council, shall cease to form part of the said Corporation of the said Harbour Commissioners of Montreal, and so much of the Act cited in the preamble to this Act as is inconsistent with this section, is hereby repealed.
2. The said Corporation shall thereafter be constituted and consist of nine members, five of whom shall be appointed by the Governor, and the remaining four shall consist of the Mayor of the City of Montreal, the President of the Montreal Board of Trade, and the President of the Montreal Corn Exchange Association, for the time then being respectively, and the fourth shall be a member representing the Shipping Interest as defined in the eighth section of the said Act, and elected in the manner provided in the eleventh section thereof.
3. The member of the said Corporation now representing the Shipping Interest shall remain in office until the first Monday in August in the year 1876, when he shall go out of office, and at noon upon the said day the Shipping Interest shall in the manner and at the place mentioned in the eleventh section of the said Act, elect a member of the said Corporation, who shall hold office during three years, and upon the like day at the same hour and place in every third year, an election of a member of the Corporation to represent the Shipping Interest shall be held; Provided always that the member so going out of office may always be re-elected, and that whenever the first Monday in August on which the election would otherwise be held, is a statutory holiday, the election shall be held on the next following day not being such holiday.
4. The twelfth and thirteenth sections of the said Act are hereby repealed, and the provisions respecting elective members of the Corporation, contained in the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of the said Act, shall after the said first day of August next after the passing of this Act, apply only to members of the Corporation representing the Shipping Interest.

Preamble.
36 V., cap. 61.

Certain
elected mem-
bers to cease
to be so after
Aug. 1, 1874.

Of whom the
Corporation
shall after-
wards consist.

Provision as
to the mem-
ber represent-
ing the Ship-
ping Interest.

Proviso.

Sects. 12 and
13 repealed,
and applica-
tion of others
restricted.

No. 81.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act respecting the
Trinity House and Harbour Commis-
sioners of Montreal.

Received and read, first time, Thursday, 30th
April, 1874.

Second reading, Friday, 1st May, 1874.

Hon. Mr. MACKENZIE.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street,

1874.

An Act to facilitate arrangements between Railway Companies and their Creditors.

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

1. In this Act the term "Company" shall mean any incorpo- Interpretation
5 rated railway company; the term "Action" shall include suits or
other proceedings; the term "Judgment" shall include decrees,
orders or rules; the term "Share" shall include stock; the term
"Person" shall include corporations; the term "Creditor" shall
10 include any mortgagee or holder of debentures, debenture stock,
or loan notes; the term "Court" shall mean any court of record
in the Dominion of Canada; and the term "Gazette" shall mean
any official gazette published in the province or provinces in the
said Dominion where a Company is doing business.
2. Where a Company are unable to meet their engagements Directors may
15 with their creditors, the Directors may propose a scheme of propose a
arrangement between the Company and their creditors (with or scheme of
without provisions for settling and defining any rights of share- arrangement,
holders of the Company as among themselves, and for raising, if
necessary, additional share and loan capital or either of them,
20 and may file the same in the court, with a declaration in writing, And file it in
under the common seal of the Company, to the effect that the court, &c.
Company are unable to meet their engagements with their credi-
tors, and with an affidavit of the truth of such declaration made
by the chairman of the Board of Directors or the major part in
25 number of them, to the best of their respective judgment and
belief.
3. After the filing of the scheme the court may, on the appli- Court may
cation of the Company on summons or motion in a summary way, restrain
restrain any action against the Company on such terms as the actions against
30 court thinks fit. company.
4. Notice of the filing of the scheme shall be published in the Notice of
Gazette. scheme.
5. After such publication of notice, no execution, attachment, No process
or other process against the property of the Company, shall be against com-
35 available or be enforced without leave of the court, to be obtained pany without
on summons or motion in a summary way. leave of court.
6. The scheme shall be deemed to be assented to by the When scheme
creditors when it is assented to in writing by three-fourths in shall be
value of such creditors. deemed
assented to
by creditors.

- By preference shareholders.** 7. The scheme shall be deemed to be assented to by the preference shareholders of the Company when it is assented to in writing as follows:—if there is only one class of preference shareholders, then by three-fourths in value of that class, and if there are more classes of preference shareholders than one, then by three-fourths in value of each such class. 5
- By ordinary shareholders.** 8. The scheme shall be deemed to be assented to by the ordinary shareholders of the Company when it is assented to at an extraordinary general meeting of the Company, specially called for that purpose in the usual way. 10
- Proviso, as to creditors not affected.** 9. Provided that the assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of preference shareholders, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class.
- Application to court.** 10. If at any time within four months after the filing of the scheme, or within such extended time as the court from time to time thinks fit to allow, the Directors of the Company consider the scheme to be assented to as by this Act required, they may apply to the court by petition in a summary way for confirmation of the scheme. Notice of any such application when intended shall be published in the Gazette. 15
- Confirmation.** 10. If at any time within four months after the filing of the scheme, or within such extended time as the court from time to time thinks fit to allow, the Directors of the Company consider the scheme to be assented to as by this Act required, they may apply to the court by petition in a summary way for confirmation of the scheme. Notice of any such application when intended shall be published in the Gazette. 20
- Court may confirm the scheme.** 11. After hearing the Directors and any creditors, shareholders, or other parties whom the court thinks entitled to be heard on the application, the court, if satisfied that the scheme has been assented to as required by this Act, and that no sufficient objection to the scheme has been established, may confirm the scheme. 25
- Its enrolment and effect.** 12. The scheme when confirmed shall be enrolled in the court, and thenceforth the same shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the Company and all parties assenting thereto or bound thereby, have the like effect as if they had been specially enacted by the Legislature. 30
- Notice.** 13. Notice of the confirmation and enrolment of the scheme shall be published in the Gazette.
- Printed copies to be kept.** 14. The Company shall at all times keep at their office printed copies of the scheme, when confirmed and enrolled, and shall sell such copies to all persons desiring to buy the same at a reasonable price, not exceeding twenty-five cents for each copy. 35

An Act to amend the Act respecting the Trinity House and Harbour Commissioners of Montreal.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Trinity House and Harbour Commissioners of Montreal*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. From and after the first day of August next after the passing of this Act, the members of the Corporation of the Harbour Commissioners of Montreal elected by the Montreal Board of Trade, the Montreal Corn Exchange Association and the Montreal City Council, shall cease to form part of the said Corporation of the said Harbour Commissioners of Montreal, and so much of the Act cited in the preamble to this Act as is inconsistent with this section, is hereby repealed.
2. The said Corporation shall thereafter be constituted and consist of nine members, five of whom shall be appointed by the Governor, and the remaining four shall consist of the Mayor of the City of Montreal, the President of the Montreal Board of Trade, and the President of the Montreal Corn Exchange Association, for the time then being respectively, and the fourth shall be a member representing the Shipping Interest as defined in the eighth section of the said Act, and elected in the manner provided in the eleventh section thereof.
3. The member of the said Corporation now representing the Shipping Interest shall remain in office until the first Monday in August in the year 1876, when he shall go out of office, and at noon upon the said day the Shipping Interest shall in the manner and at the place mentioned in the eleventh section of the said Act, elect a member of the said Corporation, who shall hold office during three years, and upon the like day at the same hour and place in every third year, an election of a member of the Corporation to represent the Shipping Interest shall be held; Provided always that the member so going out of office may always be re-elected, and that whenever the first Monday in August on which the election would otherwise be held, is a statutory holiday, the election shall be held on the next following day not being such holiday.
4. The twelfth and thirteenth sections of the said Act are hereby repealed, and the provisions respecting elective members of the Corporation, contained in the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of the said Act, shall after the said first day of August next after the passing of this Act, apply only to members of the Corporation representing the Shipping Interest.

Preamble.
36 V., cap. 61.

Certain
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Sects. 12 and
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Second reading, Friday, 1st May, 1874.

Hon. Mr. MACKENZIE.

OTTAWA:

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the Saint John Railway Bridge Company.

WHEREAS the persons hereinafter mentioned have by their Preamble.
 petition represented that it is highly desirable that a bridge
 for railway and other purposes should be constructed across the
 Saint John River, at or near the city of Saint John, in the Pro-
 5 vince of New Brunswick, and that the Company constructing the
 same should have power to build railroad tracks to, and connecting
 with, the railroads now or hereafter to be constructed on each
 side of the said river, and have petitioned to be incorporated for
 that purpose; and it is expedient to grant the prayer of their
 10 petition: Therefore Her Majesty, by and with the advice and
 consent of the Senate and House of Commons of Canada, enacts
 as follows:—

1. George E. R. Burpee, John Pickard, Charles J. Brydges, Certain persons incor-
 Collingwood Schreiber, Sir A. T. Galt, Charles N. Skinner, together ated.
 15 with such other persons and corporations as may become share-
 holders in the Company hereby incorporated, are hereby constitu-
 ted and declared to be a body, corporate and politic, by the name
 of "The Saint John Railway Bridge Company;" and the said Corporate
 Company shall have full power and authority to purchase, acquire, name and
 20 take and hold such lands, lands covered with water, beaches, general
 wharves, and other property, as may be necessary for the purpose powers.
 of constructing the said bridge, or for the convenient using of the
 same, and also for the construction of such branch railways as
 may be necessary to make connections or to approach the said
 25 bridge, and to use any of the public highways for the purpose of
 constructing and working the same or any of them with the con-
 sent of the Municipal Council having jurisdiction over such
 highway.

2. The "Railway Act, 1868," is hereby incorporated with this Railway Act
 30 Act, and shall form part thereof, and be construed therewith as to form part
 forming one Act. of this Act.

3. The said company is hereby authorized and empowered to Company may
 locate, construct and maintain for railroad use and that of foot build railway
 passengers, a bridge across the Saint John River at or near the bridge,
 35 City of Saint John, in the Province of New Brunswick, from the
 western side of said river to Navy Island, and from thence to the
 eastern side of said river, or across said river at or near the falls
 in said river from the western side thereof in Lancaster to the
 eastern side thereof in Portland and near the present bridge at
 40 the falls, as can most conveniently be accomplished; and the said and branch
 Corporation may also construct and maintain such railway tracks railways.
 with all the necessary sidings as may be required to connect the
 said bridge with railroads already constructed or hereafter to be

constructed and in operation at either end of the said bridge: Provided that no such branch shall exceed four miles in length; and the said Company may work trains by steam or horse power for local or other traffic over the said bridge, and the branches so constructed by them.

5

Plans, &c., to be submitted to Governor in Council for approval.

4. The said Company shall not commence the said bridge, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the River St. John, and the said bridge shall have a draw in the main channel of the river, which said draw shall be of the width of one hundred and fifty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river: from sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draw, and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

Navigation of river not to be obstructed unnecessarily by bridge.

Draw in bridge.

Lights.

Maintenance of lights on coffer dams, &c.

Proviso: Consent of Governor in Council required before commencing.

5. It shall be the duty of the said Company during the construction of such bridge, to put up and maintain in the night time during the season of navigation a good and sufficient light at each end of any coffer dam or pier which may be erected by the said Company: Provided always, that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid: Provided also that the navigation of such river shall not be unnecessarily obstructed by such work.

How branch railway shall be built.

6. The said Company shall construct its railroad upon, along and across the said streets on the western side of said river in such manner as not to unnecessarily obstruct or impede the usual highway travel along the same, and where the said railroad passes upon and along the said streets it shall consist of only one track, with the privilege of laying and constructing therefrom down upon the wharves, with the consent of the owners thereof, such side tracks as may from time to time be required or found convenient to do and perform the business coming upon the said railroad, and to be accommodated by such tracks.

Sale of land not required by company.

7. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining, and using the said bridge, to purchase more land than is required for such stations or gravel pits, or other purposes, the said Company may purchase, hold, use, or enjoy such lands, and also the right of way thereto, if the same

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be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance, or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or part thereof, not permanently required for the use of
5 the bridge.

8. It shall be lawful for the said Company to enter into any agreement with any railway, or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or
10 times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies, any railway or railroad, or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property; and generally to make any agreement or agreements
15 with any such company or such companies, touching the use by one or the other or others, of the bridge, or railway or railways, or railroad or railroads, or movable property of either or any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation
20 therefor; and any such railway or railroad company or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by
25 courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

Company may lease bridge.
Or hire railway.
Or rolling stock, or make agreement for use.
Railway companies may become stockholders, &c.

9. When the said railway bridge is completed and ready for
30 traffic, all trains of all railways or railroads terminating at or near St. John as aforesaid, now constructed, or hereafter to be constructed, (including the cars of any other railway company which may be brought over such railway), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons
35 and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business pass over the said bridge.

Tariff rates to be same for all railways passing over bridge.

10. In case of any disagreement, and as often as the same may
40 arise, as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the com-
45 pany with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of New Brunswick, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or
50 the majority of them shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Arbitrators in case of disagreement.
Award to be final.
Proviso.

11. If any person shall force, or attempt to force any toll gate which may be erected, or shall wilfully do, or cause to be done, any
55 act whereby the bridge or its appurtenances shall be obstructed,

Injury to bridge, how punishable.

impaired, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company, with costs of suit, by any proper action for that purpose; and shall moreover be guilty of a misdemeanor, and be punishable by fine or imprisonment, or both, by any court or justice having cognizance of the offence. 5

Provisional directors. 12. The persons named in the first section are constituted the board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; 10
Their powers. and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the *Canada Gazette*, and in a newspaper published in the City of St. John, of the time and place of 15
their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors. 20

Subscriptions of stock. 13. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and *bonâ fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall 25
Directors may exclude objectionable subscribers. not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority of them, may, in their discretion, exclude any person from subscribing, who, in their judgment, would hinder, delay or 30
prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive 35
And allocate stock. to the furtherance of the undertaking; and in such allocation, the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

All shareholders to have equal rights. 14. All shareholders in the said Company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have 40
equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Capital. 15. The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to seven hundred and fifty thousand dollars by consent of a majority of the shareholders present in person or represented by proxy at a special general meeting called for that purpose. 45

First meeting of shareholders. 16. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bonâ fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call 50

a meeting of the shareholders of the said Company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada Gazette*, the *Royal Gazette* of New Brunswick and in one or more newspapers published in the City of St.

Election of directors.

5 John, at which meeting the shareholders shall elect five Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

10 17. The annual general meeting of the shareholders for the election of Directors and other general purposes, shall be held at the City of St. John, on the last Wednesday in the month of July in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section; special general meetings may at any time be called by the Directors, upon a like notice, specifying the object thereof.

Annual general meeting and election.

20 18. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy—such proxy to be held by another Director: Provided that no more than two proxies be held by one Director, of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Mode of voting at all meetings.

Proxies. Proviso.

Quorum at meeting of directors.

25 19. The government and direction of the affairs of the said Company shall be vested in five Directors, who shall be chosen by the stockholders thereof at their annual meeting, and shall hold their offices until others shall have been elected in their stead. A majority of the Directors shall constitute a quorum for the transaction of business. The Directors shall elect one of their number to be President of their Board, who shall also be President of the Company; they shall also elect a clerk or secretary of their Board, who shall be clerk or secretary of the Company, and a treasurer who shall give bonds in such an amount and with such sureties as they may determine and find satisfactory.

Board of Directors.

Officers.

20. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least ten shares in the stock of the Company, and shall have paid up all calls made thereon.

Qualification of Directors.

40 21. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Calls on shares.

Liability limited.

45 22. The said Company shall have the right to make, ordain and establish all necessary by-laws and regulations, consistent with the laws of the Dominion of Canada, for its government and for the due and orderly conducting its affairs and management of its property. The Directors for the time being are authorized and empowered by themselves or their agents to exercise all the powers and authority herein granted to the Company, and may conduct and manage its affairs in such way and manner as they may judge necessary and proper to carry into effect the objects and purposes of this Act.

By-laws.

Powers of Directors.

Power to
issue bonds.

23. It shall be lawful for the Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money and issue bonds under the provisions of the *Railway Act, 1868*; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value, and the total amount of such bonds shall not exceed the amount of capital stock subscribed and paid up at the time of their issue; and such bonds shall be secured by a conveyance made by said Company of all its property, rights, franchises and privileges then possessed or afterwards acquired to two trustees by a suitable instrument or deed to be prepared for that purpose as a pledge or mortgage to secure the said bonds and interest thereon. The said Company shall semi-annually pay to the said Trustees a sum of money equal to one per cent on the amount of said bonds, for the purpose of creating a sinking fund for the payment of said bonds, and the said trustees shall invest from time to time the money paid towards creating such sinking fund as follows: *First*, in the purchase of the bonds of said Company secured by mortgage as aforesaid at their lowest market price, when the market price does not exceed the par value of the bonds; *Second*, in the purchase of the bonds or debentures of the Dominion of Canada, or the Province of New Brunswick, or of the Province of Nova Scotia, or of such municipalities as may be approved by said trustees and by the Directors of said Company. The dividends or interest paid upon the said investments shall be added to said sinking fund, and from time to time invested as above provided, all of which shall be held for and applied to the payment of said bonds when they become due and payable.

Security.

Sinking fund.

Company may
become parties
to notes.

Form.

Proviso.

24. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted, or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted, or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be for the the Company until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting, or endorsing any such promissory note or bill of exchange, be thereby subjected, individually, to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank.

25. The works shall be commenced within four years, and completed within eight years from the passing of this Act.

1844

Printed by J. D. O. Smith, No. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Mr. Johnson

(SERIALS BILLS)

Second Reading (Monday) 20th May, 1844

Resolved and voted that this Bill be read a second time this day.

At Act to incorporate the British Bank of India

BILLS

In Pursuance of the Statute in that behalf made, 1844

No. 83

No. 82.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Saint John
Bridge Company.

Received and read, first time, Friday, 1st May,
1874.

Second reading, Monday, 4th May, 1874.

(PRIVATE BILL)

MR. PICKARD.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street

1874.

An Act to incorporate the "Commercial Travellers Association of Canada."

WHEREAS an Association under the name of "The Commercial Travellers' Association of Canada," has existed for some time past in the City of Toronto, having for its object the moral, intellectual and financial improvement and advancement and welfare of its members; and whereas the members of the said Association have prayed to be incorporated with certain powers, and it is expedient to grant their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 10 **1.** Warring Kennedy, William J. Bryan, Robert J. Wylie, James Patterson and William L. Macgillivray and the other present members of the said Association, and all other persons who may hereafter become members of the Corporation hereby created, shall be and they are hereby constituted a body politic and corporate in fact and in name, under the name of "The Commercial Travellers' Association of Canada," having their head-quarters in the City of Toronto; and by that name shall have power from time to time and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, all
- 15 lands, tenements and hereditaments and all real or immovable estate, being and situated in the Dominion of Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes, so as
- 20 the yearly value of such property does not at any time exceed ten thousand dollars; and any majority of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act nor with the laws then in force in the Dominion of Canada, as they may deem expedient and necessary for the interest of the said Corporation and for the admission of members thereof, and the same, as also such by-laws and regulations of the Association as may be in force at the passing of this Act, to amend and repeal from time to time in whole or in part.
- 25 **2.** All the revenues of the Corporation, from whatever source they may be derived, shall be devoted to the maintenance and objects of the Corporation, to the providing and furnishing of libraries and reading rooms and for the purchase of books, periodicals and newspapers for the said libraries and reading rooms, as the Directors of the said Association may decide for the benefit of the members of the said Corporation, and for the erection and repair

Preamble.

Incorporation.

Corporate name.

Real estate.

Yearly value limited.

By-laws.

Application of revenues of the corporation.

Investment in stock, &c. of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to: Provided always, that it shall be lawful for the Board of Directors of the said Corporation to invest the funds of the said Corporation in the bonds, debentures and stock of any incorporated Company transacting business in any of the Provinces of the Dominion, or on mortgage of real estate. F

Board of Directors and officers. **3.** The affairs and business of the said Corporation shall be managed by an Executive Committee or Board of Directors, composed of the officers of the said Corporation, consisting of a President, seven Vice-Presidents, a Secretary and a Treasurer, and twenty-eight other members of the Corporation. 10

Property of present association transferred to corporation. **4.** All real and personal estate at present the property of the said Association or which may be hereafter acquired by the Corporation now constituted or by the members thereof in their capacity as such, by purchase, gift, devise or otherwise, and all debts, claims and rights which they may be or become possessed of in such capacity are hereby declared to be the property of the Corporation constituted by this Act, and the said Corporation shall be chargeable with, and liable for all the debts, liabilities and obligations of the said Association; and the rules, regulations and by-laws now established for the management of the said Association or for the management of the reading rooms and libraries above referred to shall be and continue to be the rules, regulations and by-laws of the said Corporation until altered or repealed] in the manner prescribed by this Act. 15
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By-laws continued until altered.

Present officers to continue till others are appointed. **5.** Until others are elected according to the by-laws of the Corporation, the present officers of the said Association shall be the officers of the Corporation, that is to say, the said Warring Kennedy shall be President, the said W. J. Bryan, R. J. Wylie and Andrew Robertson, James Cantlie, Adam Brown, W. E. Sanford and John Burrill shall be the Vice-Presidents, the said James Patterson shall be the Treasurer, the said W. L. Macgillivray shall be the Secretary; Charles Riley, Robert Cuthbert, W. Norris, J. Fairbairn, John F. Ellis, R. B. Linton, J. B. Mather, D. McCall, S. Caldicott, James Cooper, And. Jack, John McDougall, James O'Brien, Jacob Wilson, Walter Wonham, S. O. Shorry, James Turner, John Brown, Thomas Christie, Wm. McGivern, Alex. Harvey, John McKenzie, A. T. Wood, J. H. Park, Edward Long, George Laird, Sutherland and Waddell the other members of the Board of Directors. 30
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General meetings.

6. The general meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition and at such times, in the City of Toronto, as shall be provided by the by-laws of the Corporation. 45

Recovery of money due to the corporation.

7. All subscriptions and penalties due to the Corporation under any by-law may be recovered by action or suit in the name of the Corporation in any Court of competent jurisdiction, but any member may withdraw therefrom at any time, on payment of all amounts by him due to the Corporation, inclusive of his subscription for the year then current, after which he shall have no claim or demand of any kind against the Corporation. 50

8. No person otherwise competent to be a witness in any suit or prosecution in which the Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the Corporation. ^{Competence witness}

5 9. The Corporation shall, at all times when required so to do by the Governor or the Parliament of Canada, make a full return of all their property, real and personal, and of their receipts and expenditure for such period, and with such details and other information as the Governor or as Parliament may require. ^{returns when Required.}

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1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Commercial
Travellers' Association of Canada.

Received and read, first time, Friday, 1st
May, 1874.

Second reading, Monday, 4th May, 1874.

(PRIVATE BILL.)

Mr. MACLENNAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the "Commercial Travellers' Mutual Life Insurance Company of Canada."

WHEREAS Warring Kennedy, William J. Bryan, Robert J. Wylie, James Patterson, William L. McGillivray, Charles Riley, Robert Cuthbert, William H. Fraser, William Cooper Campbell, of the City of Toronto, in the Province of Ontario, Adam Brown, William E. Samford, James Turner, John Brown, Thomas Christie, of the City of Hamilton, in the Province of Ontario, and Andrew Robertson, James Cantlie Stapleton Caldicott, James Cooper, Andrew Jack, and John McDougall, of the City of Montreal, in the Province of Quebec, have by petition prayed that a Company may be incorporated under the name of the "Commercial Travellers' Mutual Life Assurance Company of Canada," to enable the said petitioners and their associates to carry on the business of Insurance in the several branches known as Life Insurance: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The above-named persons, and all such other persons as shall hereafter become members of the Company hereby incorporated and their respective administrators, executors and assigns shall be and are hereby constituted and declared to be a corporation, body politic and corporate, under the name of the "Commercial Travellers' Mutual Life Insurance Company of Canada," and shall be legally authorized to effect contracts of Insurance with any persons or corporations on life or lives, or on or against any event, loss or risk in any manner dependent on life or lives, to grant, sell or purchase annuities, to grant endowments, to purchase contingent rights, reversions or remainders and generally to enter into any transactions dependent on the contingency of life, and such as are usually transacted by Life Insurance Companies, including re-insurance.

Incorporation and corporate name.

Business of the Company.

2. Before issuing any policy there shall be a Guarantee Fund subscribed of not less than fifty thousand dollars, and twenty-five per cent. thereon paid up (which may be increased to one hundred thousand dollars), divided into shares of fifty dollars each, and applications shall be made and accepted for assurances of not less than one hundred thousand dollars, and so soon as such Guarantee Fund shall have been subscribed and such applications for insurances received and the requirements of the Act intituled "*An Act respecting Insurance Companies*" or any Act amending it shall have been complied with, the Company may commence business: Provided that no increase of the Guarantee Fund shall be made without a resolution of the Board authorizing such increase having been first submitted to and confirmed by a majority

Guarantee Fund and other conditions previous to the commencing of business by the Company.

Proviso: as to increase of Guarantee Fund.

of the guarantors present at a special meeting of the guarantors held for that purpose, and twenty five per cent. of such increase shall be paid in when subscribed.

- 3.** The Guarantee Fund thus subscribed may be used for the purposes of the Company in such manner and to such extent as the Directors may by by-law determine; such Guarantee Fund shall be redeemable by the Company out of the accumulated reserves, at such time and upon such terms as shall be decided by a majority of the members present at a meeting called for that purpose, and until such redemption or extinction of such Guarantee Fund the Directors may pay to the subscribers thereto interest on the amount paid up, not exceeding seven per cent. per annum, and allot to them such proportion of the profits, not exceeding one tenth thereof as may be provided by the by-laws, and subject to the provisions of the Act intituled "*An Act respecting Insurance Companies*" and any Act amending it, and when and after such funds shall have been so redeemed the whole of the profits of the Company shall belong exclusively to the policy holders on the mutual principle and shall be thenceforward divided among them, in such proportions and at such times—no interval being more than five years—as the Directors shall appoint, subject to the provisions of the last cited Act: Provided that the redemption of the Guarantee Fund shall not be effected until the full deposit required by such Act shall have been made with the Receiver General.
- 4.** Any person or corporation being the holder of a policy of insurance in the Company, or being a subscriber to the Guarantee Fund hereinbefore mentioned, and who shall have paid all due premiums or calls thereon, respectively, shall be a member of the Company and entitled to all the benefits thereof, under the provisions of this Act and the by-laws of the Company.
- 5.** The Company shall enact by-laws to carry out the objects of this Act and for the organization, maintenance and government of the Company as well as for the application of its funds and profits as hereinbefore provided, and such by-laws shall in the first instance be submitted at a meeting of the members specially called for that purpose after due notice as hereinafter provided, and may be adopted by a vote of a majority of the members present at such meeting, and may from time to time be altered and amended by the Directors under the sanction of a majority of the members present at any meeting called for such purpose, and such by-laws so legally made in accordance with the objects of this Act and not inconsistent with law, shall be legal and binding until altered, amended or repealed.
- 6.** The first Board of Directors of the Company shall consist of not less than seven nor more than fifteen Directors, four of whom shall form a quorum, and one of such Directors shall be elected President and another Vice-President by the other Directors; such of the said petitioners hereinbefore named or other persons necessary to complete the Board who shall have qualified themselves to Act as Directors by a subscription of at least one thousand dollars to the Guarantee Fund, or who shall have applied for a policy of insurance in the Company and subscribed to a declaration or contract to that effect in a sum of at least two thousand dollars on a life policy, shall be entitled on election by a majority of the votes
- Use of Guarantee Fund and how it may be redeemable. 5
- Interest to subscribers. 10
- Division of profits after redemption of Guarantee Fund. 15
- Proviso. as to deposit with Receiver General. 20
- Who shall be a member of the Company. 25
- Company to make by-laws. 30
- Subject to approval, &c. 35
- First Board of Directors, Quorum, President, &c. 40
- Qualification. 45
- Election of Directors. 50

of duly qualified members at the first general meeting, to act as Directors of the Company on the first Board at the head office, and to continue to act as such for two years immediately subsequent to the organization of the Company, subject to a continuance of qualification and shall prepare the by-laws for the management of the Company as hereinbefore provided. The Board of Directors may appoint a Managing Director and all other officers of the Company as they may deem necessary, and may appoint sub-Boards and agents and may remove the same and appoint others in their place whenever a vacancy may arise.

Managing
Director.

7. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business as the Directors may appoint, after not less than ten days' notice in one or more newspapers published in the City of Toronto, the first of which meetings shall be called by any one or more of the said corporators, at which meetings a statement of the affairs of the Company shall be submitted. Special, general or extraordinary meetings of the members of the Company may at any time be called by five of the Directors, and the President, Vice-President or Secretary shall call such meeting upon the requisition of twenty-five members, specifying in the notice the object of such meeting.

Annual general meetings.

Special meetings.

8. After the term of two years for which the first Board of Directors are appointed shall have expired the Directors shall be elected annually by ballot.

Ballot at elections after first.

9. The head office of the Company shall be in the City of Toronto, or in such other city of the Dominion of Canada as may be decided on hereafter by the Directors, and branch boards or agencies may be established at such places within the Dominion of Canada in such manner as the Directors may from time to time appoint: Provided that no insurance shall be effected in any Province other than the Province of Ontario, until an office or domicile is opened in some place therein and a local agent or manager is there appointed; and service of summons or other process may be made at the office of any local agent or upon such agent personally.

Head office and branches.

Proviso: Conditions previous to insurance out of Province of Ontario.

10. Each subscriber to the Guarantee Fund shall be entitled either in person or by proxy to one vote for every fifty dollars subscription—all calls being paid,—and every holder of a policy on the mutual principle upon which all premium dues have been paid shall have one vote for each one thousand dollars insurance held by him. No person shall act as proxy unless he is himself a member qualified to vote.

Scale of votes.

Proxies.

11. The Directors shall have power to make calls upon the subscribers to the Guarantee Fund for such sums and at such times as they shall think fit for the purposes of the Company and to sue for and enforce the payment of the same.

Calls for Guarantee Fund.

12. If any subscriber to the Guarantee Fund shall fail to pay any call duly made at maturity, the Board may declare a forfeiture of the previous payment made by such subscriber, and the same shall be thereupon forfeited to the Company accordingly, and such subscriber shall thereupon have no claim upon the Company in respect of such subscription.

Forfeiture for non-payment.

Liability of subscribers and of policy holders limited.

13. No subscriber to the Guarantee Fund shall be liable as a subscriber for more than the amount of his subscription, and his liability as a guarantor shall be limited to the amount for which he has subscribed as such guarantor, and no policy holder shall be liable for more than the premiums paid on his policy and the amount of profits which may have accrued or have been added thereon.

Corporate seal &c.

14. The Company shall have a corporate seal and may sue or be sued in its corporate name.

In what securities Company may invest its funds.

15. It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or on the security thereof, or in or on the securities of any of the Provinces comprising the Dominion, or in or on the securities of any municipal corporation in the Dominion, or on the security of stock of any incorporated Building Society or Bank, or on the security of real estate or mortgage security thereon in any Province of the Dominion, and to take, receive and hold all or any of such securities in the corporate name of the Company, whether for funds invested by being advanced and paid in the purchase of such securities, or loaned by the said Company on the security of the said debentures, bonds, stocks, mortgages or other securities as aforesaid—such loans to be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest together, and at such interest and return as the Board of Directors may from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the said Company or judgments recovered against any person or body corporate in its behalf or in security for the payment of the same or any part thereof; Provided always that the investments on the security of real estate or mortgage security thereon or leasehold shall not exceed twenty-five per cent. of the total investments of the Company.

Conditions of loans.

Proviso : amount on mortgage limited.

Power to hold real estate in certain cases.

16. The Company may hold such real estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered, and it shall be lawful for the Company to invest its funds in the securities of the Dominion of Canada, or of any of the Provinces comprising the Dominion, and in the bonds, debentures and stock of any municipality or incorporated Company transacting business in any of the Provinces of the Dominion, or on mortgage of real estate: Provided always that all real estate so mortgaged or conveyed in security as aforesaid shall be sold and disposed of within ten years from the time of its becoming the absolute property of the Company.

Proviso : for sale after a certain time.

Real estate for accommodation of Company.

17. The Company may hold real estate for its use and accommodation, and may sell or mortgage the same.

Transfer of shares, &c.

18. The shares of the subscribers to the Guarantee Fund shall be transferable under the regulations of and in accordance with the by-laws, but the Company shall not be liable for the execution of any trust, whether expressed, implied or constructive.

19. Sections twelve, fourteen, thirty-one, thirty-seven and forty of "The Canada Joint Stock Companies Clauses Act, 1869," shall apply to this Act and be incorporated therewith, in so far as the same are not inconsistent with the provisions of this Act. Certain sections of 32, 33, Vict. to apply.

5 20. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, Chapter forty-eight, intituled "An Act respecting Insurance Companies," as amended by the Act thirty-fourth Victoria, Chapter nine, This Act and the Company to be subject to General Insurance Acts.
10 and to such other legislation on the subject of Insurance as may from time to time be passed.

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[Faint, mirrored text from the reverse side of the page, including "The Canada Joint Stock Companies Clauses Act, 1869" and "An Act respecting Insurance Companies"]

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Commercial Travellers' Mutual Life Insurance Company of Canada.

Received and read, first time, Friday, 1st May, 1874.

Second reading, Monday, 4th May, 1874.

(PRIVATE BILL.)

Mr. MACLENNAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street

1874.

An Act to amend "*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:—

Preamble.

1. Wherever the word "Secretary" occurs in the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act for the organization of the Department of Marine and Fisheries of Canada,*" the word "Deputy" shall be deemed and taken to be substituted therefor, and as if the same had originally formed part of the said Act at the time of the passing thereof.
2. The Deputy of the Minister of Marine and Fisheries under the last mentioned Act, is hereby declared to be the officer bearing that designation in "*The Canada Civil Service Act, 1868,*" and the Schedule A thereto annexed.
3. Nothing herein contained shall invalidate any act done by the said Deputy as the Secretary of the said Minister, before the passing of this Act.

"Secretary" to be read "Deputy."

Deputy under Civil Service Act: 31 V., c. 34.

Acts done as Secretary confirmed.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend "*An Act for the organization of the Department of the Marine and Fisheries of Canada.*"

Received and read, first time, Friday, 1st
May, 1874.

Second reading, Tuesday, 5th May, 1874.

Hon. Mr. SMITH (Westmoreland)

OTTAWA :

Printed by I. E. TAYLOR, 29, 31, & 33 Rideau Street.

1874.

An Act respecting the extension and application of *The Fisheries Act*, to and in the Provinces of British Columbia, Prince Edward Island and Manitoba.

WHEREAS it is expedient to extend "*The Fisheries Act*" to the Provinces of British Columbia and Prince Edward Island, subject to the provisions hereinafter mentioned: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act for the regulation of Fishing and protection of Fisheries*," is hereby extended to and shall apply to the Province of British Columbia, and to the Province of Prince Edward Island, as if they had respectively formed part of the Dominion of Canada at the time of the passing of the said Act; Provided always, nevertheless, that the operation and enforcement of the said Act, in each of the said Provinces respectively, shall be and is hereby suspended until the time to be appointed for its coming into operation and being enforced in such Province by proclamation of the Governor General.

The said Act 31 V., c. 60, extended to B. C. and P. E. I.

Proviso: operation to await Proclamation.

2. And whereas the said Act was and is, with other Acts of the Parliament of Canada, extended to the Province of Manitoba, by the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province of the Dominion*," but has not hitherto been put into operation or enforced in that Province, and it is expedient to make provision for its coming into operation and being enforced therein; therefore the operation and enforcement of the said Act, shall, as respects the Province of Manitoba, be suspended until the time to be appointed for its coming into operation and being enforced in the said Province by proclamation of the Governor General.

Provision as to Manitoba. 34 V., c. 13.

Operation suspended until Proclamation.

3. Upon, from and after the day to be appointed for the coming into operation in any one of the said Provinces, the said Act shall be in force and apply in each Province, in like manner as it is in force and applies in all the other Provinces of Canada mentioned in the said Act and not solely to or in any one or more of them in particular; Provided always that any regulation or regulations or any amendment thereof, or any appointment of any officer or person for the purposes of the said Act, may be made before the day appointed for the coming into operation and enforcement of the said Act in any one of the said Provinces, to take effect therein after the said day.

Effect of Proclamation.

Proviso, as to appointment of officers, etc.

Repeal of in-
consistent
laws.

4. Upon, from and after the day appointed for the coming into operation and enforcement of the said Act in any one of the said Provinces, all Acts or laws then in force in such Province inconsistent with the said Act or with any regulation under it, and in force in such Province, or making any provision in any matter provided for by the said Act or by any such regulation, shall be repealed. 5

No. 86.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the extension and application of "*The Fisheries Act*", to and in the Provinces of British Columbia, Prince Edward Island, and Manitoba.

Received and read, first time, Friday, 1st May, 1874.

Second reading, Tuesday, 5th May, 1874.

HON. MR. SMITH (Westmoreland).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act further to amend the Act to provide for the appointment of a Port Warden for the Harbour of Montreal.

WHEREAS, it is expedient further to amend the Act passed Preamble.
by the Legislature of the late Province of Canada, in the twenty-sixth year of Her Majesty's reign, chapter fifty-two, intitled: "*An Act to provide for the appointment of a Port Warden for the Harbour of Montreal.*" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The second, fifth, twelfth and thirteenth sections of the Act cited in the preamble of this Act, are hereby repealed and the following sections substituted therefor:—

2. The appointment to the office shall be made by the Governor in Council on the recommendation of the Board of Trade of Montreal, and the control of the office shall be in the Council of the Board of Trade of Montreal, which shall annually appoint a Board of Examiners, five in number, who shall examine all Candidates for the office of Port Warden, or such number of Deputy Port Wardens as the said Council may from time deem necessary for the business of the Harbour, and upon the recommendation of the said Examiner, the Council shall make the appointments of such Deputies."

5. The Port Warden, or any Deputy Port Warden, may be removed for misconduct or neglect of duty at the instance or discretion of the Council of the Board of Trade; and the said Board of Examiners shall make, and when they think it necessary, may repeal or amend all such rules and regulations or by-laws for the guidance of, or to be carried out by the Port Warden or any Deputy Port Warden as they may deem from time to time necessary, subject to the approval of the Council of the Board of Trade."

12. The Master of any vessel intending to load grain in bulk, for any Port not within the limits of inland navigation, shall, before taking in any of such grain, notify the Port Warden from time to time while the different chambers are being prepared, to survey and inspect the said vessel; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that such chamber is in a fit and proper state and condition to receive grain, and should he deem it necessary, he may order that such chamber be properly dunnaged and lined, and provided with shifting boards, or, that the same

Board of Examiners appointment to office.

Removal for misconduct.

Board of Examiners to make regulations.

Duty of master of vessels taking grain in bulk.

Duties of Port Warden as to such vessels.

be dunnaged or lined or provided with shifting boards; and he shall see that the boards and plank used for these purposes are properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books in his office all particulars connected with these surveys and grant the necessary certificates." 5

His duties as to dunnage.

"13. It shall be the duty of the Port Warden when required, to decide if any and what amount of dunnage is necessary below cargo, and also between wheat or other grain, and the cargo to be stowed over it, and his certificate shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned." 10

Amendment to be part of Act.

And the sections so substituted shall form part of the said Act, each in the place of the section bearing the same number and for which it is substituted. 15

Yearly report.

2. The said Port Warden shall yearly, within seven days after the first day of January, transmit to the Minister of Marine and Fisheries, a Report of the business done in his office, and of his receipts and expenditure in respect thereof, in such manner and form as the Minister may direct. 20

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act further to amend the Act to provide for the appointment of a Port Warden for the Harbour of Montreal.

Received and read, first time, Friday, 1st May, 1874.

Second reading, Tuesday 5th May, 1874.

Hon. Mr. SMITH (Westmoreland).

OTTAWA:

Printed by I. E. TAYLOR, 29, 31 and 32, Rideau Street.

1874.

An Act to amend the Act 31 Vict., cap. 44, and other Acts amending the same, and the tariff of Duties of Customs imposed by the said Acts and to alter certain duties of Excise.

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

1. So much of any Act imposing or respecting Duties of Customs or of any Schedule annexed to any such Act, or of any Order in Council under any Act, as imposes any specific Duty of Customs on any of the goods or articles mentioned in the next following section is hereby repealed, and the specific duties mentioned in the said section shall be substituted for those imposed on them by any such Act or Schedule or Order. Certain duties repealed and new duties substituted on articles mentioned in section 2.

2. There shall be raised, levied, collected, and paid on the following articles when imported into Canada, or taken out of warehouse for consumption therein, the several duties of Customs set opposite to them respectively, that is to say: The new duties.

	\$. cts.
Cigars..... per lb.	00.70
Tea, Green or Japan..... " "	00.04
" Black..... " "	00.03
Coffee, Green..... " "	00.02
" Ground or Roasted..... " "	00.03

Spirits and Strong Waters, viz:—

Spirits and Strong Waters, not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' Hydrometer, for every gallon of the strength of proof by such Hydrometer, and so in proportion for any less strength than the strength of proof, and for every greater or less quantity than a gallon, namely:

Brandy, Geneva, Alcohol, Rum, Gin, (including Old Tom) Whiskey, and unenumerated articles of like kind..... per gallon \$1.00

Other Spirits being sweetened or mixed, so that the degree of strength cannot be ascertained as aforesaid, namely:—

Rum-Shrub, Cordials, Tafia, Scheidam Schnapps, Bitters, and unenumerated articles of like kind..... per gallon \$1.50

Cologne Water and Perfumed Spirits, not in flasks..... per gallon 1.50

Cologne Water and Perfumed Spirits, when in flasks or bottles; for each flask or bottle not weighing more than four ounces.....	0.05
Unenumerated Spirits and Strong Waters.....	1.50

Spirits and Strong Waters imported into Canada, mixed 5
with any ingredient or ingredients, and although thereby
coming under the denomination of Proprietary Medicines,
Tinctures, Essences, Extracts, or any other denomination,
shall be nevertheless deemed "Spirits or Strong Waters,"
and subject to duty as such. 10

FRUITS preserved in Brandy or other Spirits, per gallon.....	1.50
---	------

Duties on cer-
tain other ar-
ticles repealed
and others
substituted.

3. So much of any such Act or Schedule as aforesaid as
imposes any duty of Customs upon Tobacco and Snuff or 15
Wines, is hereby repealed; and the following articles, when
imported into Canada, or taken out of warehouse for con-
sumption therein, shall be respectively charged with the
several duties of Customs hereinafter mentioned, that is to
say:—

Tobacco and Snuff, 12½ per centum *ad valorem*, and 25 20
cents per pound.

Wines of all kinds, including Ginger, Orange, Lemon,
Gooseberry, Strawberry, Raspberry, Elder and Currant
Wines, a specific duty of 30 cents per gallon (5 quart and 25
10 pint bottles to be held to contain a gallon) on all wines
containing less than 20 per cent. of alcohol, and not worth
more than 40 cents per gallon.

On all other wines, except sparkling, 60 cents per gallon,
when imported in wood, and if imported in bottle, \$1.50
per dozen of quart bottles, 5 whereof contain a gallon, and 30
so in proportion.

On all sparkling wines, \$3 per dozen of quart bottles, 5
whereof contain a gallon; being at the rate of \$1.25 per
gallon, and so in proportion.

Provided always, that no liquor containing more than 35
twenty-five per cent of alcohol shall be admitted as wine.

New duties on
certain pack-
ages and on
non-enumer-
ated goods.

4. So much of any such Act or Schedule as aforesaid as
imposes any duty of Customs on "non-enumerated" goods
and packages is hereby repealed, and the following provi- 40
sions substituted therefor, that is to say:—

The following packages, viz., Bottles, Jars, Demi-Johns,
and Carboys, whatever be their contents, and Brandy Casks,
Barrels or other packages in which Spirituous Liquors,
Wines and Malt Liquors are contained, and barrels, or other 45
packages in which Petroleum Oils or the products thereof
are contained,—and all goods not enumerated in this or any
other Act as charged with any duty of Customs, and not
declared free of duty by this Act or some other Act or
provision unrepealed by this Act,—shall be charged with a 50
duty of Customs of *seventeen and one-half per centum ad
valorem*, when imported into Canada, or taken out of ware-
house for consumption therein;

But all packages not hereinbefore specified, and not specially charged with duty under section four of the Act 31 Victoria, chapter 44, or any other unrepealed enactment, and being the ordinary or usual packages in which goods are packed for exportation according to the general custom and usage of trade, shall be free of duty.

5. So much of any such Act or Schedule as aforesaid, as declares any of the following goods being "Manufactures and products of Manufactures," that is to say;

Duty of ten per cent *ad valorem* imposed on certain goods now free of duty.

10 Locomotive Engine Frames, Axles, Cranks, Hoop Iron or steel for tires of wheels, bent and welded Crank Axles, Piston Rods, Guide and Slide Bars, Crank Pins and Connecting Rods,

Machinery for Mills and Factories of kinds which are not then manufactured in the Dominion,

Cotton netting for India rubber Shoes and Gloves,

Cotton warp, not coarser than No. 40,

Cotton thread in hanks, colored and unfinished Nos., 3 and 4 ply—white—not under No. 20 yarn,

20 Glass paper and glass cloth,

Woollen netting for India rubbers and gloves,

Linen machine thread,

Plush for hatters' use, and for glove,

Prunella,

25 Machine twist and silk twists,

Felt used for gloves,

Felt for hats and boots,—

to be free of duty, is hereby repealed; and the said goods or articles respectively when imported into Canada or taken out of warehouse for consumption therein, shall be charged with a duty of Customs of ten per centum *ad valorem*.

6. So much of any such Act or Schedule as aforesaid, as declares any of the following goods being "Manufactures and Products of Manufactures," that is to say:

Duty of five per cent *ad valorem* imposed on certain goods, now free of duty.

35 Ship materials, viz:

Binnacle lamps,

Blocks and patent bushes for blocks,

Bunting,

Compasses,

40 Dead Eyes,

Dead Lights,

Deck Plugs,

Knees, Iron,

Pumps and pump gear,

45 Riders, iron,

Shackles,

Sheaves,

Signal lamps,

Steering apparatus,

50 Travelling trucks,

Wedges,

Cables, hemp or grass,

Cordage,
Sail cloth or canvas,
Varnish, black and bright ;

Iron of the following descriptions, viz:—

Iron—scraps, and galvanized, 5

Bars—puddled,

Blooms and billets, puddled or not puddled,

Bolts and spikes galvanized,

Wire, whether galvanized or not, except for wire rigging, to be free of duty, is hereby repealed ; and the said goods 10 when imported into Canada or taken out of warehouses for consumption therein, shall be charged with a duty of Customs of five *per centum ad valorem*.

Schedule C of
free goods, to
31 V. c. 44,
amended.

7. Schedule C, to the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty-four, containing the 15 list of "Free Goods," is hereby further amended by striking out of the said schedule under the heading "Drugs, Dye Stuffs, Oils and Colors not elsewhere specified," the words "Woods when chiefly used in Dyeing," and substituting therefor the words "Woods unmanufactured, when chiefly 20 used in Dyeing," and by adding to the said schedule, under the heading, "Manufactures and products of manufactures," the words "Wool waste and Flax seed."

How the
value of goods
for duty shall
be ascertained

8. The fair market value for duty of all goods upon which any *ad valorem* duty of Customs is chargeable under this 25 Act or any other Act, shall be ascertained and determined, except as hereinafter provided, in accordance with the provisions of the sections twenty-nine to forty-six, both inclusive, of the Act passed in the thirty-first year of Her Majesty's Reign, intituled "*An Act respecting the Customs*," so much of 30 any Act as is inconsistent with this section being hereby repealed.

Special provi-
sion as to the
value of cer-
tain articles.

9. Whereas difficulties have frequently arisen in deter-
mining the fair market value for duty of goods imported 30
into Canada, being the manufacture or production of foreign
countries or of Great Britain, such as Musical instruments,
Sewing machines, Agricultural machines or implements,
Medical preparations, commonly called patent medicines
and other similar goods, the prices of which are published
by the manufacturers or producers, or persons acting in 35
their behalf, it is hereby enacted that the Governor in
Council may from time to time, fix and determine a cer-
tain rate of discount which may be deducted from such
published prices of any such manufactures or productions,
and the remainder of such published price after deducting 40
such rate of discount, shall be deemed and taken to be the
fair market values for duty of any such manufactures or
productions as may or shall be specified in such Order in
Council, anything in this or any other Act to the contrary
thereof notwithstanding. 50

Governor in
Council may
admit certain

10. The fourth section of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to amend the*

Act relating to duties of Customs," hereby repealed, and the following is substituted therefor:—

machinery
free, until 1st
January 1875.

"4. Notwithstanding anything contained in this or any other Act, the Governor may until the first day of January, 1875, authorize the admission free of duty of any machinery to be used in any Canadian manufactory, on satisfactory evidence that like machinery is not then manufactured in Canada."

11. The sub-section numbered 2. of the thirty-first section of the Act 31 Victoria, chapter 8, intituled "*An Act respecting the Inland Revenue*" as amended by the first section of the Act 31 Victoria, chapter 50, is hereby repealed, and the following substituted therefor:

Duty of excise
on spirits
increased.

"2. On every wine gallon of spirits of the strength of proof by Sykes' hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any less quantity than a gallon, seventy-five cents."

12. The sub-sections numbered respectively 6, 7 and 8, substituted by the Act 33 Victoria, chapter 9, for the sub-sections so numbered of the said thirty-first section of the said Act 31 Victoria, chapter 8, are hereby repealed and the following substituted therefor, respectively:

Duties of
excise on to-
bacco, snuff
and liquors
increased.

"6. On Cavendish Tobacco and Snuff, and on manufactured tobacco of all kinds, except Cigars and common Canada twist, on every pound or less quantity than a pound, twenty cents."

"7. On common Canada twist, otherwise called *tabac blanc en torquette*, being the unpressed leaf, rolled and twisted, and made wholly from raw tobacco, the growth of Canada, for every pound or less quantity than a pound, ten cents."

"8. On Cigars, for every pound or less quantity than a pound, forty cents: subject to an abatement or allowance for moisture in calculating the weight for duty, to be fixed from time to time by regulations to be made by the Governor in Council."

Abatement
for moisture
on cigars.

13. The foregoing sections of this Act, and the alterations thereby made in the duties of Customs or of Excise, on any articles or goods, shall be held to have come into force and to have taken effect on the first day of May, in the present year of our Lord one thousand eight hundred and seventy-four, and to apply to and determine the duty payable on any article or goods imported into Canada or taken out of warehouse for consumption therein, or (as respects duties of Excise) manufactured or made or on which duties of Excise have become payable, on or after said day: But all duties of Customs or of Excise paid under authority of the resolutions of the House of Commons, passed on the fourteenth day of April in the said year, on any goods entered for duty between that date and the said first day of May, shall be deemed and taken to be the lawful duties payable thereon; provided,

When the
increased
duties under
this Act shall
be held to
have come
into force.

Proviso.

Proviso.

nevertheless, that the Minister of Customs or the Minister of Excise, respectively, may order the refund of any sum so paid in excess of the duties with which such goods are chargeable under this Act.

Certain provisions of 35 V. c. c. 11 and 12, as to tea and coffee repealed.

14. So much of any Order in Council now in force under the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered twelve, as imposes any duty on Tea or Coffee imported into Canada from the United States, and so much of the said Act or of the Act passed in the same year of Her Majesty's Reign and chaptered eleven, as provides that Tea or Coffee imported, in any way, into Canada, shall be free of duty, is hereby repealed.

How this Act, &c. shall be construed and apply.

15. The foregoing sections of this Act shall be construed and taken as forming one Act with the Acts hereinbefore cited and amended; and all words and expressions used in this Act, shall have the meaning assigned to them in the said Acts, and all provisions of the said Acts, and of the Regulations made or to be made under them or either of them, or continued in force by them or either of them, shall apply to the duties imposed by or payable under this Act, except in so far as they may be inconsistent with it.

BILL.

An Act to amend the Act 31 Vict., chap. 44, and other Acts amending the same, and the Tariff of duties of Customs imposed by the said Acts.

Received and read the first time, Friday,
1st May, 1874.

Second reading, Tuesday, 5th May, 1874.

Hon. Mr. CARTWRIGHT.

OTTAWA:

Printed by MacLean, Roger & Co.

An Act to amend the Dominion Lands Act.

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

- 5 1. Section fourteen of "*The Dominion Lands Act*," passed in Section 14
the thirty-fifth year of Her Majesty's reign, chapter twenty-three amended.
is hereby amended by inserting after the word "The," where it
occurs the first time in the said section, the words "township
subdivision."
- 10 2. The sub-section of the fifteenth section of the said Act, Section 15
numbered one, is hereby amended by adding at the end thereof after amended.
the words "A half-quarter section or eighty acres," the words "A
quarter quarter section or forty acres."
- 15 3. Section eighteen of the said Act is hereby repealed, and the Section 18
following is substituted in lieu of, and shall be read as the said repealed.
eighteenth section:—
- "18. Provided that the Company's one twentieth of the lands New section
in fractional townships shall be satisfied out of one, or other, or substituted.
both, as the case may be, of the Sections Nos. eight and twenty-six
as above, in such fractional townships, the allotment thereof to be
20 effected by the Minister of the Interior and the said Company, or
some person duly authorised by them respectively."
4. Section twenty of the said Act is hereby amended by adding Section 20
the following sub-section at the end thereof: amended.
- 25 "2. Provided further, that one-twentieth of the revenue derived New sub-sec-
from timber limits which may be granted in unsurveyed territory tion added to
within the fertile belt, as hereinafter provided, shall be annually, section 20.
so long as the townships comprised in the same remain unsurveyed,
paid and accounted for to the Company, such one-twentieth to
30 cease or to be diminished in proportion as the townships com-
prised in such limits, or any of them, may be surveyed, in which
event, the Company shall receive their one-twentieth interest in
the lands in such townships in Sections eight and twenty-six as
hereinbefore enacted: Provided, nevertheless, that on such sections Proviso:
35 them prove to have been denuded of timber by the lessee, to the
the extent of one half or more, then, in such case the Company
shall not be bound to accept such section or sections so denuded,
and shall have the right to select a section or sections to an equal
40 extent in lieu thereof from any unoccupied lands in such town-
ship."

Section 25
amended.

5. Section twenty-five of the said Act is hereby amended by adding the following sub-section at the end thereof:—

New sub-section added to section 25.

"2. Provided that in the absence of any Court, Commissioners, or other tribunal established by the Legislature of the Province or Territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the Minister of the Interior may refer any case arising under the provisions of this Section to the Court authorized to be established under the Act passed in the thirty-sixth year of Her Majesty's reign, chapter six, intituled "*An Act respecting claims to Lands in Manitoba for which no Patents have issued*," and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section."

Section 29
amended.

6. Section twenty-nine of the hereinbefore first-cited Act is hereby amended by striking out the words "shall be put up," in the eighth line of the said section, and inserting the words "may be withdrawn from ordinary sale or settlement and offered," in lieu thereof.

Section 30
amended.

7. Section thirty of the said hereinbefore first cited Act is hereby amended by inserting the words "by scrip or" after the word "payment" where the same occurs in the second line of the said section.

Section 33
amended.

8. Section thirty-three of the said hereinbefore first cited Act is hereby amended by striking out the word "twenty-one" in the second line of the said section, and inserting the word "eighteen" in lieu thereof.

Sub-section 1
repealed.

2. The sub-section numbered one of the said thirty-third section is hereby repealed.

New sub-section substituted for sub-section 11 of the Act.

3. Sub-section eleven of the said thirty-third section of the said Act is hereby so amended as to read as follows:—

"11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction of the Local Agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, the settler or such claimant shall, except as hereinafter provided in Section fifteen, be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization."

Sub-section 15
of section 33
amended.

4. Sub-section fifteen of the said thirty-third section is hereby amended by striking out the words "forming an addition to the grant thereof" in the fourth line of the said sub-section, and inserting the words "appertaining to the same" in lieu thereof.

Sub-section
added.

5. The following sub-section is hereby added after the sixteenth sub-section of the said thirty-third section as sub-section 16 a.

"16 a. The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards

settlement and cultivation, have not been, or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads."

5 6. Sub-section seventeen of the said thirty-third section is hereby amended by inserting between the words "Patent" and "shall" in the second line thereof, the words "except as hereinafter provided in Section fifteen."

Sub-section 17 amended.

9. Section forty-four of the said hereinbefore first cited Act is hereby repealed, and the following is substituted for and shall be read as the said section forty-four:—

Section 44 repealed.

10 "44. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,— provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a deputy surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same— and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for.

New section substituted for section 44.

20 "Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to Sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the Township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained.

35 "Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof."

45 10. The sub-section numbered one of the forty-sixth section of the said hereinbefore first cited Act is hereby amended by inserting the words "The Minister of the Interior may direct that" at the commencement of the said sub-section.

Sub-section 1 of section 46 amended.

50 2. Sub-section five of the said forty-sixth section is hereby repealed, and the following is substituted for, and shall be read as the said sub section five:—

Sub-section 5 of section 46 repealed, and New sub-section substituted.

55 5. "The local agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion to each quarter section so applied for, one of the adjacent wood lots, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the local agent's books and be returned

by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this Act in that behalf, a patent shall issue to him for such wood lot."

Section 51
amended.

11. The fifty-first section of the said hereinbefore first cited Act is hereby amended by inserting after sub-section nine the following as sub-section 10:— 5

Sub-section
added.

"10. Provided further that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorise the same to be leased for such bonus as may be deemed fair and reasonable, such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section 1 which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with." 10 15

Section 108
repealed.

12. Section one hundred and eight of the said hereinbefore first cited Act is hereby repealed, and the following is substituted for, and shall be read as the said section:—

New section
substituted.

"108. All proceedings properly taken under the respective Orders in Council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May following the said date, are hereby confirmed, and the said respective Orders, except the provision therein respecting preemption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this Act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the Act passed in the thirty-sixth year of Her Majesty's reign, Chapter 38." 20 25 30

Schedule B
repealed.

13. The schedule to the said hereinbefore first cited Act is hereby amended by striking out the form "B" therein contained and substituting the following in lieu thereof:—

"FORM B.

35

"AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

New schedule
B.

I, A. B., do solemnly swear (or affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the *Dominion Lands Act*, that to the best of my knowledge and belief there is no person residing on the land in question or entitled to enter the same as a homestead, and that the application is made for my exclusive use and benefit, and for the purpose of actual settlement. So help me God." 40

Provision in
case of parties
settling large
tracts without
expense to
government,
by bringing
out settlers.

14. If any person or persons undertake to settle any of the public lands of the Dominion free of expense to the Government, in the proportion of one family to each alternate quarter section, or not less than sixty-four families in any one township, under the Homestead provisions of the Act hereby amended, the Governor in Council may withdraw any such township from public sale and general settlement; and may, if he thinks proper, having reference to the settlement so effected and to the expense incurred by such person or persons in procuring the same, order the sale 45 50

of any other and additional lands in such township to such person or persons at a reduced price, and may make all necessary conditions and agreements for carrying the same into effect.

15. The expenses, or any part thereof, incurred by any person or persons, for the passage money or subsistence in bringing out an Immigrant, or for aid in erecting buildings on the homestead or in providing farm implements or seed for such Immigrant, may, if so agreed upon by the parties, be made a charge on the homestead of such Immigrant, which with interest thereon, must be satisfied before a patent shall issue for the land: Provided, that in no case shall the charge for principal moneys advanced against such homestead exceed in amount two hundred dollars, and that an acknowledgment by such Immigrant of the debt so incurred shall have been filed in the Dominion Lands office: And provided further, that no greater rate of interest than six per cent per annum, shall be charged on the debt so incurred by such Immigrant.
- Such parties may obtain a for sums advanced to settlers.

ASSIGNMENTS.

16. The Surveyor General shall keep a book for registering at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion Lands, or his heir or legal representative, as by any subsequent assignee, and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences, and occupations of the witnesses, the said Surveyor General shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant, or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.
- Surveyor-general to keep a register of assignments.
- Conditions of registration.

17. If any subscribing witness to any such assignment is deceased, or cannot be found, the said Surveyor General may register such assignment on the production of an affidavit proving the death or the absence of such witness, and the hand-writing of the party making such assignment.
- If a subscribing witness cannot be found.

TOWNSHIP PLANS AND PATENT LISTS.

18. The Surveyor General shall transmit to the Registrar of every county and registration district, and division, in Manitoba and the North West Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion Lands, within such county, district, or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such Registrar a copy of the map of each township in such county, district, or division, surveyed in the year next preceding, together with a list of the lands in such county, district, or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the Surveyor General.
- Surveyor-general to transmit certain information to registrars of counties, &c.

LAND SCRIP.

Certain Orders in Council authorizing the issue of scrip for land rights confirmed.

19. Whereas by the fifth subsection of the thirty-second section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the Province of Manitoba may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, 10 the Orders of the Governor in Council, dated respectively the sixth day of September and the seventeenth day of April last past, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

Further authority to issue scrip.

20. The Governor in Council may, if deemed by him expedient, 15 satisfy any claim which may hereafter arise to grants of Dominion Lands, by an issue of scrip redeemable only by its receipt in payment for such land.

TARIFF OF FEES.

Fees for documents furnished from Surveyor general's office.

21. The Governor in Council may establish a tariff of fees to 20 be charged for all copies of maps, township plans and field notes; also for registering assignments; and all fees received under such tariff shall be accounted for by the Surveyor General, and shall form part of the Revenue from Dominion Lands.

Change of official style of Surveyor of Dominion Lands.

22. The persons qualified to Act as surveyors of Dominion 25 Lands under the Act hereby amended, shall hereafter be called and known as "Dominion Land Surveyors" and whenever "Deputy Surveyors of Dominion Lands" are mentioned or referred to in the said Act, "Surveyors of Dominion Lands" shall be intended and understood. 30

Interpretation. Short title.

23. This Act shall be construed as one Act with the Act hereby amended, and they may be cited together as *The Dominion Lands Acts*, which shall be a sufficient citation of both.

An Act to enable the Great Western Railway Company to further extend and improve its connections, and to authorize and to confirm the issue of certain Debenture Stock.

WHEREAS the Great Western Railway Company, hereinafter styled "The Company," have petitioned that they should be enabled to construct a Branch Railway from some point on the Great Western Railway at or near the Town of Clifton, to a point at or near the Village of Allanburgh, in the County of Welland, with power to extend the same to some point on the Canada Air Line Branch of their railway, and for further extension of their powers; and whereas it is expedient to grant them the powers for which they have asked by their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Company shall have full power, and they are hereby authorized to make and construct, and to work and use a branch railway from such point on the main line of the Great Western Railway at or near the Town of Clifton, to such point at or near the Village of Allanburgh in the County of Welland, as they shall find most suitable, and to extend the same to such point and points on the Canada Air Line Branch of their railway, as they shall find most suitable, and to work and use such extension and extensions; and all the privileges, powers, rights and incidents which were vested in or given to the Company in regard to the Great Western Railway, and all the existing duties and obligations imposed upon them in regard to the same by the Act incorporating the Company and the Acts amending the same or relating to the Company, and all the provisions of the said Acts which are susceptible of such extension and are not inconsistent with this Act, shall extend and apply to and be in force in regard to such branch railway and such extension and extensions thereof as fully and effectually, to all intents and purposes as they now or at any time did apply or extend to the Great Western Railway, and the Acts from time to time relating to the Company and those only shall relate and apply to the said branch railway and to such extension and extensions thereof. And the said Acts shall be construed, extend and have effect as if the said branch railway and such extension and extensions thereof had been mentioned and described in the said Act of incorporation as part of the railway and works which the Company were thereby empowered to construct, and as if the power to construct such part still existed; and the said branch railway and the said extension and extensions thereof are hereby declared to be works for the general advantage of Canada.

Company may build branch line.

Acts relating to Company to apply.

Declaratory.

Recital.

Certain deeds confirmed.

2. And whereas certain persons have executed and delivered to the Company deeds of conveyance of lands whereon to construct the said branch railway and for the purposes thereof; therefore it is enacted that the said deeds shall be, and the same are hereby declared to be valid and effectual according to the intent and meaning thereof to the use and benefit of the Company, its successors and assigns, as fully and effectually as if this Act had come into operation prior to the execution of the same, and as if the said deeds had been executed and delivered in pursuance hereof, and all works of railway construction already done between the said Town of Clifton and the Village of Allanburgh, by or for the Company may be held and used by the Company for the purposes and as part of the said branch railway, and shall be deemed part thereof in all respects as if made and constructed under the provisions of this Act.

Increase of capital stock.

3. And whereas the construction of the said branch railway will necessitate an increase of the capital of the Company, therefore the shareholders by a vote of two-thirds of those present, either in person or by proxy, at any half-yearly general meeting, or at any special general meeting called for the purpose, shall have power to authorize an increase of the capital stock of the Company to the extent of twenty thousand dollars for each and every mile of the said branch railway from time to time completed and in working order, in addition to the capital stock already authorized by the Acts relating to the Company by creating additional ordinary shares of such an amount each as they may deem advisable; and they shall have power in like manner to authorize the issue and disposal of the said additional shares from time to time, at such times and in such quantities (limited as aforesaid) at a time and at such price and prices as to premium or otherwise, and in such manner and on such terms as to the time and mode of payment and otherwise as to them shall seem most advisable, and they may by the like vote delegate to the Directors the said powers of issue in whole or in part, as from time to time they may deem advisable.

Power to borrow money by terminable bonds or debenture stock.

4. And the Company with the consent of two-thirds of the shareholders present in person or represented by proxy, at any of such meetings as aforesaid, is further empowered to raise and borrow money by the issue of terminable bonds or of perpetual debenture stock, or of both in addition to the amount of terminable bonds and perpetual debenture stock already authorized by the Acts relating to the Company, so, however, that the amount of terminable bonds or of perpetual debenture stock, or of both from time to time issued under the authority of this Act, shall not exceed twenty thousand dollars for each mile of the said branch railway from time to time completed and in working order; and such terminable bonds and perpetual debenture stock may be issued in such proportions, in such manner, at such rate of interest not exceeding six per centum per annum, and at such price or prices as to premium or otherwise as the shareholders by such vote as aforesaid may from time to time determine, and shall respectively stand upon the same footing and be in every respect in the same position as the terminable bonds and perpetual debenture stock, respectively mentioned in the sixth and seventh sections of "The Great Western Railway Company's Financial Act, 1871," and may be directed to be issued with the option in the said seventh

section mentioned, and the shareholders by the like vote may delegate to the Directors the said powers of borrowing in whole or in part, as from time to time they may deem advisable.

5. For the purpose of connecting any city, town, village, ^{Sidings and} ^{branch rail-} ^{ways may be} ^{built.}
- 5 manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring with the main line of the railway of the Company or with any branch thereof, or with any railway worked or leased by the Company, and for the purpose of giving increased facilities to business, or for the
- 10 purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make and construct and to work and use sidings, switches or branch lines of railway, not to exceed in any one case six miles in length, and for any and every such purpose the Company
- 15 shall have and may exercise all the powers given them with respect to their main line by the Act incorporating the Company and the Acts amending the same or relating to the Company, and each and all the provisions of the said Acts which are susceptible of such extension shall extend and apply to every such siding,
- 20 switch or branch line: Provided always that the Company shall not proceed to locate or build any branch line of more than half a mile in length, under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such
- 25 branch line is to be made, that it is the intention of the Company to apply to the Governor in Council to sanction the building of such branch line and to appropriate the necessary lands for that purpose, under the compulsory powers given them by the said Acts, nor unless the Company shall, prior to the first publication
- 30 of such notice, have deposited in the registry office of any city, county or part of a county in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line, nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by, the
- 35 Governor in Council after the expiration of the notice: and provided further that the order of the Governor in Council approving the said maps and plans, shall limit the time not exceeding two years from the date of such order within which the Company may construct the said branch line. ^{Proviso.}

- 40 6. It shall be lawful for the Company from time to time to construct, work and use double tracks upon and along the line of their railway, and the branches thereof, or any part or parts thereof, and upon and along the line of any railway worked by the Com-
- 45 and hold along the lines of the said railway and branch railways of the Company, and railways worked by the Company, such lot and lots of land or parcels thereof, as they shall from time to time think advisable or necessary for the use and convenience of the said railways and the traffic thereof, and for providing facilities
- 50 therefor, or for the construction of double tracks, and again to sell and dispose of such lands or any part thereof, and to take, acquire, purchase and hold such lot and lots of land or parcels thereof, as they shall think advisable or necessary for gravel beds or pits, or for supplying ballast or stone or other material for maintaining
- 55 the said railways and branch railways in sufficient repair, and also the right of way to the same, (and such right of way may be ac-
- ^{Company may} ^{lay a double} ^{track,}
- ^{and acquire} ^{land to build} ^{the same.}

Acts relating to the Company to apply.

quired for a term of years or permanently as the Company may think proper), and again to sell and dispose of the same and of the said right of way or any part thereof. And for the purpose of taking, acquiring and holding such lands and right of way, the Company shall have and may exercise all the rights, privileges and powers given them, with respect to their main line of railway by the Act incorporating the Company, and the Acts amending the same or relating to the Company, and all the provisions of the said Acts relating to the taking or acquiring of lands by, or the conveyance thereof to, or the vesting of the same in the Company, shall apply to and for the purposes aforesaid.

Recital.

7. Whereas prior to the passing of "*The Great Western Railway Company's Financial Act, 1871*," the Company had raised on perpetual debenture stock—\$227,273.34 or £46,700 sterling :

And whereas by the seventh section of the said Act, it was declared that the Company might pay off their terminable bonds by the issue and sale of other terminable bonds, or by the creation and issue of perpetual debenture stock :

And whereas by "*The Great Western Railway Act, 1873*," it was declared that the Company then had power under the unexercised borrowing powers, to borrow and raise—

		Sterling.		
On terminable bonds.....	\$3,872,426 00	or	£795,704 2 0	
By perpetual debenture stock...	3,254,901 37	or	668,815 7 0	
	\$7,127,328 05		£1,464,519 9 0	

And it was thereby made lawful for the Company, (subject to the provisions of the seventh section of the said Act), to raise and borrow the whole of the said \$7,127,328.05, or so much thereof as might from time to time be deemed necessary, by the issue of either perpetual debenture stock or terminable bonds, or partly on one class of security and partly on the other; and also to raise by the creation and issue of like perpetual debenture stock the additional sum of \$2,960,439.50 or £608,309 9s 6d sterling.

And whereas in the months of May and November of the year 1873, the Directors of the Company did issue in perpetual debenture stock—

		Sterling.		
Under " <i>The Great Western Railway Act, 1873</i> ,".....	\$5,883,800 00	or	£1,209,000 0 0	
Under the same Act the further amount of.....	154,760 00	or	31,800 0 0	
And under " <i>The Great Western Railway Company's Financial Act, 1871</i> ," to pay off terminable bonds maturing.....	2,375,906 66	or	488,200 0 0	
	\$8,414,466 66		£1,729,000 0 0	

Perpetual debenture stock issued declared valid

And whereas it is desirable to confirm and declare valid the perpetual debenture stock heretofore issued, and to declare the extent of the borrowing powers of the Company yet unexercised; Therefore it is enacted, that the perpetual debenture stock aforesaid, that is to say—

		Sterling.		
Amount issued prior to " <i>The Great Western Railway Company's Financial Act, 1871</i> ,".....	\$227,273 34	or	£46,700 0 0	

	Amount of first issue in 1873, under "The Great Western Railway Act, 1873."	5,883,800 00	or	1,209,000 0 0
5	Amount of second issue in 1873, under "The Great Western Railway Act, 1873."	154,760 00	or	31,800 0 0
10	Amount issued under "The Great Western Railway Company's Financial Act, 1871," to pay off terminable bonds maturing.	2,375,906 66	or	488,200 0 0
		<hr/>		<hr/>
		\$8,641,740 00	or	£1,775,700 0 0

15 is hereby confirmed and declared valid.

And it is hereby further enacted and declared that the borrowing powers of the Company which they yet exercise in addition to the borrowing powers conferred by the fourth section of this Act, are :—

Unexercised borrowing power of the Company.

20 *First.*—The power of the Directors of the Company under "The Great Western Railway Company's Financial Act, 1871," to pay off the terminable bonds of the Company by the issue and sale of other terminable bonds, or by the creation and issue of perpetual debenture stock.

25 *Second.*—The power under "The Great Western Railway Act, 1873," to borrow and raise (subject to the provisions of the seventh section of the said Act)—

Either on terminable bonds Sterling.

30 or by the creation and issue of perpetual debenture stock, or partly on one security and partly on the other

\$7,127,328 05 or £1,464,519 9 0

35 Less amount of perpetual debenture stock issued under that Act in 1873.

\$5,883,800 00

154,760 00

6,038,560 00 or 1,240,800 0 0

40 \$1,088,768 05 or £223,719 9 0

Third.—The further power under "The Great Western Railway Act, 1873,"

45 notwithstanding any previous limitation, (but subject to the provisions of the seventh section of said Act), to borrow and

50 raise by the creation and issue of perpetual debenture stock the additional sum of.....

\$2,960,439 50 or £608,309 9 6

\$4,049,207 55 or £832,028 18 6

55 8. This Act may be cited as "The Great Western Railway Act, Short title. 1874."

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to enable the Great Western Railway Company to further extend and improve its connections, and to authorize and confirm the issue of certain Debenture Stock.

Received and read, first time, Monday, 4th
May, 1874.

Second reading, Tuesday, 5th May, 1874.

(PRIVATE BILL.)

Mr. Moss.

OTTAWA :

Printed by L. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act respecting the Bank of Nova Scotia.

WHEREAS in an Act passed by the Parliament of Canada, in Preamble,
 the thirty-fourth year of the reign of Her present Majesty,
 chapter five, and intituled "*An Act relating to Banks and*
Banking," the President, Directors and Company of the Bank of
 5 Nova Scotia are denominated "The Bank of Nova Scotia:" There-
 fore Her Majesty, by and with the advice and consent of the
 Senate and House of Commons of Canada, enacts as follows:—

1. The corporate name and designation of "The President, Bank to be
 Directors and Company of the Bank of Nova Scotia" shall be called the
 10 "The Bank of Nova Scotia," and all the provisions in the said "*Act* Bank of Nova
relating to Banks and Banking" referring to the said Bank shall Scotia.
 be construed as if the original corporate name and designation of
 the said corporation of "The President, Directors and Company of
 the Bank of Nova Scotia" had been "The Bank of Nova Scotia."
- 15 2. The shareholders of the said Bank shall have power at any Amount of
 meeting called for the purpose to divide the stock in the said Bank shares, how
 into shares of one hundred dollars each. fixed.

No. 91.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting The Bank of Nova
Scotia.

Received and read, first time, Tuesday, 5th
May, 1874.

Second reading, Wednesday, 6th May, 1874.

(PRIVATE BILL.)

Mr. JONES (Halifax).

OTTAWA :

Printed by L. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to amend the Act to re-adjust the Representation
in the House of Commons.

WHEREAS it is expedient to re-adjust and define the bound- Preamble.
aries of the undermentioned Electoral Districts: Therefore
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows :—

- 5 **3.** Sub-section nine, of section two of the Act cited in the County of
title to this Act (thirty-five Victoria, chapter thirteen), is hereby Wellington
repealed, and the following substituted therefor :— re-divided.
- 10 “9. The County of Wellington shall be divided into three
Ridings, to be called respectively, the North, Centre and South
15 Riding, each of which shall be an Electoral District, and shall re-
turn one Member ;
- “The North Riding to consist of the Townships of Mary-
borough, Minto, Arthur, Luther, Amaranth and Peel, and the
Villages of Mount Forest and Arthur ;
- 15 “The Centre Riding to consist of the Townships of Pilkington,
Nichol, Garafraxa West, Garafraxa East, Erin, Eramosa, the Town
of Orangeville, and the Villages of Elora and Fergus ;
- “The South Riding to consist of the Townships of Puslinch
and Guelph, and the Town of Guelph.”

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act to re-adjust the
Representation in the House of Commons.

Received and read, first time, Tuesday, 5th
May, 1874.

Second reading, Wednesday, 6th May, 1874.

Mr. HIGINBOTHAM.

OTTAWA

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to incorporate the Royal Canadian Chemical Fire Engine Company.

WHEREAS the Honorable John Young, Henry Shackell, Preamble.

Alfred Perry, William C. Nunn, of Canada, the Honorable William Claffin, O. C. Gibbs, of Massachusetts, and the Honorable Henry Howard, of Rhode Island, have, by their petition, represented that great public advantages would result from the manufacture in Canada of Chemical Fire and other Engines—and have prayed for an act of incorporation to build such in Canada, under the name of the Royal Canadian Chemical Fire Engine Company, and for the powers necessary to carry out the same; and it is expedient to grant the prayer of said Petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said John Young, Henry Shackell, Alfred Perry, William C. Nunn, William Claffin, O. C. Gibbs, and Henry Howard, and 15 such other persons as may be associated with them, under the name and style aforesaid, as shareholders in the Company to be by this act created, shall be, and they are hereby constituted a body corporate and politic by the name of the Royal Canadian Chemical Fire Engine Company. Certain persons incorporated.

2. The capital stock of the Company shall be one hundred thousand dollars, in shares of one hundred dollars each, of which 20 twenty per centum shall have to be paid before commencing business, and the said capital stock may be increased from time to time by resolution of the shareholders under the by-laws of the 25 Company; Provided always that no such increase shall take place until the stock previously subscribed for shall have been paid up in full. Capital and shares. Increase.

3. The Company by its name aforesaid may sue and be sued, and shall have a perpetual succession and a common seal, with 30 power to break and alter such seal, and with all the rights conferred on corporations by the "*Interpretation Act*." General powers.

4. The Company shall have power to carry on in each and every Province of the Dominion of Canada, the business of manufacturing, buying and selling all descriptions of articles connected 35 with the manufacture of the said Fire Engines, or other machinery, and shall have power to hold and convey in each such Province, all real and personal estate necessary to carry on the operations of said Company; Provided the annual value in any one Province of such lands or tenements does not exceed the sum of five thousand 40 dollars. Business of the Company. Real estate.

Real estate
acquired in
course of
business.

5. The Company may acquire and hold any real estate in any such province which may fairly come to said Company in the course of its said business, or in payment of any debt due or accruing to the said Company, and the said Company may let, sell or exchange and dispose of any property, real or personal, lawful purchased or otherwise acquired, in such manner as to the said Company may seem expedient. 5

All share-
holders to
have equal
rights.

6. Subject to the provisions of this Act, aliens shall have equal rights with British subjects to take stock and to vote and to be eligible to office in said Company, and no shareholder shall be responsible for any act, default, or liability whatsoever of the Company, beyond the amount, if any, remaining unpaid on his shares in the stock thereof. 10

Board of
Directors.

7. The affairs of the Company shall be under the control, and shall be managed and conducted by a Board to consist of seven Directors, four of whom shall form a quorum; and the said Hon. John Young, Henry Shackell, Alfred Perry, William C. Nunn, Hon. William Claffin, O. C. Gibbs, and Hon. Henry Howard, shall be the first Provisional Directors of the said Company, and shall hold their offices until the first election of Directors under this Act, in the manner hereinafter provided. 15 20

Powers of
Provisional
Directors.

8. The said Provisional Directors shall during the time of being such Directors have all the powers of Directors to be elected under this Act, and shall also have power and authority to open stock books, and to procure subscriptions for the undertaking, and to make calls upon the subscribers, and to issue stock thereon or scrip therefor. 25

First meeting
of share-
holders.

9. As soon as the capital stock is subscribed, and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them shall call a meeting of the shareholders at such time and place in the City of Montreal, as they may think proper, giving at least one week's notice of such meeting in a French and English newspaper in the City—at which general meeting the shareholders present in person or represented by proxy (the holder of any such proxy being a shareholder) shall elect by ballot seven of their number to be Directors, and from and after the completion of such election, the powers and functions of the Provisional Directors shall cease and determine. 30 35

Annual
general
meeting.

10. The annual meeting of the shareholders of the Company shall be held in the City of Montreal, for the transaction of general business and the election of Directors, the time and place of meeting to be regulated by the by-laws of the Company. 40

Head office.

11. The principal office of the Company shall be in the City of Montreal, but the Company may establish branch offices in any part of Canada, should their business require it. 45

Votes.

12. Every shareholder shall be entitled to as many votes as he owns shares in the Company, and no one shall be eligible to be a Director unless he is a shareholder, owning at least ten shares of stock in his own right, and not in arrear in respect of any call thereon, and at least three Directors of the Company shall at all times be persons resident in Canada and subjects of Her Majesty by birth or naturalization, but a minority may be aliens. 50

Qualification
of Directors.

13. The Directors when chosen shall elect from among them- Officers. selves a President and Vice-President of the Company, and shall also appoint and may remove at pleasure all other officers and servants of the Company.

5 **14.** The Directors of the Company shall have full power to By-laws. make any by-laws not contrary to law, and a copy of any such by-law of the Company, signed by the officers of the Company shall be received as *prima facie* evidence of such by-law in all courts of law and equity in the Dominion.

10 **15.** The Act known as "The Canada Joint Stock Companies 32, 33 Vict.,
Clauses Act, 1869," and the provisions thereof shall be applicable c. 12 to apply. to, and be incorporated in this Act, so far as the same may not be inconsistent with this Act.

16. All reasonable and preliminary expenditure incurred in Expenses, how
15 obtaining this Act, and in the formation or establishing of the said paid. corporation shall be paid from the funds of the Company.

No. 93.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Royal Canadian
Chemical Fire Engine Company.

Received and read first time, Tuesday, 5th May,
1874.

Second reading, Wednesday, 6th May 1874.

(PRIVATE BILL.)

MR. JETTÉ.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

BILL.

An Act to amend "An Act respecting the administration of Justice and for the establishment of a Police Force in the North West Territories."

IN amendment of the Act cited in the title to this Act (36 Preamble. Victoria, Chapter 35), Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

5 **1.** From and after the passing of this Act, the 10, 12, 15, 16, 19, 20, 22, 23, 24, 26, 34 and 35 of the said Act are hereby repealed, and Sections of 36 the following sections substituted in lieu thereof, and to be read as V. c. 35 re- repealed. if originally enacted as part thereof:

MOUNTED POLICE FORCE.

10 **10.** The Governor in Council may constitute a Police Force in and for the North West Territories, and the Governor may from Police Force and Officers. time, as may be found necessary, appoint by Commission a Commissioner of Police, an Assistant Commissioner of Police, and one or more Inspectors, Sub Inspectors and Surgeons, together with a Paymaster, Quartermaster, and Veterinary Surgeon of Police, each 15 of whom shall hold office during pleasure.

12. The Governor in Council may, from time to time authorize the Commissioner of Police to appoint, by warrant under his hand, Constables and sub-con- such number of Constables and Sub-Constables as he may think stables. proper, not exceeding in the whole three hundred men; and the 20 Commissioner may delegate this authority to any Commissioned Officer of the Force; and such number thereof shall be mounted as Mounted me the Governor in Council may at any time direct.

15. The Commissioner shall have all the powers of a stipendiary magistrate under this or any other act in force in the North West 25 Territories. The Assistant Commissioner and Inspectors, and such other officers as the Governor in Council may approve, shall be *ex-officio* Justices of the Peace; and every constable, and sub-constable of the Force shall be a constable in and for the whole of the North 30 West Territories, for carrying out any laws or ordinances in force therein, and also in every Province of the Dominion for the purpose of carrying out the Criminal and other Laws of the Dominion.

16. Every constable and sub-constable shall, upon appointment to 35 the said Force, sign articles of engagement; and any penalty which may be therein assigned may be enforced; and one condition in the said articles shall always be that he shall serve for the period of three years, unless he be dismissed or discharged therefrom by the Commissioner. The engagement shall be contracted to the Com- 40 missioner, and may be enforced by the Commissioner for the time being. Enforcement.

Duties of the Force.

19. It shall be the duty of the Force, subject to the orders of the Commissioner—

Prevention of crime.

1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and Ordinances in force in the North West Territories, and the Criminal and other laws of the Dominion, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody; 5

Attending judges, &c.

2. To attend upon any Judge, Stipendary Magistrate, and Justice of the Peace when specially required, and to execute all warrants, and perform all duties and services thereto, which may, under this Act or the laws and Ordinances in force in the North West Territories, or the Criminal or other laws of the Dominion, lawfully be performed by constables;

Conveying prisoners.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and lunatics, to or from any Courts, places of punishment or confinement, asylums or other places,— 15

Making searches for intoxicating liquors.

4. Upon information or upon reasonable grounds of suspicion, and without the necessity of any intervention or process of law to enter any shop, store, hut, tent, wigwam, dwelling, or building or place or enclosure; (but no Constable or sub-Constable shall so enter any hut, tent, wigwam, or dwelling, unless accompanied by or under orders of a Commissioned Officer); and also to enter, and for such purpose to stop and detain while travelling any vessel, canoe, carriage, waggon, cart, sleigh or other vehicle or means of conveyance of any description, and to dig in, rummage and search all parts thereof, and any kegs, barrels, cases, boxes or packages or receptacles of any kind, for spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind, and any such kegs, barrels, cases, boxes, packages or other receptacles of any kind whatever found containing the same to break up and utterly destroy, and all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink, to pour out, spill, waste and utterly to destroy forthwith. 20 25 30 35

Powers for such purposes.

5. And for these purposes and the performance of all the duties assigned to them by or under the authority of this Act, they shall in addition to the powers and duties conferred or imposed by this Act, have all the powers, authority, protection and privileges which any constable has or shall hereafter by law have. 40

Governor in Council may make regulations and for what purposes.

20. The Governor in Council may establish the precedence of Rank of the several Commissioned Officers, and from time to time make rules and regulations for any of the following purposes, viz.: —To regulate and prescribe the clothing, arms, training and discipline of the Force; to regulate and prescribe the duties and authorities of the Commissioner and the several other Commissioned Officers of the Force, and the several places at or near which the same, or the Force or any portions thereof may from time to time be stationed; and generally all and every such matters and things for the good government, discipline and guidance of the Force as are not inconsistent with this Act; and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offender's pay: they may determine what officer shall have power to declare such penalty incurred, and to impose the same; and they shall have force as if enacted by law. 45 50 55

Penalties.

22. Any member of the Force who shall be found guilty of disobedience of the lawful commands of his superior, or who shall strike his superior, or who shall be guilty of any oppressive or tyrannical conduct towards an inferior, or shall be convicted of
 Enforcing discipline in the Force and punishing offences.

5 intoxication, however slight, or who shall directly or indirectly receive any gratuity without the Commissioners' sanction, or any bribe, or who shall embezzle or misapply any public moneys, arms, ammunition, clothing, appointments or public property or stores,

10 or who shall take and convert to his own use any of the necessaries belonging to any comrade, without his consent, or who shall wear any party emblem, or shall otherwise manifest political partizanship, or shall wear any medal (not granted by the Sovereign) or any badge whatsoever, without authority from the Commissioners, or

15 who shall make use of any mutinous words, or shall overhold any complaint or be guilty of any mutinous or insubordinate conduct, or who shall knowingly make any false return or statement, or sign any false certificate or be privy thereto, or who shall make any alteration or erasure (for the purpose of fraud or deceit) in any public documents, or shall forge the name of any person on any

20 warrant, summons, or other public document, or who shall make any false entry in any official book or diary, or who shall wilfully omit to make an entry therein as to the performance of any duty, matter or thing which ought to be so entered, or who shall by any concealment or wilful omission attempt to evade the true spirit and

25 meaning of this Act, or of the rules, orders or regulations respecting the force, or who shall refuse or omit to make a true and faithful return of all fines received by him, or to which he may be entitled upon any conviction in which he shall have been a prosecutor or witness, or who shall be convicted of any offence by a court of

30 justice, or who shall unduly overhold any allowances or any other public money entrusted to him, or who shall be guilty of gambling, or who shall misapply any money or goods levied under any warrant or taken from any prisoner, or who shall give notice or otherwise cause to be intimated, either directly or indirectly, to any

35 person against whom there shall be a warrant or order, notice thereof, with a view to the evasion of such warrant or order, or who shall divulge any matter or thing which it may be his duty to keep secret, or who shall make any anonymous complaint to the Government or the Commissioner, or who shall communicate without the

40 Commissioner's authority, either directly or indirectly, to the public press, any matter or thing touching the Force, or who, knowing where any offender shall be residing or concealed, shall not immediately inform his superior of the same, or shall not take due and prompt measures for the arrest of such person, or who shall

45 wilfully or through negligence or connivance allow any person to escape, or who shall use any cruel, harsh or unnecessary violence towards any prisoner or other person, or who shall leave any post on which he has been placed as a sentry or on other duty, or who shall absent himself from his duties or quarters without leave, or

50 who shall be guilty of any prevarication before any court, or upon any enquiry, or who shall behave in a scandalous or infamous manner, or shall be guilty of disgraceful conduct, or who shall be seen in any public house when not necessarily there on duty or by the permission of a superior

55 officer, or who shall be guilty of profane or grossly immoral conduct, or who shall directly or indirectly borrow money from or through any other member of the Force of inferior rank for his own private use or benefit, or who shall violate any standing order, rule or regulation, or any order, rule or regulation hereafter to be made,

60 or who shall be guilty of any disorder or neglect to the prejudice of morality or discipline, though not specified in this Act or in any lawful rules or regulations, shall be held to have committed a breach of discipline; and if a commissioned officer shall be dismissed the service, or if a chief staff or other con-
 Punishment for offences.

stable shall in the discretion of the Commissioner be dismissed the service and thereby forfeit any benefit arising from his past service, or shall suffer suspension or loss of rank, or be liable to a fine not exceeding one month's pay, to be deducted in one sum or by monthly instalments from any pay accrued or accruing to the offender, or in failure thereof, to be levied by warrant under the hand of the Commissioner or Assistant Commissioner, or an Inspector, or any Justice of the Peace, from the goods and chattels of the offender, in addition to and besides any punishment to which the offender may be liable under any law in force in the North West Territories, or in any Province in which the offence may be committed in respect thereof.

Enforcing delivery of arms by members of the Force dismissed or suspended.

23. Any Commissioned Officer or any member of the Force suspended or dismissed shall forthwith deliver up to the Commissioner or to a Commissioned Officer or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for police purposes; and in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars, in addition to the value of the articles not delivered up, and the penalty and value aforesaid shall be recoverable with costs of prosecution by summary conviction before any judge, stipendiary magistrate, or justice of the peace having jurisdiction in the North West Territories; who, in case of non-payment of the penalty and value aforesaid and costs immediately after conviction, may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and value aforesaid and costs, to any Common Gaol or House of Correction or Lock-up House within the North West Territories, for a period not exceeding six months, unless the said penalty and costs be sooner paid.

Inquiries respecting conduct of members of the Force.

24. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any commissioned officer, or any member of the Police Force, or into any complaint against any of them, he or the commissioned officer or officers whom he may appoint for that purpose, may examine any person on oath or affirmation on any matters relative to such enquiry, and may administer such oath or affirmation, and shall have power to, and may compel the attendance of any necessary witnesses, in the same way as if the proceedings were before Justices, under the acts respecting the duties of the Justices of the Peace, out of sessions, in relation to persons charged with indictable offences.

Governor in Council to fix remuneration within certain rates.

26. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner and other officers of the said Force, regard being had to the number of Constables and Sub-Constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid, respectively, and to the nature of the duty or service and amount of labor devolved upon them, but such sums shall not be less than or exceed the amounts following, that is to say:—

	Per annum.
<i>Commissioner of Police, not exceeding</i>	\$2,600
<i>Assistant Commissioner, not exceeding</i>	1,600
<i>Each Inspector, not exceeding</i>	1,400
<i>Each sub-Inspector, not exceeding</i>	1,000
<i>Paymaster, not exceeding</i>	1,200
<i>Quarter-Master, not exceeding</i>	800
<i>Surgeon, not exceeding</i>	1,400
<i>Veterinary Surgeon, not exceeding</i>	700
<i>Chief and Staff Constables, not exceeding \$1.25 per day</i>	
<i>Constables, not exceeding \$1 per day</i>	

And sub-Constables, not exceeding seventy-five cents per day.

35. The Governor in Council may from time to time enter into arrangements with the Government of any Provinces of the Dominion for the use or employment of the said Police Force, or any portion thereof in aiding the administration of justice in such Province and in carrying into effect the laws of the Legislature thereof; and may, in any such arrangement, agree and determine the amount of money which shall be paid by the Province using the same in respect of such services of the said Force.

Arrangement
with any Pro-
vince for use
of Police
Force.

No. 94.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend "An Act respecting
the administration of Justice and for
the establishment of a Police Force in
the North West Territories."

Received and read the 1st time, Tuesday,
5th May, 1874.

Second Reading, Wednesday, 6th May, 1874.

Hon. Mr. DORION.

An Act for the suppression of voluntary and extra-judicial oaths.

WHEREAS a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial enquiry, nor in any wise required or authorized by any law; and whereas doubts have arisen whether or not such proceeding is illegal; for the suppression of such practice and removing such doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

- 10 **1.** It shall not be lawful for any Justice of the Peace or other person to administer, or cause or allow to be administered or to receive, or cause or allow to be received any oath, affidavit or solemn affirmation, touching any matter or thing whereof such Justice or other person hath not jurisdiction
- 15 or cognizance by some law in force at the time being, or authorized, or required, or authorized by any such law: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit or solemn affirmation before any Justice in any matter or thing touching the preservation of the peace or the prosecution, trial or punishment of any offence, nor to any oath, affidavit or affirmation which may be required or authorized by any law of the Dominion of Canada, or by any law of the Province wherein such oath, affidavit or affirmation is received or administered,
- 25 nor to any oath, affidavit or affirmation, which may be required by the laws of any foreign country to give validity to instruments in writing designed to be used in such foreign countries respectively. And provided further, that it shall be lawful for any Judge, Justice of the Peace, Public
- 30 Notary or other functionary authorized by law to administer an oath, to receive the solemn declaration of any person voluntarily making the same before him in the form of the schedule to this Act annexed, in attestation of the execution of any written deed or instrument, or allegations of fact, or
- 35 of any account rendered in writing, and if any such declaration be false or untrue in any material particular, the person making such false declaration shall be deemed guilty of a misdemeanor.

Justices of the Peace, &c., not to administer oaths not authorized by law.

Proviso as to certain matters in criminal cases.

And as to certain de. d., accounts, &c.

- 2.** Any Justice of the Peace or other person administering or receiving, or causing, or allowing to be received or administered, any oath, affidavit or solemn affirmation contrary to

Penalty for contravention of this Act.

the provisions of this Act, shall be deemed guilty of misdemeanor, and shall be liable to be imprisoned for any term not exceeding three months, or to a fine not exceeding *fifty dollars*, at the discretion of the Court.

SCHEDULE.

I, A. B., do solemnly declare that (*state the fact or facts 5 declared to*) and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled (*Insert the title of the Act.*)

No. 95.

1st Session, 3rd Parliament, 31 Victoria, 1874.

BILL.

An Act for the suppression of voluntary
and extra-judicial oaths.

Received and read the 1st time, Tuesday,
5th May, 1874.

Second Reading, Wednesday, 6th May, 1874.

Hon. Mr. DORRION.

OTTAWA:

Printed by MacLean, Roger & Co.

An Act to amend "The Extradition Act, 1873."

IN amendment of "The Extradition Act, 1873," and for the avoidance of doubts under it, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows:—

- 1 The ninth section of the said Act is hereby repealed. Preamble, 36 Vict., c 127
Sect. 9 repealed.
- 2 The words—"whether the crime, in respect of which the surrender is demanded, was committed before or after the time when this Act became applicable to such foreign State," in the sixth section of the said Act, are hereby declared to include a crime committed before the passing of the said Act. Sect. 6 explained.
- 3 Every person who is accused or convicted of having counselled, procured, commanded, aided or abetted the commission of any extradition crime, or of being accessory before or after the fact to any extradition crime, shall be deemed, for the purposes of the said Act and of this Act, to be accused or convicted of having committed such crime, and shall be liable to be apprehended and surrendered accordingly. Accessories before the fact liable to extradition.
- 4 And, for the avoidance of doubt, it is hereby declared that the provisions of the said Act, (to which the Interpretation Act applies) relating to depositions and statements on oath taken in a foreign State, and copies of such original depositions and statements, do and shall apply to affirmations taken in a foreign State, and to copies of such affirmations. Certain provisions to apply to affirmations
- 5 The Secretary of State of Canada may, by order under his hand and seal, require a police magistrate or a justice of the peace to take evidence for the purposes of any criminal matter pending in any court or tribunal in any foreign State; and the police magistrate or justice of the peace, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a charge against some defendant for an indictable offence, and shall certify, at the foot of the depositions so taken, that such evidence was taken before him, and shall transmit the same to the said Secretary of State; such evidence may be taken in the presence or absence of the person charged, if any, and the fact of such presence or absence shall be stated in such deposition. Secretary of State may authorize a magistrate to take evidence in criminal cases pending in foreign courts.
- Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled, for the purposes of this section, to attend and give evidence, and answer questions and produce documents, in like manner and subject to the like conditions as he may in the case of a charge preferred for an indictable offence. Compelling attendance of witness, s.

- Perjury.** Every person who wilfully gives false evidence before a police magistrate or justice of the peace under this section shall be guilty of perjury.
- Proviso.** Provided that nothing in this section shall apply in the case of any criminal matter of a political character. 5
- Act to extend to certain crimes.** 6. The said Act and the first Schedule thereto shall be construed as if the following list of crimes were contained in the said Schedule:—
- Kidnapping and false imprisonment;
 - Perjury and subornation of perjury; 10
 - Any indictable offence under the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled "*An Act respecting Larceny and other offences*," or any Act amending or substituted for the same, which is not included in the said first Schedule; 15
 - Any indictable offence under the Act passed in the said session, and intituled "*An Act respecting malicious Injuries to Property*," or any Act amending or substituted for the same, which is not included in the said first Schedule;
 - Any indictable offence under the Act passed in the said session, 20 intituled "*An Act respecting Forgery*," or any Act amending or substituted for the same, which is not included in the said first Schedule;
 - Any indictable offence under the Act passed in the said session, and intituled "*An Act respecting offences relating to the Coin*," 25 or any Act amending or substituted for the same, which is not included in the said first Schedule;
 - Any indictable offence against the Act passed in the said session, and intituled "*An Act respecting offences against the Person*," or any Act amending or substituted for the same, which is not in- 30 cluded in the said first Schedule;
 - Any indictable offence under the laws for the time being in force relating to Bankruptcy, which is not included in the said first Schedule.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL.

An Act to amend "The Extradition Act 1873."

Received and read, first time, Tuesday, 5th May, 1874.

Second reading, Wednesday, 6th May, 1874.

Hon. Mr. DORION.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1874.

An Act to establish a Military College in one of the Garrison Towns of Canada.

WHEREAS it is expedient to make further provision for the education of Cadets and Officers of Militia in military knowledge and scientific pursuits connected with the military profession;—Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Preamble.

1. An institution shall be established for the purpose of imparting a complete education in all branches of military tactics, fortification, engineering and general scientific knowledge in subjects connected with and necessary to a thorough knowledge of the military profession and for qualifying officers for command and for staff appointments. Such institution to be known as the Military College, and to be located in some one of the Garrison Towns of Canada.

A military college to be established.

2. The College shall be conducted under the superintendence of a military officer having special qualifications with regard to the instruction to be given and discipline, whose title or designation shall be that of commandant. There shall also be two other professors or instructors, and such other assistants as may be found necessary and as may be authorized by Parliament. The salary of the commandant to be not more than \$, and the salaries of the other professors to be not more than \$ each. All the staff of the college to be appointed by the Governor in Council and to hold office during pleasure.

College staff, number, how appointed.

3. The college shall be governed and its affairs administered under and according to regulations to be made from time to time and approved by the Governor in Council, such regulations to be published in the *Canada Gazette*, and after such publication to have the force of law as fully as if they were contained in this Act, of which they shall be deemed to form a part.

Government of college.

Governor in Council to adopt regulations.

4. A Board of examiners shall be appointed by the Governor in Council, in each Military District, consisting of three or more members one of whom shall, when practicable, be an officer of the militia staff, who shall be authorized to examine candidates for admission to the College as cadets, and give certificates, (in form to be provided,) to such as are able to qualify according to the regulations which may be adopted. Meetings of such boards shall be held when directed by the Department of Militia and Defence.

Boards to examine candidates as cadets.

5. All candidates for admission to the college as students shall be required to pass an examination before the examiners as provided in the next preceding section, from whom a

Examination of Candidates necessary to admission.

certificate must be obtained, that they are proficient in the subjects to be prescribed. They will also be required to pass a medical examination and produce evidence of good moral character. No candidate will be accepted who is under 16 or over 21 years of age. 5

Examiners to transmit lists of candidates' names obtaining certificates and report. 6. The examiners shall transmit to the Department of Militia and Defence a report of the names of all candidates who succeed in obtaining certificates for the information of the Governor in Council, with a report of each meeting, which report may embody any particular circumstances connected with the examination or any special recommendation. 10

Number of Cadets to be admitted. 7. The number of cadets with which the college may be opened shall not exceed twenty-two. And thereafter, for the first two years, the annual admission shall not exceed three from each military district, and after the third year shall not be more than two in each year from each military district. 15
How selected. The selection shall be made by the Governor in Council from the list of names forwarded by the boards of examiners. The collegiate term shall be four years.

Governor in Council may select Cadets. 8. In the event of there being no names forwarded as provided from one or more of the military districts, either on account of there being no applicants for examination or a failure in obtaining a certificate, then the Governor in Council may select the required number from candidates who have passed an examination in any of the other districts. 20 25

Temporary admissions of Officers of Active Militia. 9. The Governor in Council may, for special reasons in the interests of the service, admit for a limited time, officers of the active militia, although over the age of twenty one years, who shall have obtained a first-class certificate under the provisions of the 33rd section of the "Act respecting the Militia and Defence of this Dominion of Canada," 31st Vict. cap. 40, such admissions to be under such regulations as the Governor in Council may approve, and in addition to the number provided for in section seven of this Act, but at no time to exceed ten in number. 30 35

Requirement from Cadets. 10. Each cadet will be required to furnish himself with a mattress and bedding, books and such apparatus as may not be supplied by the government, and to pay a contribution in aid of the expense of procuring mess room table furniture. 40

Payment to Cadets. To meet the ordinary expenses of living, and procuring uniform, a sum not exceeding the rate of three hundred dollars per annum, and such allowances as may from time to time be authorized by the Governor in Council, may be paid for each cadet during such period as he may remain at the college. 40

Cadets and Students Subject to Articles of War and Regulations. 11. Every person entering upon a course of instruction in the college shall sign a roll of entry, and be thenceforward, for the period of his pupilage, subject to the Queen's rules and regulations, the mutiny act, the rules and articles of war, and to such other rules and regulations as Her Majesty's troops are subjected to. 50 54

BILL.

An Act to provide for the establishment of a Military College in one of the Towns of Canada.

Received and read the first time, Tuesday, May, 1874.

Second reading, Wednesday, 6th May

Hon. Mr. Ro
(Victor

An Act to authorize the raising of a loan for the construction of certain public works, with the benefit of the Imperial guarantee for a portion thereof.

WHEREAS one of the terms and conditions on which Preamble.
the colony of British Columbia was admitted into union with the Dominion of Canada, by an order of Her Majesty in Council of the sixteenth day of May, one thousand
5 eight hundred and seventy one, was that the Government of the Dominion should secure the construction of a railway (in this Act referred to as the Pacific Railway) to connect the sea-board of British Columbia with the railway system of Canada, in the manner more particularly mentioned in
10 the Schedules to the said Order;

And whereas it is expedient to raise by way of loan for Imp. Act 33,
34 V. c. 45.
the purpose of the construction of the Pacific Railway, and also for the improvement and enlargement of the Canadian canals, a sum of money not exceeding eight million pounds
15 sterling;

And whereas by the Act of the Parliament of Canada of Imp. Act 35,
37 V. c. 45.
the year 1868, chapter forty-one, the Governor in Council was authorized to raise by way of loan upon the guarantee of the Commissioners of Her Majesty's Treasury (in this Act
20 referred to as "the Treasury") for the purpose of the construction of the fortifications therein mentioned, sums not exceeding in the whole one million one hundred thousand pounds sterling, which sums so raised with the interest thereon and the sinking fund, for paying of the loan, were
25 to be a charge upon the consolidated revenue fund of Canada, next after the appropriation for the construction of the Intercolonial Railway;

And whereas by the Act of the Parliament of the United Kingdom, known as "The Canada Defences Loan Act, 1870,"
30 the Treasury were authorized to guarantee the payment of the principal of such loan and of interest thereon at a rate not exceeding four per cent, but no portion of such loan has been raised, and no such guarantee has been given, or can, by reason of the repeal of the Act last mentioned, hereafter
35 be raised or given;

And whereas by the Act of the Parliament of the United Kingdom, known as "The Canada (Public Works) Loan Act, 1873,"—after the recital of the facts aforesaid and that it is

expedient to authorize the Treasury to guarantee a portion not exceeding two million five hundred thousand pounds, of such loan of eight million pounds for the above mentioned purposes, and to guarantee a further portion of the said loan not exceeding one million one hundred thousand pounds in substitution for a guarantee of a loan under The Canada Defences Loan Act, 1870,—the said Act is repealed,—and it is enacted that, subject to certain conditions to be observed by the Parliament of Canada, “the Treasury may guarantee in such manner and form and on such conditions as they think fit the payment of the principal of and interest (at a rate not exceeding four per cent per annum) on all or any part of any loan raised by the Government of Canada, for the purpose of the construction of the Pacific Railway and the improvement and enlargement of the Canadian canals, so that the total amount so guaranteed from time to time do not exceed three million six hundred thousand pounds;”—and it is expedient to accept the said guarantee on the conditions mentioned in the said Act; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Loan not exceeding £3,000,000 stg. authorized.

1. The Governor in Council may from time to time authorize the raising by way of loan, for the purposes of the construction of the Pacific Railway and of the improvement and enlargement of the Canadian canals, such sum or sums of money as it may from time to time be found expedient to raise for such purposes, not exceeding in the whole eight million pounds sterling, and the money so raised shall be appropriated and applied strictly to the purposes aforesaid and to no other purpose whatsoever, and such appropriation shall be assured to the satisfaction of the Treasury, and separate accounts shall be kept of such money; Provided that the Governor in Council may authorize the advance out of the consolidated revenue fund, of such sums as it may be necessary to expend for the purposes aforesaid, before they are raised by loan under this Act, such advances to be repaid to the consolidated revenue fund out of the said loan.

Proviso.

Part of loan not guaranteed by Treasury,—how raised.

2. Such portion of the said loan as shall not be raised upon the guarantee of the Treasury may be raised in such manner as the Governor in Council may direct under the provisions of the Act of the Parliament of Canada, passed in the thirty-fifth year of Her Majesty's reign, intituled “*An Act respecting the Public Debt, and the raising of Loan authorized by Parliament,*” and the principal and interest thereof shall be chargeable upon the consolidated revenue fund of Canada.

Part of loan guaranteed by Treasury,—conditions to be observed.

3. Of the said sum of eight million pounds, a sum not exceeding three million six hundred thousand pounds may be raised with the guarantee of the Treasury in such manner and form and on such conditions as they think fit, at a rate of interest not exceeding four per cent. per annum, and subject to the following provisions:—

1. The consolidated revenue fund of Canada is hereby charged with the payment of the principal and interest of any loan guaranteed by the Treasury under this Act and "The Canada (Public Works) Loan Act, 1873," immediately after the charge for the loan of the sum of three hundred thousand pounds sterling, payable to the Hudson's Bay Company, created by Act of the Parliament of Canada, of the year one thousand eight hundred and sixty-nine, chapter one ;
2. The Government of Canada shall pay a sinking fund at the rate of one per cent. per annum on the entire amount of the loan guaranteed by the Treasury as aforesaid, and the consolidated revenue fund of Canada is hereby charged with the payment of such sinking fund immediately after the principal and interest of such last mentioned loan ;
3. The consolidated revenue fund of Canada is hereby charged with any sum issued out of the consolidated fund of the United Kingdom, under The Canada (Public Works) Loan Act, 1873, with interest thereon at the rate of five per cent per annum, immediately after the said sinking fund ;
4. The due payment and application of the money raised by any loan guaranteed by the Treasury under the Act last mentioned, shall be assured and certified in such manner as the Treasury may from time to time direct ;
5. The annual sums for the sinking fund shall be remitted to the Treasury by half yearly payments in such manner as they from time to time direct, and for the investment and accumulation thereof under their direction in the names of four Trustees nominated from time to time,—two by the Treasury and two by the Government of Canada ;
6. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall, whether invested or not, be applied from time to time under the direction of the Treasury, in discharging the principal guaranteed by the Treasury as aforesaid, and the interest arising from such securities, (including the interest accruing in respect of any part of any loan discharged by means of the said sinking fund), and the resulting income thereof shall be invested and applied as part of such sinking fund.
4. Subject to the foregoing provisions of this Act, the moneys raised under the authority thereof shall be applied and expended for the purposes hereinbefore mentioned, in such manner and in such proportions as the Parliament of Canada may have authorized ; and a detailed account of all moneys so expended shall be laid before the House of Commons of Canada, during the first fifteen days of the then next session of the Canadian Parliament.
5. This Act may be cited as "The Pacific Railway and Lands Loan Act, 1874."

Rank on Con-
Rev. Fund.

Sinking Fund.

Interest in
certain cases.Treasury to
be satisfied.Remittances
to Treasury.Investment of
Sinking Fund.Application
of moneys
so received.

Accounts.

Short title.

1st Session 3rd Parliament, 37 Victoria, 1874.

B I L L .

An Act to authorize the raising of a Loan for the construction of certain Public Works, with the benefit of the Imperial Guarantee for a portion thereof.

Received and read 1st time, Tuesday 5th
May, 1874.

Second reading, Monday 6th May, 1874.

Hon. MR. CARTWRIGHT.

An Act to amend the Act 36 Vict., chap. 31, for the re-adjustment of the Salaries of Judges and other purposes.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's Reign, intituled, "*An Act for the re-adjustment of the Salaries and allowances of the Judges and other Public Functionaries and Officers, and of the indemnity to the Members of the Senate and House of Commons,*" Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:

1. The salary of the Lieutenant Governor of Prince Edward Island, shall be seven thousand dollars per annum. Lt. Governor P. E. I.

2. The Salaries of the Chief Justice and Assistant Judges of the Supreme Court of Judicature, of the Province of Prince Edward Island, shall be as follows, viz: Judges in P. E. Island.

The Chief Justice of the Supreme Court of Judicature, being also Judge of the Court of Vice-Admiralty, \$3,000 per annum.

The Assistant Judge, being also master of the Rolls in Chancery, \$2,500 per annum.

The Assistant Judge, being also Vice-Chancellor in Chancery, \$2,500 per annum.

Three County Court Judges, each not less than one thousand dollars, and not more than two thousand dollars, as may be fixed by the Governor in Council. And a sum not exceeding two hundred dollars for actual travelling expenses, to be fixed as aforesaid, may be allowed to any of the Supreme Court or County Court Judges. County Court Judges.

3. The foregoing provisions shall take effect from the first day of July, in the year of Our Lord, one thousand eight hundred and seventy-four, except as to the salary of the Lieutenant Governor, which shall be payable from the fifteenth day of November, in the year one thousand eight hundred and seventy-three. When to take effect.

4. And whereas by a Clerical error the following provisions were omitted in the said Act although passed in Committee of the House of Commons and concurred in by the said House, therefore:— Error in 36 V. c. 31, corrected.

The salaries of the Judges of the Supreme Court in the Province of New Brunswick shall be as follows:—

The Chief Justice of the Supreme Court.... \$5,000 per annum.
Four Puisne Judges of the said Court, each \$4,000 "

35 And the said provisions shall be held to have taken effect from and after the first day of January, in the year of Our Lord one thousand eight hundred and seventy-three, as if they had been inserted in the said Act at the time of its passing.

Act amended as to Judges in province of Quebec.

5. And whereas it was the intention of Parliament that in the Province of Quebec, those only of the Puisne Judges of the Superior Court, who are to reside in the City of Quebec or the City of Montreal, should receive the salary of five thousand dollars, and by the Statutes of the said Province, only nine of the said Puisne Judges are to reside in the said Cities: therefore, the fourth section of the said Act, is hereby repealed and the following substituted therefor:—

“ 4. The Legislature of the Province of Quebec having at its now last Session enacted that the Superior Court for that Province shall be composed of one Chief Justice and twenty-five Puisne Judges, the salaries of the several Judges of the Court of Queen’s Bench and the Superior Court for the said Province, shall be as follows:—

“ The Chief Justice of the Court of Queen’s Bench.....	\$6,000 per annum	15
“ Four Puisne Judges of the said Court, each.....	5,000 ”	
“ The Chief Justice of the Superior Court.....	6,000 ”	20
“ Nine Puisne Judges of the said Court, each.....	5,000 ”	
“ Thirteen Puisne Judges of the said Court, each.....	4,000 ”	
“ Three Puisne Judges of the said Court, each.....	3,500 ”	25

How the Act shall be construed.

and the said Act shall be construed and have effect as if the said substituted section had made part of the said Act at the time of its passing as the fourth section thereof.

C. Justice and Judges in appeal, Ontario.

6. The salary of the Chief Justice of Appeal in Ontario shall be six thousand dollars per annum, and the salaries of the three additional Judges to be appointed in pursuance of the Act of the Legislature of the Province of Ontario, passed in its now last session, as Justices of the Court of Error and Appeal for the said Province, shall be five thousand dollars each per annum; which salaries shall be payable from the time of their appointment, respectively.

Salaries now paid.

7. The salaries mentioned in this Act shall be paid out of the Consolidated Revenue Fund of Canada, as the salaries mentioned in the Act hereby amended.

Provision as to Judges’ pensions, &c.

8. In amendment of the Acts cited or referred to in the next following section, it is enacted, that the Judges mentioned in the preceding sections or in any of the said Acts shall have the same rights as regards retiring allowances, or annuities based upon their salaries therein mentioned, as if such salaries had been fixed by the Act 31 Vict. chap. 33, intituled, “*An Act respecting the Governor General, the Civil List and the salaries of certain public functionaries* ;” and further that if any person receiving a retiring allowance or annuity under any previous Act, or under the said Act or any Act amending it, is or becomes entitled to any salary in respect of any public office under the Government of Canada, such salary shall be reduced by the amount of such retiring allowance or annuity.

Act to be construed as one with those amended.

9. This Act and the Act hereby amended, with the Acts it amends, shall be construed as forming one Act with the Act passed in the thirty-first year of Her Majesty’s reign, intituled *An Act respecting the Governor General, the Civil List and the Salaries of certain Public Functionaries*.

The House of Representatives of the United States

in the year 1874

Bill

for the relief of the

of the

No. 99.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 36 Vict., chap.
31, for the re-adjustment of the Salaries
of Judges and other purposes.

Received and read the first time, Tuesday,
5th May, 1874.

Second reading, Wednesday, 6th May, 1874.

Hon. Mr. CARTWRIGHT.

OTTAWA:

An Act to incorporate the St. John's Board of Trade,
Province of Quebec.

WHEREAS the persons hereinafter mentioned, resident or carrying on business in the District of Iberville, or in the Districts adjacent thereto, have by their petition represented that they have associated themselves together for some time past for the purpose of promoting such measures as they have deemed essential towards developing the trade of Canada in general, and of that neighborhood in particular; and have further represented that their said association would be more efficient in its operations should an Act of incorporation, conferring certain powers on them, and their successors, be granted; and whereas it is expedient that the prayer of the said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. James Macpherson, J. E. Molleur, Theophile Arpin, William Coote, James Bissett, Charles Langelier, Joseph E. Clement, Felix G. Marchand, Alfred K. Lavicount, Arcade Decelles, Edgar R. Smith, Waterford L. Marter, Louis Decelles, Henry Gillespie, Amable Davignon, Alexis Bertrand, Charles Arpin, Louis H. Marchand, William A. Osgood, James O'Cain, Louis Molleur, jun., Modeste Chaput, Leonard Jones, William H. Vaughan, J. B. Bissonnette, John Rossiter, Joseph L'Ecuyer, S. Simmons, Alex. J. Wight, Geo. W. Farrar, Geo. H. Wilkinson, Alexander Macdonald, Thos. A. Cousins, H. Guillette, and L. Binsynet, of the Town of St. John's; Alex. Dufresne, W. Ryder, of the Town of Iberville; J. Marcoux, of Versailles; Calixte Bouchard, of L'Acadie; Domptail Cadieux, of St. Luke, and Jules Lamoureux, of St. Sebastien, and such other persons resident or carrying on business in the district of Iberville or adjacent districts, as are or shall be associated with the persons above named for the purposes of this Act in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate, by the name of "The St. Johns Board of Trade," and for the purposes hereinafter mentioned; and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors, by their corporate name, shall have power to take, receive, hold and enjoy any estate whatsoever, real or personal, or alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as they and their successors may see fit, and other estate, real or personal, to acquire instead thereof: Provided always that the clear annual value of the real estate held by the said Corporation at any one time, shall not exceed six thousand dollars.

Certain persons incorporated.

Corporate name and powers.

Proviso.

- Application of funds.** 2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade of Canada generally, and of the District of Iberville in particular, or as may be necessary to carry out the objects for which the said Corporation is constituted, according to the true extent and meaning of this Act. 5
- Domicile.** 3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service thereof on the Corporation. 10
- Council of board of trade.** 4. There shall be a Council, to be called "The Council of the St. John's Board of Trade," which shall, until the first election hereinafter mentioned, consist of a President, Vice-President, Secretary and Treasurer, and five other members of the Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter assigned to the said Council. 15
- First officers and council.** 5. The said James Macpherson shall be President, the said J. E. Molleur, Vice-President, the said Edgar R. Smith, Secretary, the said Waterford L. Marter, Treasurer, and the said Felix G. Marchand, Joseph E. Clement, William A. Osgood, Arcade Decelles and Leonard Jones the other members of the Council until the next election to be held under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act. 20 25
- Meetings.** 6. The members of the said Corporation shall hold a general meeting every month, that is to say, on the first Friday of each calendar month, at some place within the town of St. John's, of which notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through two newspapers or otherwise, as may be thought necessary by the said Council; and the meeting held in September shall be called the general annual meeting; and at the general meeting in the month of September, the members of the said Corporation presents, or a majority of them, shall then and there elect, in such way as shall be fixed by the by-laws of the Corporation, from among the members of the Corporation, one President, one Vice-President, one Secretary and one Treasurer, and five other members of the Council, who, with the President, Vice-President, Secretary and Treasurer shall form the Council of the Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of September as aforesaid, or until they shall be removed from office or vacate the same under the provisions of any by-law of the Corporation: Provided always that if the said election shall not take place on the first Friday of the month of September, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be held at any general meeting of the Corporation, to be called in manner hereinafter provided, and the members of the Council in office shall continue in office until such election shall be held. 30 35 40 45 50
- Annual meeting for election of council.**
- Proviso.**
- Vacancies now filled.** 7. If any member of the Council shall die, resign his seat or be absent for three months continuously from the meeting of the Council, it shall be lawful for the Council, at any meeting thereof, to elect a member of the corporation to be a member of the council 55

in the place of the member so dying, or resigning, or being absent, and such new member shall be elected by a majority of the members of the Council present at any meeting of the same at which there is a quorum present, and the member so elected shall
 5 hold office until the next general annual meeting of the Corporation, and no longer, unless re-elected.

8. At any general or general annual meeting of the Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of the members present at
 10 such meeting shall be competent to do and perform all acts which, either by this Act or by any by-law of the Corporation, are or shall be directed to be done at any such meeting, provided the number present at such meeting be not less than nine.

Quorum at meetings.

9. Any member of the Corporation intending to retire therefrom
 15 or resign his membership, may at any time do so upon giving to the Secretary, in writing, ten days' notice of such his intention, and discharging all lawful liabilities which may be standing upon the books of the Corporation against him at the time of such notice.

Resignation of members.

10. It shall be lawful for the Corporation, or the majority of
 20 them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the Corporation, providing for the admission, subscription and expulsion, or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitration
 25 hereinafter mentioned, and fixing the date and place of the regular meetings of the Council, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding
 30 on all the members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-laws shall be made or enacted by the Corporation
 35 without notice in writing thereof having been given by one member, and seconded by another member at a previous meeting of the Corporation, and duly entered in the books of the said Corporation as a minute of the Corporation.

By-laws.

Proviso.

11. Any person being a resident of the District of Iberville, or
 in such counties as are nearer to St. John's than to any other place
 where there exists a regularly organized and incorporated Board of
 Trade, and directly or indirectly engaged or interested in banking,
 40 commercial, or industrial pursuits, shall be eligible to become a member of the said Association; and at any general meeting it shall be lawful for any member to propose any such person as a candidate for becoming a member of the Corporation, and if such proposition
 45 shall be seconded by any other member then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed, and if at the meeting at which such candidate shall be balloted for, not less than three-fourths of the members present shall vote for his admission, he shall thenceforth be a member of the Association, and
 50 shall have all the rights, and be subject to all the obligations which the other members possess or are subject to, and be bound by all the by-laws of the Association and by its present constitution.

Who may become members.

12. It shall be lawful for the Council or a majority of them, by
 a notice inserted in an English and French newspaper published in
 55 the said Town of St. John's, at least three days previous to the

Calling of special general meetings.

said meeting, or by a circular letter signed by the Secretary of the Corporation, and mailed three days previous to the said meeting to each member of the Corporation, or by such notice sent by the Secretary to the residence or place of business of each member of the Corporation, to call a general meeting of the Corporation for any purpose of this Act. 5

Meeting of Council.

13. It shall be competent for the said Council to hold meetings from time to time, and adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or the by-laws of the Corporation, be assigned to them, and such meetings of the Council shall be convened by the Secretary at the instance of the President, or upon the request of any three members of the said Council; and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation except only, the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and in no other; and any five or more members of the Council lawfully met (of whom the President or Vice-President shall be one, or, in case of their absence, any five or more members lawfully met) shall be a quorum; any majority of such quorum may do all things within the power of the Council, and at all meetings of the Council, and at all general meetings of the Corporation, the President, or in his absence, the Vice-President, or if both be absent, any member of the Council then present, who may be chosen for the occasion, shall preside and shall, in all cases of an equality of votes, upon any division, have a casting vote. 15 20 25

Quorum.

Who to preside.

Subscriptions, how payable and recoverable.

14. All subscriptions of members due to the Corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the Corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought in the name of the Corporation; and it shall only be necessary in such action, to allege that such person is indebted to the Corporation in the sum of money, the amount of arrears on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the Corporation by virtue of this Act. 30 35

What it shall be necessary to prove.

15. On the trial or hearing of any such action, it shall be sufficient for the Corporation to prove that the defendant at the time of making such demand was or had been a member of the Corporation, and that the amount claimed by the Corporation as subscriptions, penalty or otherwise was standing unpaid upon the books of the Corporation. 40

Meetings of Council to be open. Minutes.

16. The meetings of the Council shall be open to all members of the Corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the Council or of the Corporation shall be entered in books kept for that purpose by the Secretary of the Corporation, and the entries thereof shall be signed by the President of the Council or such other person as shall at the time preside over any such meeting; and such books shall be open at all reasonable hours to any member of the Corporation, free from any charge. 45 50

Election of

17. At the same time and times as are hereby appointed for the 55

election of the Council, and in the same manner it shall be lawful for the members of the Corporation to elect from their number, six persons who shall form a Board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall bind themselves by bond or otherwise to submit the matter or matters in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the board, who may either by the special order of the board or by virtue of any general rule or rules adopted by them or under any by-law or by-laws of the corporation touching the consideration of cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to the said Board of Arbitration; and such decision shall be binding upon the said board and the parties making the submission; and such submission may be according or to the effect of the form set forth in the schedule to this Act.

20 18. The several members of the said Board of Arbitration shall before they act as such take and subscribe before the President or Vice-President of the corporation an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and this oath shall be according or to the effect of the form set forth in the schedule to this Act, and shall be kept among the documents of the Corporation.

19. Any member of the Council of the corporation may at the same time be a member of the said Board of Arbitration.

20. The three members appointed to hear any case submitted for arbitration as aforesaid or any two of them shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appearing voluntarily before them shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

21. From and after the passing of this Act it shall be lawful for the Council of the Corporation to appoint five persons to constitute a Board of Examiners for the Town of St. John's to hold office until the next monthly meeting in September, when they or others may be elected to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection; and the said Council may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions, as those conferred upon and required of the Council of any Board of Trade by virtue of any Act respecting the inspection of flour and meal or of any other articles subject to inspection; and the said examiners and inspectors shall also be subject to all the conditions, requirements, oaths, matters and things, (touching their office) set forth in the same Acts.

22. Any person who may, by law in other cases, make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case, when by this Act an oath is required; and

any person hereby authorized to administer an oath may in such cases aforesaid, administer such solemn affirmation, and any person who shall wilfully swear or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful and corrupt perjury.

5

Her Majesty's rights saved. 23. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors or of any person whomsoever,—such rights only accepted as are herein expressly mentioned and affected.

SCHEDULE.

Form of submission to the Board of Arbitration.

Know all men that the undersigned and the undersigned (if there be more parties, that is more separate interests, mention them) having a difference as to the respective rights of the said parties, in the case hereunto sub-joined, have agreed and bound themselves under a penalty of _____ dollars to perform the award to be made by the Board of Arbitration of the St. John's Board of Trade, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and seals on the _____ day of _____ A.D. 18 _____

A. B.	(L.S.)
C. D.	(L.S.)
E. F.	(L.S.)

Form of oath to be taken by Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the St. John's Board of Trade, and that I will in all cases, in which I shall act as arbitrator, give a true and just award according to the best of my judgment and ability, without fear, favor or affection of or for any party or person whomsoever. So help me God.

No. 100.

1st Session, 3rd Parliament, 37 Victoria, 1

BILL.

An Act to incorporate the St. John's B
of Trade, Province of Quebec.Received and read, first time, Wednesday
May, 1874.

Second reading, Thursday, 7th May, 1874

(PRIVATE BILL.)

Mr. DONOH

OTTAWA:

Printed by L. B. TAYLOR, 29, 31 and 33 Rideau
1874

An Act to declare the intention of the Act 36 Victoria, Cap. 30, as regards the subsidy to be allowed to Nova Scotia.

WHEREAS doubts have arisen under the first section of the Preamble.
 Act 36 Vict. Chap. 30, intituled "*An Act to re-adjust the amounts payable to, and chargeable against the several Provinces of Canada, by the Dominion Government, so far as they depend*" 5
 on the debt with which they respectively entered the Union," as to whether the increased subsidy to be allowed to the Province of Nova Scotia under the said Act should be based on the sum of \$8,000,000 mentioned in the 114th section of the "*British North America Act, 1867,*" or on the sum of \$9,186,756 to which the 10
 said sum of \$8,000,000 was increased by the Act 32-33 Vict. Chap. 2, intituled "*An Act respecting Nova Scotia;*" For the removal of such doubts, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

15 **1.** It was and is the intention of the Act first above mentioned (36 Vict. Chap. 30) that the increased subsidy to be allowed to the Province of Nova Scotia under the said Act, should be based upon the said sum of \$9,186,756, as if that sum had been mentioned in the 114th section of the "*British North America Act,*" 20
 1867," instead of the said sum of \$8,000,000. Intention of the said Act declared.

No. 101.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to declare the intention of the Act
36 Vict. Chap. 30, as regards the subsidy
to be allowed to Nova Scotia.

Received and read, first time, Tuesday, 5th
May 1874.

Second reading, Wednesday, 6th May, 1874.

Hon. MR. CARTWRIGHT.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act further to amend the Act respecting the Inspection of Steamboats.

IN Amendment of the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them.*" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section six of section seven of the said Act is hereby repealed, as respects boilers made after the passing of this Act, and the following substituted therefor:—
6. And no boiler made after the passing of this Act shall be made of boiler plate which has not been stamped or marked with the name of the maker thereof; and before a certificate shall be granted with respect to any boiler, a declaration on oath by the maker of the boiler, stating the name of the maker of the plates used in the construction thereof, shall be furnished to the Inspector, which oath may be taken by any Justice of the Peace in Canada.
2. All that part of sub-section two of section sixteen of the said Act, after the words "that is to say," is hereby repealed, and the following substituted therefor:—
- For every steamboat of the gross tonnage of less than fifty tons, one such boat;
- For every steamboat of the gross tonnage of fifty tons and upwards, but less than one hundred tons, not less than two such boats;
- For every steamboat of the gross tonnage of one hundred tons and upwards, but less than three hundred tons, not less than two such boats, in addition to the life-boat above required;
- For every steamboat of the gross tonnage of three hundred tons and upwards, not less than three such boats, in addition to the life-boat above required;
- All such boats shall be hung in separate davits, with lowering apparatus complete and ready for instant lowering. The boats shall be covered with canvas or tarpaulin covers to protect them from the sun and weather, and masters of steamers are to detail their crews and exercise them in lowering and handling the boats at least once a week. When wood is used as fuel in the boilers of high-pressure steamers, the covers for the boats shall be made of wood covered with zinc. And every boat shall have the name of the steamboat to which it belongs and of her port of registry legibly painted on her bows and stern.

Preamble.

New Sub-section substituted for 31 Vict., c. 65, sec. 7, sub-section 6, as to maker's name on boiler.

New Sub-section substituted for 31 Vict., c. 65, sec. 16, Sub-section 2, as to number of life-boats, &c., carried.

Precautions to be taken with regard to life-boats, &c.

Proviso as to freight steamboats

Provided that no steamboat employed chiefly in the carriage of freight, when carrying not more than twenty-five passengers, shall be required to have on board or attached to such steamboat more than two boats in addition to a life-boat. (32 and 33 Vic., cap. 39 sec. 3.)

5

New Section substituted for 31 Vict., c. 65, sec. 21, as to pumps and hose.

3. Section 21 of the said Act is hereby repealed, and the following substituted therefor:—

"21.—Every steamboat carrying passengers shall have at least
 "three double-acting forcing pumps, with chamber at least
 "four inches in diameter, two to be worked by hand and one 10
 "by steam, if steam can be employed independent of and
 "not worked by the main engine, otherwise, all three by hand,
 "one whereof shall be placed near the stern, one near the
 "stem, and one amidships, each having a suitable well-fitted
 "hose of at least two-thirds the length of the steamboat, 15
 "kept at all times in perfect order, clear of freight or other
 "obstructions, with hose coupled and ready for immediate
 "use; each pump and coupling shall be provided with a hose-
 "wrench chained to the same, and each of the said pumps
 "shall be supplied with water by a pipe connected therewith, 20
 "and passing through the side of the steamboat, so low as to
 "be at all times in the water when the boat is afloat."

Proviso as to steamboats below a certain size.

"2. Provided that in steamboats not exceeding two hundred
 "tons measurement, engine-room included, two of such
 "pumps (one of which may be the steam-pump) may be 25
 "dispensed with, and in steamboats of over two hundred
 "tons, but not exceeding five hundred tons measurement,
 "engine-room included, one of such hand-pumps may be
 "dispensed with, but in these cases the hose shall be of such
 "length as to reach easily to every part of the steamboat, 30
 "and in steamboats where only one pump is used, such pump
 "shall be placed where directed by the Inspectors."

New Section substituted for 31 Vict., c. 65 sec. 24, as to keeping accessible copy of Act; and posting in view, particulars of life saving apparatus, &c.

4. Section 24 of the said Act is hereby repealed, and the following substituted therefor:—

"24. And on board every steamboat there shall be placed in 35
 "some conspicuous place, accessible to all the passengers, a
 "copy of this Act and of the amendments thereto, and in
 "every cabin, state-room, and in other conspicuous places
 "about the vessel, a printed paper to be filled up by the
 "owner or master of steamboat, shewing the number of pumps 40
 "and boats, with their capacity, and also the number of
 "fire-buckets, axes, and life-preservers on board of such
 "steamboat, and the method of adjusting such life-preservers
 "to the body, and a statement of the places where such
 "buckets, axes, and life-preservers are kept. The name of 45
 "the steamer shall be painted or stamped on all the buckets,
 "axes, and life-preservers.

Storage of inflammable matter.

"Inflammable matter when carried on any steamboat shall
 "invariably be stowed away as far as possible from the boiler,
 "and from places where its ignition is possible." 50

31 Vict. c. 65, as amended, to remain subject to amending, extending or suspending Acts.

5. The said Act as hereby amended shall remain subject to the provisions of the subsequent Acts amending or extending it, or suspending the operation thereof in any province of Canada.

Regulations as to Chemical

6. The Governor in Council may from time to time make, alter or repeal rules and regulations requiring steamboats to carry 55

Chemical Fire Extinguishers, and prescribing the number of such ^{Fire Extinguishers:} fire extinguishers to be carried by steamboats of different sizes and classes respectively; and such rules and regulations being published in the *Canada Gazette*, as required by the Act

5 hereby amended, shall while in force, have effect and be enforced by the inspectors and others as if made under the Act hereby amended, and any contravention thereof shall be punishable as an offence against the said Act.

No. 102.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act further to amend the Act respecting
the Inspection of Steamboats.

Received and read first time, Tuesday, 5th
May, 1874.

Second reading, Wednesday, 6th May, 1874.

Hon. Mr. SMITH (Westmoreland).

OTTAWA:

Printed by I. E. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act respecting Certificates to Masters and Mates of
Inland and Coasting Ships.

WHEREAS it is expedient to provide for the examination of, Preamble.
and grant of certificates of competency and service to,
persons intending to act as Masters and Mates on board Ships
registered in Canada, trading on the inland waters of Canada, or
5 on the coasts of Canada or in its vicinity, as herein mentioned:
Therefore Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as follows:—

EXAMINATIONS AND CERTIFICATES OF MASTERS AND MATES OF
INLAND SHIPS.

1. Examinations shall be instituted in the several Provinces of Examinations
for masters
and mates to
be instituted.
Ontario, Quebec, Nova Scotia and New Brunswick for persons, hav-
10 ing been domiciled in Canada for at least three years, who intend to
become masters or mates of ships, registered in Canada, trading
on the inland waters of Canada, or on the coasts of Canada or in
its vicinity, as hereinafter mentioned, or who wish to procure
certificates of competency for such ships; and persons serving in
15 ships registered in Canada shall be deemed to be domiciled in
Canada while so serving; and subject as herein mentioned the
Minister of Marine and Fisheries shall provide for the examina-
tions at such places as he may see fit; and the Governor in
Council may appoint examiners to conduct the same, and may
20 regulate the same, and may determiné the amount of the
remuneration of such examiners.

The examiners first appointed under this section may be such Appointment
of examiners.
persons as may produce proof, to the satisfaction of the Governor
in Council, of their fitness and competency to act as such; but
25 after three persons have been so appointed examiners, no person
shall be appointed an examiner unless nor until he has himself
passed a satisfactory examination before two or more examiners
as to his fitness and competency to act as an examiner, and has
received from them a certificate to that effect.

30 2. The Governor in Council may from time to time lay down Governor to
make rules.
rules as to the conduct of such examinations, and as to the quali-
fications of the applicants; and such rules shall be adhered to by
all examiners.

3. All applicants for examination shall pay, previous to exami- Fees payable
by applicants.
35 nation, to such person as the Minister of Marine and Fisheries
appoints for that purpose, the following mentioned fees, that is to
say, for a certificate as master *eight dollars*—for a certificate as
mate *four dollars*; and in the event of any applicant failing to

procure his certificate of qualification on his first examination, he will be entitled to a second examination without payment of any additional fee ; but if he fail to procure his certificate of qualification on such second examination, he shall pay the same fee previous to any subsequent examination as is hereby required to be paid previous to a first examination for the certificate he seeks to procure. 5

Minister of Marine, &c., may grant certificates.

4. Subject to the proviso hereinafter contained, the Minister of Marine and Fisheries may grant to every applicant who is duly reported by any of the examiners to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, a certificate (hereinafter called a certificate of competency for inland and coasting ships) to the effect that he is competent to act as master of any ship registered in Canada over eighty tons register tonnage, and not over one hundred and fifty tons register tonnage, trading on the inland waters of Canada, or on the coasts of Canada, or to the colony of Newfoundland or to the West Indies, or to the United States of America or that he is competent to act as master, or as first mate, or only mate (as the case may be) of any ship, registered in Canada, over one hundred and fifty tons register tonnage, trading on the inland waters of Canada, or on the coasts of Canada, or to the colony of Newfoundland, or to the United States of America : but in every case in which the Minister of Marine and Fisheries has any reason to believe such report to have been unduly made, he may remit the case either to the same or to any other examiners, and may require a re-examination of the applicant, or a further inquiry into his testimonials and character, before granting him a certificate. 30

Re-examination may be required in certain cases.

To whom certificates may be granted.

5. Certificates of service for inland and coasting ships, differing in form from certificates of competency, may be granted as follows, (that is to say) :—

Masters.

(1.) Every person who before the first day of January, one thousand eight hundred and seventy four, served as master in a sea-going or inland or coasting ship, in any Province in Canada or who has attained the rank of lieutenant, master, passed mate or second master in Her Majesty's Royal Navy, and who has produced satisfactory evidence at such examination of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as master for inland and coasting ships on payment of a fee of *four dollars*. 40

Mates.

(2.) Every person who before the first day of January one thousand eight hundred and seventy-four, served as mate in a sea-going or inland or coasting ship in any Province in Canada, and who has produced satisfactory evidence, in manner aforesaid, of his sobriety, experience, ability and general good conduct on board ship, shall be entitled to a certificate of service as first or only mate for inland and coasting ships, on payment of a fee of *two dollars*. 50

What certificates shall contain.

And each of such certificates of service for inland and coasting ships, shall contain particulars of the name, place and time of birth, and of the length and nature of the previous service of the person to whom the same is issued ; and thereupon the Minister of Marine and Fisheries may issue such certificates of service to the various persons so respectively entitled thereto. 55

6. After the first day of April, which will be in the year of Our Lord One thousand eight hundred and seventy-five, no ship registered in Canada over eighty tons register tonnage and not over one hundred and fifty tons register tonnage, shall go from any port or place in Canada on a voyage to any other port or place in Canada, or to any port or place in the Colony of Newfoundland or in the West Indies, or in the United States of America, unless the master have obtained and possess a valid certificate, either of competency or service as master for inland and coasting ships, from the Minister of Marine and Fisheries, or a valid certificate of competency or service as master for sea-going ships, from the Minister of Marine and Fisheries, or a valid certificate of competency or service as master, for foreign-going ships, from the Board of Trade in the United Kingdom, or a valid certificate of competency as master, granted in any British Possession and declared by order of Her Majesty in Council published in the "London Gazette" under the provisions of the Merchant Shipping (Colonial) Act, 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as a certificate of competency as master for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to merchant shipping; and every person who having been engaged to serve as master of any ship, registered in Canada, over eighty tons register tonnage, and not over one hundred and fifty tons register tonnage, goes on any voyage described in this section after that date as such master without being at the time entitled to and possessed of such a certificate either of competency or of service for inland and coasting, or for sea-going or foreign-going ships, as hereinbefore required, or who employs any person as master of any such ship as aforesaid on any such voyage without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each such offence incur a penalty not exceeding *one hundred dollars*.

Masters of vessels between 80 and 150 tons to hold certificates after 1st April, 1875.

Penalty for contravention.

7. After the first day of April, which will be in the year of Our Lord One thousand eight hundred and seventy-five, no ship registered in Canada over one hundred and fifty tons register tonnage shall go from any port or place in Canada on a voyage to any other port or place in Canada, or to any port or place in the colony of Newfoundland or in the United States of America, unless the master and first mate or only mate thereof have obtained and possess valid certificates either of competency or service for inland and coasting ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries, or valid certificates of competency or service for sea-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Minister of Marine and Fisheries, or valid certificates of competency or service, for foreign-going ships, appropriate to their several stations in such ship, or of a higher grade, from the Board of Trade in the United Kingdom, or valid certificates of competency appropriate to their several stations in such ships, or of a higher grade, granted in any British Possession and declared by order of Her Majesty in Council published in the "London Gazette" under the provisions of the Merchant Shipping (Colonial) Act, 1869, or of any Act of the Parliament of the United Kingdom containing such provisions, to be of the same force as certificates of competency for foreign-going ships granted under the Acts of the Parliament of the United Kingdom relating to

Masters and mates of vessels over 150 tons to hold certificates after 1st April, 1875.

Penalty for
contravention.

merchant shipping ; and every person who having been engaged to serve as master, or first-mate or only mate, of any ship registered in Canada, over one hundred and fifty tons register tonnage, goes on any voyage described in this section after that date as such master or mate without being at the time entitled to and possessed of such a certificate, either of competency or service for inland and coasting or for sea-going or foreign-going ships as hereinbefore required, or who employs any person as master, first mate, or only mate of any such ship as last aforesaid on any such voyage, without first ascertaining that he at the time is entitled to and possessed of such certificate, shall for each offence incur a penalty not exceeding *one hundred dollars*.

Master's certificate to be produced to Officer of Customs before clearance of vessel between 80 and 150 tons.

8. After the first day of April, which will be in the year of Our Lord One thousand eight hundred and seventy-five the master of every ship registered in Canada, over eighty tons register, and not over one hundred and fifty tons register, shall produce to every officer of the Customs in Canada, to whom he applies for a clearance or for a *transire* coastwise for such ship, on any voyage from any port or place in Canada to any other port or place in Canada, or to any port or place in the colony of Newfoundland, or in the West Indies, or in the United States of America, or for a license for the season in respect of such ship, the certificate of competency or service, for inland and coasting ships, or other such certificate, which the said master is hereby required to possess ; and no officer of the Customs at any port in Canada shall clear any such ship or grant a *transire* coastwise for any such ship on any such voyage as aforesaid or grant a license for the season in respect of any such ship after that date without such certificate being first produced to him ; and if

Penalty for
contravention.

any master, mate, or other officer of any such ship attempts to sail, or take such ship from any port in Canada, on any such voyage as aforesaid, for which a clearance or a *transire* coastwise or a license for the season is required, after that date, until this requirement of this Act has been fully complied with, such master, mate, or other officer, shall, for every such offence incur a penalty not exceeding *one hundred dollars*.

Master and Mate's certificate to be produced to Officer of Customs before clearance of vessel over 150 tons.

9. After the first day of April, which will be in the year of Our Lord one thousand eight hundred and seventy-five the master of every ship registered in Canada, over one hundred and fifty tons register, shall produce to every officer of the Customs in Canada, to whom he applies for a clearance or for a *transire* coastwise for such ship, on any voyage from any port or place in Canada to any other port or place in Canada, or to any port or place in the Colony of Newfoundland or in the United States of America, or for a license for the season, in respect of such ship, the certificates of competency or service for inland and coasting ships, or other certificates, which the said master and his first mate, or only mate, are hereby required to possess ; and no officer of the Customs at any port in Canada shall clear any such ship or grant a *transire* coastwise for any such ship on any such voyage as aforesaid, or grant a license for the season in respect of any such ship after that date without such certificates being first produced to him ; and if any

Penalty for
contravention.

master, mate, or other officer of any such ship attempts to sail, or take such ship from any port in Canada, on any such voyage as aforesaid, for which a clearance or a *transire* coastwise or a license for the season is required, after that date, until this requirement of this Act has been fully complied with, such master, mate or

other officer, shall for every such offence incur a penalty not exceeding *one hundred dollars*.

10 When any master or mate proves to the satisfaction of the Minister of Marine and Fisheries that he has without fault on his part lost or been deprived of any certificate already granted to him under this Act, the Minister of Marine and Fisheries may, upon payment of one half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out and certified as aforesaid, and to be delivered to him.

Lost certificate may be replaced.

10 11. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person a certificate either of competency or service under this Act, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any such certificate or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled, or suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to or allows the same to be used by any other person, shall for each offence be deemed guilty of a misdemeanor.

Fraudulently obtaining or forging certificate a misdemeanor.

12. The Minister of Marine and Fisheries may suspend or cancel the certificate (whether of competency or service) of any master or mate who has received a certificate from such Minister under this Act in the following cases, (that is to say,) if upon any investigation made or authorized by him, such master or mate is found to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny, or it is found that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or if it is shown, to the satisfaction of the said Minister, that such certificate was granted on false or erroneous information.

Certificate may be suspended or cancelled in certain cases.

13. And every master or mate whose certificate is cancelled or suspended shall deliver it to the Minister of Marine and Fisheries or as he directs, unless he has already delivered it to any court or tribunal before whom his conduct was called in question in the course of the investigation upon which it is cancelled or suspended, and in default shall for each offence incur a penalty not exceeding *two hundred dollars*; and the Minister of Marine and Fisheries may at any subsequent time grant to any person whose certificate has been cancelled, a new certificate of the same or of any lower grade.

Such certificate to be given up.

New certificate.

14. A record of all certificates, whether of competency or service, granted under this Act, shall be kept in a bound book in the Department of Marine and Fisheries; and all documents purporting to be certificates granted by the Minister of Marine and Fisheries in pursuance of this Act, and to be signed by him, shall be received in evidence, and shall be deemed to be such certificates without further proof, unless the contrary be shown; and whenever notice of the cancelling, suspending, altering or otherwise affecting by competent authority any such certificate is received by the Department there shall thereupon be made a corresponding entry in the record of certificates; and a copy of any such certificate purporting to be certified by the Minister

Record of certificates.

of Marine and Fisheries, or his Deputy, shall be *prima facie* evidence as aforesaid of such certificate; and a copy purporting to be so certified as aforesaid of any entry made as aforesaid in respect of any such certificate shall be *prima facie* evidence of the truth of the matter stated in such entry. 5

Commencement of Act. 15. This Act shall come into operation upon, from and after the first day of January, One thousand eight hundred and seventy-five.

Exemption. 16. The following ships are exempt from the provisions of this Act:— 10

1. Ships carrying neither goods nor passengers for hire.
2. Ferry-boats, making more than one trip *per diem*.

33 V., c. 17,
not affected. 17. Nothing contained in this Act shall be construed to affect the provisions of the Act passed in the thirty-third year of Her Majesty's reign, chapter seventeen, intituled "An Act respecting 15
"certificates to Masters and Mates of Ships;" or to make a certificate under this Act sufficient for the master or mate of any sea-going ship to which the said Act applies on any voyage by sea to which the said Act extends.

BILL.

An Act respecting Certificates to Masters and Mates of Inland and Coasting Ships.

Received and read the first time, Tuesday, 5th May, 1874.

Second reading, Wednesday, 6th May, 1874.

Hon. Mr. SMITH (Westmoreland).

O T T A W A :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1874

An Act to define and extend the powers of the Canada Permanent Building and Savings Society, and to authorize the shareholders to change the name of the said Society.

WHEREAS the Canada Permanent Building and Savings Society by their petition have represented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada, in the ninth year of Her Majesty's reign, intituled: "An Act to encourage the establishment of certain societies, commonly called Building Societies, in that part of the Province of Canada formerly constituting Upper Canada," and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders and the extended character of their financial transactions, it is necessary that they should seek from Parliament further powers than those which the Acts above mentioned are authorized to confer; and whereas it would be for the public advantage, as well as for the convenience of the corporation, that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 5
10
15
1. The Directors of the said Society may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of the Society: Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of the Society upon a vote of two-thirds of the capital stock represented at such meeting.
- 20
2. No shareholder of the said Society shall be liable for or charged with the payment of any debt or demand due by the Society, beyond the extent of his shares in the capital of the Society not then paid up.
- 30
3. The said Society may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of the Society, to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the Society: Provided always that all borrowers from the Society shall be subject to all the rules of the Society in force at the time of their becoming borrowers, but not to any other rules.
- 35
4. The said Society may purchase mortgages upon real estate, debentures of municipal corporations, Dominion or Provincial stock or securities, and may re-sell all such securities as to the Society shall seem advisable, and for that purpose the Society may
- Preamble.
Directors may make by-laws.
Liability of shareholders limited.
Society may lend money to others than its members.
Investment of Society's funds.

execute such assignments or other instruments as may be necessary for carrying the same into effect; and may also make advances to any person or persons or body corporate upon any such securities at such rates of discount or interest as may be agreed upon.

5.

Repayment
and recovery
of money
advanced.

5. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate, and of such revenues, 10 rates, rents, tolls or profits as hereinafter mentioned; and the Society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on 15 the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

Money may
be received on
deposit.
Debentures
may be issued.

6. It shall be lawful for the said Society to receive money for 20 investment and on deposit, and also for the Board of Directors of the Society to issue debentures of the Society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable, and payable not less than one year from the issue thereof; and the paid-in and subscribed capital of the Society 25 shall be liable for the payment of such debentures, and for any amounts received for investment and on deposit by the Society: Provided always, that the amount of deposits held at any one time shall not exceed the amount of paid-up capital of the Society, and that the aggregate amount of money held for investment and on 30 deposit in the hands of the Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Society, and shall not exceed an amount equal to twice the amount of capitalized, fixed and permanent 35 stock in the Society not liable to be withdrawn therefrom. The debentures of the Society may be in the form of Schedule A. to this Act, or to the like effect.

Interest may
be demanded
in advance.

7. The said Society may and is hereby empowered to demand and receive in advance the half-yearly interest from time to time 40 accruing on any advances of money made by the Society under and by virtue of this Act.

Powers of
Directors.

8. The President, Vice-President and Directors of the said Society shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act 45 regulating the Society, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto and by the by-laws to be made for management of the Society; and the Directors shall and may lawfully exercise all the powers of the Society, except as to such 50 matters as are directed by law to be transacted by a general meeting of the Society. The Directors may use and affix, or may cause to be used and affixed, the seal of the Society to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the 55

Seal of the
Society.

Calls.

respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of the Society, and enter into all contracts for the execution of the purposes of the Society, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the Society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Society as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age. They may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to the Society by the Parliament of Canada for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

9. It shall be lawful for the Directors of the said Society from time to time to appoint such and so many officers, solicitors and agents, either in Canada or elsewhere, and so many servants as they may deem expedient for the management of the affairs of the Society, and to allow to them such salaries and allowances as may be agreed upon between them and the Society; and, in addition to their powers heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Society, and for providing for the due management of the affairs of the Society in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others: Provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting the Society; and all by-laws of the Society shall be reduced to writing, and shall have affixed thereto the common seal of the Society; and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all courts of justice in Canada of such by-laws or extract from them, and that the same were duly made and are in force; and in any action or proceeding at law, criminal or civil, or in equity, it shall not be necessary to give any evidence to prove the seal of the Society; and all documents purporting to be sealed with the seal of the Society, attested by the President, Treasurer or Manager thereof, shall be held to have been duly sealed with the seal of the Society.

10. The said Society shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock, or to which any investment, deposit or any other moneys payable or in the hands of the Society may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society shall, from time to time, be sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt.

Member may
nominate a
successor.

11. A member of, or investor in, or depositor with the said Society, having a sum of money in the funds thereof not exceeding two hundred dollars, may, from time to time, nominate any person or persons (such person or persons being within the statute of distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing, and duly deposited with the Secretary or Manager of the Society; and upon receiving satisfactory proof of the death of the nominator, the Society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor; 5

Funds belong-
ing to intes-
tate member
to whom paid.

And if any member, investor or depositor with the Society under this Act having in the funds thereof a sum of money not exceeding two hundred dollars, shall die intestate and without making any such nomination, then the amount due shall be paid to the person who shall appear to the Society to be entitled, under the statute of distributions, to receive the same without taking out letters of administration, upon the Society receiving satisfactory evidence of death and intestacy, and that the person so claiming is entitled, as aforesaid: Provided that whenever the Society, after the decease of any member or depositor, has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the Society; but, nevertheless, such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. And in case of a sale of property mortgaged to the Society, any surplus over and above the amount due to the said Society and costs derived from sale under power of sale of any property mortgaged to the said Society where the mortgagor or his assigns shall have died intestate, shall be and is hereby declared to be personal property whether such sale took place before or after the death of the mortgagor or person entitled to the equity of redemption; except that, in all cases, the widow of the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the Society shall have the like powers as to paying such surplus over without probate, as is conferred by this Act upon the Society in case of depositors and members dying intestate. 10 15 20 25 30 35 40

Proviso.

And as re-
spects pro-
ceeds of sale
under mort-
gages.

Security to be
given by
officers.

12. Every officer of the said Society, or other person appointed by the Directors thereof to any office in anywise concerning the receipt of money for the performance of any other service shall, upon being required by the Directors, furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office, according to the rules of the Society. 45

Operations
extended.

13. The said Society may exercise all the powers appertaining thereto in any Province of the Dominion of Canada. 50

Name may
be changed.

14 It shall be lawful for the said Society, by by-law to be passed in accordance with the provisions of the first section of this Act, to change the name of the Society from that of the "Canada Permanent Building and Savings Society," to such other name as may be specified in such by-law, which change shall take effect and shall be held to be effectual to all intents and purposes from and 55

after a day to be therein specified : Provided that the Directors of the Society shall advertise the change of name in the *Canada Gazette*, and in a newspaper published in the City of Toronto, once a week for one month previous to the change taking effect.

5 15. Upon the said change taking effect, the said Society and all its then members, their successors and assigns for ever shall thenceforth be and be held to be constituted, and shall continue to be a body politic and corporate under the name specified in such by-law, having its principal place of business in
10 the City of Toronto: and, under that name, shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

Effect of such change.

16. The said Society, under its new name, shall not be deemed to be a new corporation, but it shall have, hold and continue to
15 exercise all the rights, powers and privileges that shall previously to such change have heretofore been held, exercised and enjoyed by the said "Canada Permanent Building and Savings Society" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions
20 applicable to the said Society shall continue applicable to the said Society under its new name, so far as the same are not contrary to or inconsistent with the provisions of this Act.

Not to be a new corporation.

17. All real and moveable property, shares or stock, obligations, debts, rights, claims and privileges of the said "Canada Permanent
25 Building and Savings Society" shall, from the time such change shall take effect, be held by and vested in the said Society under its new name, and all the shareholders in the said Society shall from such time continue shareholders in all respects as before such change of name, but all legal proceedings heretofore regularly
30 begun by or against the "Canada Permanent Building and Savings Society" may be continued and terminated under the name or style of cause in which they have been instituted.

Property and liabilities vested in Society under new name.

18. The then existing President, Vice-President, Directors and officers of the said "Canada Permanent Building and Savings
35 Society" shall continue in office as such in the said Society under its new name, until replaced in conformity with the by-laws of the corporation.

Officers continued.

19. All the then existing by-laws and rules of the said
40 "Canada Permanent Building and Savings Society" shall continue in full force and effect, and shall be binding in law as regards the said Society under its new name, its Directors, officers, shareholders and borrowers until modified, amended or repealed in conformity with the provisions of this Act.

By-laws continued.

20. Sections twenty, twenty-two, thirty-eight and forty-two
45 of chapter fifty-three of the Consolidated Statutes for Upper Canada, together with all other Acts or parts of Acts inconsistent with this Act, or making any provision in any matter provided for by this Act, shall be and are hereby repealed, but in so far only as the same relate to the Canada Permanent Building and Savings
50 Society.

Inconsistent enactments repealed.

SCHEDULE A.

Debenture No. Transferable \$ Society
 Under the authority of an Act of the Parliament of Canada,
 Vic., chapter
 The President and Directors of the Society
 promise to pay to , or bearer the sum of
 dollars, on the day of
 in the year of Our Lord One thousand eight hundred and
 at the Treasurer's office here; with interest at the rate of per
 cent. per annum, to be paid half-yearly, on presentation of the proper
 coupon for the same as hereunto annexed, say on the
 day of , and the day of
 in each year, at the office of the Treasurer here (or their agents
 in) Dated at Toronto, the day of
 , 18 .
 For the President and Directors of the Society.
 C. D. A. B.
 Secretary.

COUPON.

No. 1 \$ half-yearly
 dividends due , of 18 , on Debenture No.
 , issued by this Society on the day of
 , 18 , for \$, at per cent. per annum,
 payable at the office of the Treasurer, Toronto (or at the Society's
 agents).
 For the President and Directors.
 C. D. A. B.
 Secretary.

BILL.

An Act to define and extend the power
 the Canada Permanent Building
 Savings Society, and to authorize
 shareholders to change the name of
 said Society.

Received and read, first time, Wednesday
 May, 1874.

Second reading, Thursday, 7th May, 1874.

(PRIVATE BILL.)

Mr. Mc

O T T A W A :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau

1874.

105

105

An Act to amend the Act incorporating the British America Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company;

WHEREAS the British America Assurance Company have petitioned for certain amendments to their charter, and other acts affecting the same, and that their powers may be extended thereunder, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. So much of the eighteenth section of the Act of Incorporation of the said Company, as relates to investments by the said Company, shall be and is hereby repealed; and from and after the passing of this Act, it shall be lawful for the said Company to invest the capital stock funds and money of the said Company, temporarily, or otherwise, in Dominion, Provincial, Municipal and Foreign Securities, in bonds and mortgages, and the stocks of the incorporated monied institutions of the Dominion of Canada.

2. To enable the Company to extend their business to parts abroad, as contemplated by the Act of Incorporation, it shall be lawful for the said Company to make deposits of money or securities there in compliance with the laws of the country, state or states wherein it may be desirable to carry on their business of assurance.

3. So much of the 5th section of the 35th Vict., chap. 98, amending the said Act of Incorporation as relates to the calls to be made upon additional stock in the Company issued and allotted under the provisions of the said last mentioned section, shall be and is hereby repealed; and it shall be lawful for the Directors of the said Company to call in such additional stock in such amounts and at such periods as the Board of Directors for the time being may from time to time limit and direct.

4. The 14th section of the said Act of Incorporation and so much of the 3rd section of the 35th Victoria, chap. 98 above mentioned, as relates to a Director of the said Company accepting the office of and acting as a Director in any other insurance company or association, shall be and are hereby repealed.

An Act to amend the Act incorporating the British
American Assurance Company and other Acts affect-
ing the same, and to extend the powers of the said
Company.

WHEREAS the British American Assurance Company have
petitioned certain amendments to their charter, and
other amendments to their laws, powers, and other
provisions thereof, and it is expedient to grant the prayer of the
said petition: Therefore Her Majesty by and with the advice
and consent of the Senate and House of Commons of Canada
enacts as follows—

1. Inasmuch as the objects of the said Act of Incorporation
of the said Company are to be carried out, and from and after the
said Act shall be in force, and the said Company to be
incorporated, it is enacted that the said Company be
vested with all the powers and authority of the said Company, and
that the said Company be authorized to borrow money, and to
pledge its credit, and to mortgage its property, and to
do all such other things as may be necessary for the
purpose of carrying out the objects of the said Act of Incorporation.

2. It is enacted that the said Company be authorized to
do all such other things as may be necessary for the
purpose of carrying out the objects of the said Act of Incorporation,
and that the said Company be authorized to do all such other things
as may be necessary for the purpose of carrying out the objects of
the said Act of Incorporation.

3. It is enacted that the said Company be authorized to
do all such other things as may be necessary for the
purpose of carrying out the objects of the said Act of Incorporation,
and that the said Company be authorized to do all such other things
as may be necessary for the purpose of carrying out the objects of
the said Act of Incorporation.

4. It is enacted that the said Company be authorized to
do all such other things as may be necessary for the
purpose of carrying out the objects of the said Act of Incorporation,
and that the said Company be authorized to do all such other things
as may be necessary for the purpose of carrying out the objects of
the said Act of Incorporation.

An Act to incorporate "The Ottawa Loan and Investment Company."

WHEREAS William Ralph Bell, William White, William Pennock, James Fraser, Alexander S. Woodburn, Richard Austin Bradley and Frederic Wright propose to establish a Joint Stock Company, and have petitioned for an Act of incorporation for the said Company: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. William Ralph Bell, William White, William Pennock, James Fraser, Alexander S. Woodburn, Richard Austin Bradley, and Frederic Wright and all and every other person and persons, body and bodies politic who shall, from time to time, be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be united into a Company, according to the powers and authorities, rules, orders and regulations hereinafter set forth or referred to, and shall be one body politic and corporate, by the name of "The Ottawa Loan and Investment Company;" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name may sue and be sued, plead and be impleaded in all courts, whether at law or equity whatsoever.

Certain persons with their associates incorporated.

Corporate name and general powers.

2. The said above named persons shall be the Provisional Directors of the Company, and shall hold office as such until Directors of the Company are elected as hereinafter provided.

Directors.

3. The Company are hereby empowered to lay out and invest their capital in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may from time to time be deemed necessary, in the manner and for the purposes hereinafter mentioned, that is to say: the Company may, from time to time, lend and advance money by way of loan, investment or otherwise, on the security of real estate or of the public securities of the Dominion of Canada, or of the debentures of any corporation issued under any statutory authority, or of the stock or shares of any incorporated bank in the Dominion, or of chattel mortgages, bills of exchange and promissory notes or other securities, real or personal, for such periods and upon such terms and conditions as to the Company shall seem satisfactory or expedient, with power to do all acts that may be necessary for the advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced for the observance and fulfilment of any conditions annexed to such advances, or any forfeiture of any term or delay of payment consequent on the non-

Powers and business of the Company.

May make loans of money and on what security, etc.

fulfilment thereof, and to give receipts and acquittances and discharges for the same, either absolutely and wholly or partially; and for all and every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and powers whatsoever in the opinion of the Directors of the Company requisite or expedient to be done or exercised in relation thereto. 5 10

Company may lend money and recover the same either on their own behalf or as agents for others.

4. The Company are hereby empowered to act as an agency association; and, either on their own behalf or for the interest and on behalf of others who shall entrust them with money for that purpose, to lend and advance money to any person or persons, or any body or bodies corporate, whomsoever, or to any municipal or other authority, or any board or body of trustees or commissioners whatsoever, on any security real or personal, or both, and upon such terms as to the Company shall appear satisfactory, and to purchase mortgages, debentures of municipal or other corporations, the stock of incorporated banks, bills of exchange and promissory notes and other securities or evidences of debt, and the same to re-sell as they may deem advisable, and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect; and the conditions of any such loans and advances hereinbefore authorized, may be enforced by the Company for their benefit or for the benefit of the person or persons or corporation for whom such money has been lent and advanced; and the Company shall have the same powers in respect of such loans and advances as are conferred upon them in respect of loans or advances made from their own capital; and they may also guarantee either the re-payment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every and any of the foregoing purposes may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to and exercise all acts whatsoever in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto. 15 20 25 30 35 40

May guarantee repayment if they see fit.

Borrowing powers of the Company.

5. The Directors may from time to time, with the consent of the Company, in general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may, for that purpose, make and execute any mortgages, bonds, or other instruments, under the common seal of the Company, for sums of not less than one hundred dollars each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors may deem expedient: Provided, that the aggregate of the sum or sums so borrowed shall not, at any time, exceed the amount of the subscribed capital of the Company, for the time being, not paid up; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted. 45 50 55

Securities to be given by them.

Total amount to be borrowed limited.

6. It shall be lawful for the said Company to receive money on deposit for such periods and at such rate of interest as may be agreed on : Provided, that the aggregate amount of such deposits, together with the amount of the mortgages, bonds or other instruments given by the Company remaining unpaid, shall not at any time exceed the amount of the subscribed capital stock of the Company.
7. The Company may hold such real estate as may be necessary for the transaction of their business not exceeding in yearly value the sum of ten thousand dollars in all, or as being mortgaged or hypothecated to them, may be acquired by them for the protection of their investment, and may from time to time, sell, mortgage, lease or otherwise dispose of the same : Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt, within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.
8. The Company may stipulate for, and may demand and receive in advance, the interest from time to time accruing on any loans granted by the Company ; and may also receive payment on any loans, by way of a sinking fund, for the gradual extinction of such loan, upon such terms and in such manner as may be regulated by the by-laws of the Company, and may require from the borrower the payment of the expenses incidental to any loan, either at the time the loan is advanced, or give such time for payment of the same as they may be advised, and may add the same to the principal or interest secured by any mortgage or other security securing the loan.
9. A register of all securities held by the Company shall be kept ; and within fourteen days after the taking of any security, an entry or memorial specifying the nature and amount of such security and the names of the parties thereto, with their proper additions, shall be made in such register, and such register may be perused at all reasonable times by any of the members, or by any person interested in any such security without fee or reward.
10. The capital of the Company shall be two hundred thousand dollars, in shares of fifty dollars each ; but it shall be lawful for the said Company, by a resolution passed at any general meeting of the shareholders, to increase the capital stock from time to time, as may be deemed expedient, to any sum not exceeding the sum of five hundred thousand dollars, and to raise the amount of the said new stock, either by distribution amongst the original shareholders or by the issue of new shares, or partly in one way and partly in the other, and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing or otherwise, as the original stock.
11. All shares in the capital of the Company shall be personal estate and transmissible as such.
12. No member of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Power to receive money on deposit.
Proviso.

Power to hold land for the transaction of their business or taken in satisfaction of debt.
Proviso : the latter to be sold within a certain time.

Company may demand and receive interest in advance.

Expenses may be added to principal.

Register of mortgages and bonds open to parties interested

Capital and number of shares.

Shares to be personal estate.

Extent of liability of shareholders.

- Register of shareholders. **13.** The Company shall keep, in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars: the names and addresses and the occupations (if any) of the members of the Company, and the number of shares held by such members, and the amount paid or agreed to be considered as paid on the shares of each member. 5
- Who to be deemed members. **14.** Every person who agrees to become a member of the Company, and whose name is entered on the register of members, shall be deemed to be a member of the Company. 10
- Register to be deemed evidence. **15.** The register of members shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.
- Company not bound to regard trusts on stock. **16.** Notice of any trust, expressed, implied or constructive, shall not be entered on the register, nor shall any such notice in any way affect the Company. 15
- Allotment of shares. **17.** Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the register of members in respect thereof accordingly. 20
- Certificate of shares. **18.** Every member of the Company shall, on payment of twenty cents, or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him and the amount paid up thereon; and, on evidence to the satisfaction of the Directors being given that any such certificate is worn out, destroyed or lost, it may be renewed on payment of the sum of twenty cents, or such less sum as the Directors shall prescribe; such certificate shall be *prima facie* evidence of the title of the member therein named to the share or shares therein specified. 25
- Renewal of certificates. 30
- Joint shareholders. **19.** If any share stands in the name of two or more persons, the first-named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices and all other matter connected with the Company (except transfer), be deemed the sole holder thereof;—no share in the Company shall be subdivided. 35
- Power to make calls. **20.** The Directors may from time to time make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit: Provided, that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same, but no call shall exceed the amount of five dollars per share, and a period of three months at the least shall intervene between two successive calls. 40
- Notice: calls limited. 45
- Liability to pay calls. **21.** Each member shall be liable to pay the amount of any call so made upon him to such person, and at such time and place as the Directors shall appoint.

22. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten per cent per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Interest on calls due and unpaid.

23. The Directors may, if they think fit, receive from any member willing to advance the same, all or any part of the amounts due on the shares held by such member, beyond the sums then actually called for and upon the moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate per annum as the member paying such sum in advance and the Directors shall agree upon.

Payment in advance.

Interest may be allowed.

24. There shall be a book called the "Register of Transfers" provided; and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

Register of transfers.

25. No transfer of shares shall be made without the consent and approval of the Directors.

Consent of Directors requisite.

26. Every instrument of transfer of any share in the Company shall be executed by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share and a member of the Company in respect thereof, until the name of the transferee shall be entered in the Register of members in respect thereof.

Execution of transfer.

27. Shares in the Company shall be transferred in the form in the Schedule (A.) to this Act annexed.

Form of transfer.

28. The Directors may decline to register any transfer of shares belonging to any member who is indebted to the Company.

Arrears must be first paid.

29. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request in writing, in that behalf, signed by him, (his signature being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member

Bankruptcy, marriage of female members, etc.

30. Any transfer of the share or other interest of a deceased member made by his personal representative shall, notwithstanding such personal representative may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer.

Transfer by personal representative.

31. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-pay-

Liability to forfeiture for non-payment of calls.

- ment, and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares, in respect of which such call was made, will be liable to be forfeited. 5
- Notice.**
- Forfeiture of share.** 32. If the requisitions of any such notice are not complied with, any share, in respect of which such notice has been given, may, at any time thereafter, before payment of all calls, interest and expenses due in respect thereof, be forfeited by a resolution of the Directors to that effect. 10
- Disposal of forfeited share.** 33. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted or otherwise disposed of, upon such terms, in such manner and to such person or persons as the Company shall think fit. 15
- Liability to payment of arrears.** 34. Any member, whose shares shall have been forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture. 20
- Evidence of forfeiture.** 35. A declaration in writing, by the Secretary or Manager of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share; and such declaration, and the receipt of the Company for such price of such share, shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the register of members in respect thereof, and he shall not be bound to inquire or see to the application of the purchase-money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale. 25 30 35
- Transfer by Company to party purchasing forfeited share.**
- Fee on transfers.** 36. There shall be paid in respect of every transfer or transmissions of shares, such a fee not exceeding fifty cents as the Directors shall from time to time prescribe.
- Reservation of shares.** 37. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them from time to time as and when they shall think proper. 40
- Issue of reserved shares to present members in proportion to their stock.** 38. The shares which may be so reserved by the Directors shall be offered to the members in proportion to the existing shares held by them; and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and, after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company. 45 50

39. When and so soon as one hundred thousand dollars of the capital stock shall have been subscribed, and ten per cent of the amount so subscribed paid in, the Provisional Directors of the said Company may call a general meeting of shareholders at some place to be named, in the City of Ottawa, giving at least twenty days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said City; at which general meeting, the shareholders present in person or by proxy shall elect seven Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in September in the year following their election.

Amount of capital stock to be subscribed and paid in before transaction of business.

40. The business of the Company shall be managed by seven Directors, one of whom shall be chosen President and one Vice-President, who, except as is hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, and shall be elected at the annual general meeting of shareholders, to be holden at the City of Ottawa, on the first Wednesday in September in each year or such other day as may be appointed by by-law—not less than twenty days' notice of such meeting being given in the manner provided by the next preceding section; and the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due, and all such elections shall be by open vote, and the seven persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen as Directors, then the Directors who shall have a greater number of votes or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect one of their number to be the President and one to be the Vice-President, and if any vacancy should at any time happen amongst the said Directors by death, resignation, removal or disqualification during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them, electing in such place or places a shareholder or shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, stock in the said Company to the amount of twenty shares (whereof at least ten per cent. shall have been paid in) and shall have paid all calls made upon his stock and all liability incurred by him to the Company.

Notice of general meeting and election of Directors.

41. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being: And the Directors in office shall so continue until a new election is made.

If election not held on day appointed, may be held on another day named by Directors.

Voting at
general meet-
ings.

42. At all meetings of the Company, every member shall be entitled to one vote for each share possessed by him upon which all calls then due have been paid: and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes. 5

Powers of
Directors to
make and alter
by-laws.

43. The Directors shall have full power and authority to make and, from time to time to alter such by-laws, rules, regulations and ordinances, not contrary to law or the provisions of this Act, as shall appear to them proper and needful for the well ordering of the Company, the management and disposition of its stock, property, estate and effects, the calling of ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors, the making of calls upon the subscribed capital, the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the compensation of Directors and for the conduct in all other particulars of the affairs of the Company; Provided always, that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting. 15 20 25

Certified
copies of by-
laws, etc., to
be received as
prima facie
evidence,
without fur-
ther proof.

44. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company certified to be a true copy or extract, under the hand of the President, or a Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal. 30

What shall
form a quorum

45. At all meetings of Directors, four shall form a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his own vote as Director. 35

Validity of
act of Di-
rectors.

46. The acts of the Directors, or of any committee appointed by the Directors, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Director or member of any such committee, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director. 40 45

Indemnity to
Directors.

47. Every Director of the Company and his heirs, executors and administrators, and estate, and effects respectively shall, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever, which he shall or may sustain or incur in or about any action, suit, or proceeding, which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter, or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; 50 55

and also from and against all other costs, charges and expenses, which he shall sustain or incur, in or about or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default. Except as to wilful neglect or default.

- 5 **48.** Every Director of the Company and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-Directors or any or either of them, but each of them for Directors answerable for their own acts only.
- 10 his own acts, deeds and defaults only, nor shall the Directors be answerable collectively or individually for acts or defaults of any person or persons who may be appointed under and by virtue of the by-laws, rules and regulations of the Company for the time being in force or otherwise, to collect or receive any moneys payable to the Company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may from time to time be purchased, taken or leased, or otherwise acquired by order of the Directors, or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Not liable for persons acting under them.
- 15 Director, or in relation thereto unless the same shall happen through his own wilful neglect or default. Insufficiency of security, etc.
- 20
- 25
- Exception as to a wilful default.

- 49.** The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, that is to say: there shall, in the first place, be set apart for the purpose of forming a reserve fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two-and-a-half per centum upon the net profits of the business of such year as the Directors shall from time to time think fit, and the residue of such profits shall be divided amongst the members, and in such manner as the Directors, with the sanction of the Company in general meeting, shall determine. Division of profits of Company.
- 30
- 35

50. The Directors may, from time to time, invest the sum set apart as a Reserve Fund on such good and convertible securities as they in their discretion may select. Investment of reserved funds

- 40 **51.** The Company shall not make any dividend whereby their capital stock will be in any degree reduced. Dividend not to reduce capital.

52. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise. Deductions of calls out of dividends.

- 45 **53.** Notice of any dividend that may have been declared shall be given to each member; and no dividend shall bear interest against the Company. Notice of dividend.

- 54.** The Company shall have its chief office in the City of Ottawa, and they may establish such other offices and agencies elsewhere in the Dominion of Canada as they may deem expedient. Chief office in Ottawa. Agencies elsewhere.
- 50

- Authentication of notices by the Company.** 55. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Manager, Secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print. 5
- Service of notices on Company.** 56. Any summons, notice, order or other document required to be served upon the Company, may be served by leaving the same at the said office in Ottawa with any grown person in the employ of the Company. 10
- Service of notices by the Company.** 57. Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post in prepaid letters, addressed to the members at their registered places of abode.
- Notices to members sent by post.** 58. A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. 15 20
- Notices to joint shareholders.** 59. All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of members; and notice so given shall be deemed sufficient notice to all the proprietors of such share. 25
- Notices binding on transferees.** 60. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice which previously to his name and address being entered upon the register of members in respect of such share, shall have been given to the person from whom he shall derive his title. 30
- Appointment and election of Directors and Officers to be subject to by-laws.** 61. The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company and of the Directors shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company and of the Directors shall have such powers, privileges and authorities as may be set forth and directed in and by laws of the Company, passed from time to time at any general meeting of the Company. 35 40
- Declaration in actions against members.** 62. In any action to be brought by the Company against any member to recover any money due by him in his character as member for any calls, or on any account, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a member of the Company, and is indebted to the Company in respect of one call or more, or other money due, whereby an action hath accrued to the Company by virtue of this Act. 45 50

63. On the trial of any such action for the recovery of money due for a call, it shall be sufficient to prove that the defendant at the time of the making of such call was a member of the Company, and that such call was in fact made, and such notice thereof given, 5 as is 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; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.
- 10 64. Notwithstanding anything in this Act contained, every deed which any person lawfully empowered in that behalf by the Company as their attorney, signs on behalf of the Company, and seals with his seal, shall be binding on the Company, and have the same effect as if it was under the common seal of the Com- 15 pany.

What matters
only need be
proved in ac-
tion for calls.

Acts of Com-
pany's agents
valid.

SCHEDULE A.

INSTRUMENT OF TRANSFER OF SHARE.

The Ottawa Loan and Investment Company.

I, (A. B.,) of _____, in consideration of the sum of \$ _____ paid to me by (C. D.,) of _____, do hereby transfer to the said (C. D.,) _____ share (s) now standing in my name in the books of the above-named Company, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same; and I, the said (C. D.,) do hereby accept the said share (or shares) subject to the conditions aforesaid and agree to become a member of the said Company: As witness our respective hands this _____ day of _____, one thousand eight hundred and _____

A. B.

C. D.

Signed by the above named A. B. and C. D. respectively in the presence of _____ (N. O. with description and address).

No. 106.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate "The Ottawa Loan
and Investment Company."

Received and read, first time, Thursday, 7th
May, 1874.

Second reading, Friday, 8th May, 1874.

(PRIVATE BILL.)

Hon. Mr. CAMERON (South Ontario.)

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to attach the Village of Richmond Hill to the Electoral District of the West Riding of the County of York.

WHEREAS the Village of Richmond Hill, which has been lately incorporated, is situated partly in the Electoral District of the West Riding of the County of York, and partly in the Electoral District of the East Riding of the said County; and whereas, the Corporation of the said Village, has, by petition, prayed that the said Village may be attached to the Electoral District of the West Riding of the County of York; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. From and after the passing of this Act, the incorporated Village of Richmond Hill shall, for purposes of elections to the House of Commons of Canada, be attached to and form part of the Electoral District of the West Riding of the County of York.

Preamble. 7
Richmond Hill
to be part of
W.R. of York.

No. 107.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to attach the Village of Richmond
Hill to the Electoral District of the West
Riding of the County of York.

Received and read, first time, Thursday, 7th
May, 1874.

Second reading, Friday, 8th May, 1874.

Mr. BLAIR.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the Great North West Railway Company.

WHEREAS the construction of a Railway from a point on the shore of Lake Superior at Thunder Bay to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport, would be of general benefit to the Dominion: And whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Noah Barnhart, of Toronto, produce merchant, Adolph Hugel, of Port Hope, railway manager, Adam Oliver, of Ingersoll, lumber merchant, Nathaniel Dickey, of Toronto, foundryman; Joseph Davidson, of Toronto, lumber merchant, Frederick W. Cumberland, of Toronto, railway manager, John J. Vickers, of Toronto, express agent, H. Lloyd Hime, of Toronto, land agent, Peter Johnston Brown, of Ingersoll, Esquire, John L. Cook, of Toronto, lumber merchant, John Gordon, of Toronto, merchant, Robert Hay, of Toronto, merchant, Adam Brown, of the City of Hamilton, merchant, J. M. Williams, of the City of Hamilton, Esquire, James King, of Ingersoll, Esquire, Thomas Marks, of Prince Arthur's Landing, merchant, and John Leys, of Toronto, barrister-at-law, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Great North West Railway Company."

Certain persons incorporated.

Corporate name.

2. The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of such width of gauge as the Company may think fit, from a point at Thunder Bay on the shore of Lake Superior to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport.

Company may build a railway.

3. Notwithstanding anything contained in section nine of the *Railway Act*, 1868, the said Company may acquire land and water-lot property at not exceeding acres, and may acquire under the provisions in that behalf of the said *Railway Act*, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snowdrift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such

May acquire land for snow-drift fences.

lands, as also the powers of the said Company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said Railway Act respecting lands and their valuation.

Provisional directors.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act*, 1868, are vested in ordinary Directors.

Their powers.

Capital stock and shares.

5. The capital stock of the said Company shall be three million dollars (with power to increase the same in manner provided by the *Railway Act*, 1868,) to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

Ten per cent. to be paid up.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Company may receive grants.

7. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the construction, equipment and maintenance of the said railway, bonuses loans or gifts of money or securities for money.

First general meeting.

8. When and so soon as shares to the amount of three hundred thousand dollars in the capital stock of the Company have been subscribed and ten per centum thereon has been paid, the Provisional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the eleventh section, of the time, place and purpose of the said meeting.

Business at such meeting

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a

quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the *Railway Act, 1868*.

10. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon. Qualification of director.

11. Thereafter the general annual meeting of the shareholders of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of Toronto. Annual general meetings.

12. Special general meetings of the shareholders of the said Company may be held at places in the City of Toronto, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company. Special general meetings.

13. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum paid thereon. Directors may issue bonds.

14. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bond-holders. To be preferential charge on the property of the company.

15. If the said Company shall make default in paying the principal or interest of any of the bonds hereby authorized, at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless Rights of bondholders if interest is not paid.

Proviso.

the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company; and for that purpose the Company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the right given by this section, shall not take away, limit, or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso.

Transfer of bonds, debentures, &c.

16. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery; and any holder of any such bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Shareholders to have equal rights.

17. All shareholders in the said Company whether British subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office as Directors in the said Company.

Company may become parties to promissory notes.

18. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on the said Company; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President, or Vice-President, or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted: Provided however, that nothing herein contained shall be construed to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

Calls on shares

19. The Directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given.

Running arrangements.

20. The said Company shall have power to make running arrangements with any railway lines in the Dominion of Canada

situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

5 **21.** It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Great North West Railway or any part thereof, or the use thereof, or for the leasing or hiring 10 any locomotives, tenders, plant, rolling stock or other property of either, or both or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a 15 special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby empowered to 20 exercise all the rights and privileges in this charter conferred.

Line may be leased and agreement made with other companies.

22. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such 25 proof of execution as is required under the registry laws of the Province in which the lands may be situate; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Conveyance of land.

30 **23.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way 35 thereto, if the same be separated from their railways, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient; and may also make use of, for the purpose of the said railways, the water of any stream or watercourse over or near which the said railway passes, doing however 40 no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner 45 provided by the section of the *Railway Act* 1868, respecting "lands and their valuation."

Land for gravel pits and stations.

24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of such rivers or lakes as are in the preceding section 50 referred to, or which may be in or near the route of the railway, a bridge or bridges when the same shall be necessary for the purposes of the railway; but this shall not apply to navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

Telegraph line

Company may build and use vessels.

25. The Company may also build, purchase, acquire, lease or possess, work and operate steam and other vessels in any lakes, rivers, or other navigable waters, as they may deem proper and expedient in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite.

Limitation of Act.

26. The Railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE.

Know all men by these presents that I (or we) (insert also the name of wife or any other person who may be a party,) in consideration of _____ dollars to me (or as the case may be) by the Great North West Railway Company.

the receipt whereof is hereby acknowledged do grant, and I the said _____ do grant and release (or) do bar my dower in (as the case may be) all that certain parcel (or) those certain parcels (as the case may be) of land situate (describe the land) the same having been selected by the said Company for the purposes of their railway, to hold, with the appurtenances thereof unto the said Great North West Railway Company, their successors and assigns.

As witness my hand and seal (or our hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, } A. B. L. S.
in the presence of }

An Act to amend the Act incorporating the Quebec
Frontier Railway Company.

WHEREAS the Quebec Frontier Railway Company, incorporated by the Act of the Dominion of Canada passed in the thirty-fifth year of Her Majesty's Reign, chapter eighty one, have by their petition prayed to have their Act of Incorporation amended, and further powers conferred upon them: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The ninth section of the said Act is hereby amended, by inserting after the words "A majority of the Directors," the words "elected by ballot;" and by substituting for the words "twenty shares," the words "ten shares." Preamble.
35 Vict., c. 81
Section 9 amended.
2. The tenth and eleventh sections of the said Act are hereby repealed, and the following provision is substituted in lieu thereof:— Sections 10 and 11 repealed.
- 15 "Any municipal council of a local municipality which has given, either directly by its own by-law, or through the by-law of the county council, a bonus in aid of said railway or its branches, amounting to not less than five thousand dollars shall be entitled, during the construction of the said Railway and its branches, but not afterwards, to appoint a person annually to be an *ex-officio* Director of the Company, and such person shall be a Director of the Company in addition to all other Directors authorized by said Act, or by the general railway or any other Act; but such municipality shall incur no liability by the appointment of such Director." New Section.
3. The fifteenth section of said Act is hereby repealed, and the following is substituted in lieu thereof:— Section 15 repealed.
15. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures, which shall be and from the first charge on the undertaking, land, buildings, tolls and income of the Company, or any, either, or all of them, as may be expressed by the said bonds or debentures; and such bonds or debentures shall be in such form, and for such amount, and payable at such times and places as the Directors may from time to time appoint and direct. The said bonds or debentures shall be signed by the President or Vice-President, and shall have the corporate seal of the Company affixed thereto: Provided that the amount of the said bonds or debentures shall not exceed thousand dollars per mile, to be issued in proportion to the length of the said railway under contract or to be constructed under and by virtue of this Act; but no such debentures shall be for a less sum than one hundred dollars." New Section.
4. This Act and the Act hereby amended shall be construed as one and the same Act. Act to be one with amended Act.

No. 109.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the
Quebec Frontier Railway Company.

Received and read, first time, Thursday, 7th
May, 1874.

Second reading, Friday, 8th May, 1874.

(PRIVATE BILL.)

Mr. SCRIVER.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to extend the powers of the Dominion Telegraph Company.

WHEREAS the Dominion Telegraph Company have by their Preamble.
petition prayed that the powers of the Company may be
extended to the Maritime Provinces of the Dominion, and it is
expedient to grant the prayer of the said petition: Therefore Her
5 Majesty, by and with the advice and consent of the Senate and
House of Commons of Canada, enacts as follows:—

1. The powers, privileges and franchises conferred upon the
said Company in and by their Act of Incorporation (thirty-fourth
Victoria, chapter fifty-two), shall be and are hereby extended to
10 and may by the said Company be exercised and enjoyed in the
Provinces of New Brunswick, Nova Scotia and Prince Edward
Island, as fully and amply to all intents and purposes as if the
clauses and provisions granting the same had been herein set
forth at length, and extended and made applicable to the said
15 Provinces.

Powers of
Company
extended to
Maritime
Provinces.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to extend the powers of the
Dominion Telegraph Company.

Received and read, first time, Thursday, 7th
May, 1874.

Second reading, Friday, 8th May, 1874.

(PRIVATE BILL.)

Mr. Moss.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to extend the powers of the Farmers' and Mechanics' Loan and Savings Com; any.

WHEREAS the Farmers' and Mechanics' Loan and Savings Preamble.

Company by their petition have represented that they were incorporated under the authority of the Act intituled "*An Act respecting Building Societies,*" and chaptered fifty-three of 5 the Consolidated Statutes for Upper Canada and of the Act amending the same, and have, by their petition, prayed for a special Act of incorporation, and for power to issue debentures and for other powers; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the 10 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said The Farmers' and Mechanics' Loan and Savings Company continued. Company, and all its present members, their successors and assigns for ever are hereby constituted, and shall continue to be a 15 body, politic and corporate, under the name of the "Farmers Loan and Savings Company," having its principal place of business in the City of Toronto, and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

2. The said "Farmers' Loan and Savings Company" shall not 20 be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said "The Farmers' and Mechanics' Loan and Savings Company," in as full 25 and ample a manner as if the said "The Farmers' and Mechanics' Loan and Savings Company" had continued to exist under its original name; and all statutory provisions applicable to "The Farmers' and Mechanics' Loan and Savings Company" shall continue applicable to the said "Farmers' Loan and Savings 30 Company" so far as the same are not contrary to or inconsistent with the provisions of this Act. Not to be deemed a new corporation.

3. All the real and moveable property, shares or stock obliga- Property of old Company transferred. tions, debts, rights, claims and privileges of the said The Farmers' and Mechanics' Loan and Savings Company, shall be 35 and are hereby transferred to and vested in the said "Farmers' Loan and Savings Company," and all the shareholders in The Farmers' and Mechanics' Loan and Savings Company, aforesaid, shall be shareholders for like amounts and with like rights in the said "Farmers' Loan and Savings' Company," but all legal pro- 40 ceedings heretofore regularly begun by or against The Farmers' and Mechanics' Loan and Savings Company aforesaid, may be continued and terminated under the name or style of cause in which they have been instituted for the benefit of or against the said "Farmers' Loan and Savings Company."

Officers continued.

4. The present President, Vice-President, Directors and officers of the Farmers' and Mechanics' Loan and Savings Company aforesaid, shall continue in office as such in the "Farmer's Loan and Savings Company," until replaced in conformity with the by-laws of the "Farmers' Loan and Savings Company," and the provision of the law. 5

By-laws and rules continued.

5. All the present by-laws and rules of the Farmers' and Mechanics' Loan and Savings Company aforesaid, shall continue in full force and effect, and shall be binding in law as regards the said "Farmers' Loan and Savings Company," its Directors, officers, 10 shareholders and borrowers until modified, amended or repealed in conformity with the provisions of this Act.

Calling of special general meeting.

6. All special general meetings of the shareholders of "The Farmers' Loan and Savings Company" for any object relative to its business, shall be called by the President, Vice-President or 15 Manager on the order of the Board of Directors, or upon the written requisition of so many shareholders as hold one-fifth part of the paid-up shares of the said Company, by a notice inserted at least once a week, in one or more newspapers published in the City of Toronto, during the two weeks next preceding the day 20 fixed for such meeting, and a majority of the votes cast at such special general meeting or at any general meeting shall govern; each shareholder shall be entitled to one vote for each paid-up share held by him, and in respect of which no money has been 25 advanced by the Company.

Votes.

Adjournment, failure of election not to dissolve corporation.

7. Any general annual meeting may be adjourned by the shareholders present in person or by proxy, and if default should happen in the election of Directors at the time when the same should be elected, the Company shall not thereby be dissolved, but the Directors shall call a special general meeting for the purpose of 30 holding such election.

By-laws may be made and repealed.

8. The Directors of the said "Farmers' Loan and Saving Company" may, from time to time, alter, amend, repeal or create, any regulation, rule, or by-law, for the working of the said Company: 35 Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of the Company, upon a vote of two-thirds of the paid-up capital stock represented at such meeting.

Liability limited.

9. No shareholder shall be liable for or charged with the payment of any debt or demand due by the Company beyond the extent of his shares in the capital of the said Company not then paid up. 40

Company may lend money.

10. The said "Farmers' Loan and Savings Company" may lend money in conformity with the laws authorizing the establishment 45 of building societies in Canada, and with the by-laws of the said "Farmers' Loan and Savings Company" to any person or persons or body corporate, at such rates of interest as may be agreed upon without requiring any of such borrowers to become subscribers to the stock or members of the said "Farmers' Loan and Savings 50 Company": Provided always that all borrowers from the said "Farmer's Loan and Savings Company" shall be subject to all the rules of the said "Farmer's Loan and Savings Company" in force at the time of their becoming borrowers but not to any other rules.

Proviso.

11. The said "Farmers' Loan and Savings Company" may purchase mortgages upon real estate, debentures of municipal corporations, Dominion or Provincial stock or securities, and they may re-sell all such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; the said "Farmers' Loan and Savings Company" may also make advances to any person or persons or body corporate upon any such securities at such rates of discount or interest as may be agreed upon.

May purchase mortgages and other securities.

12. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per cent. per annum within such time as the said "Farmers' Loan and Savings Company" shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate and of such revenues, rates, rents, tolls, or profits as hereinafter mentioned; and the said "Farmers' Loan and Savings Company" may do all acts that may be necessary for advancing money and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

Repayment of advances.

13. It shall be lawful for the said "Farmers' Loan and Savings Company" to receive money on deposit, and also for the Board of Directors thereof to issue debentures for the said "Farmers' Loan and Savings Company," for such sums not being less than one hundred dollars, and in such currency as they may deem advisable, and payable not less than one year from the issue thereof; and the paid in and subscribed capital of the said "Farmers' Loan and Savings Company" shall be liable for the payment of such debentures and for any amounts received on deposit by the said Company: Provided always that the amount of deposits held at any one time shall not exceed the amount of paid up capital of the said Company, and that the aggregate amount of money deposits in the hands of the said Company, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by said Company, and shall not exceed an amount equal to twice the amount of capitalized, fixed, and permanent stock in said Company not liable to be withdrawn therefrom. The debentures of said Company may be in the form of Schedule "A" to this Act, or to the like effect.

May receive money on deposit and issue debentures.

Proviso, amount of deposits limited.

14. The said "Farmers' Loan and Savings Company" may and is hereby empowered to demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by said Company under and by virtue of this Act.

Interest may be received in advance.

15. The President, Vice-President, and Directors of the said "Farmers' Loan and Savings Company" shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating said Company; and they shall be subject to and be governed by such rules, regulations, and provisions as are herein contained with respect thereto and by the by-laws to be made for the management of said Com-

Powers of Directors.

pany ; and the Directors shall and may lawfully exercise all the powers of said Company, except as to such matters as are directed by law to be transacted by a general meeting of said Company. The Directors may use and affix, or may cause to be used and affixed, the seal of the said Company to any document or paper which in their judgment may require the same ; they may make and enforce the calls upon the shares of the respective shareholders ; they may declare the forfeiture of all shares on which such calls are not paid ; they may make any payments or advances of money they may deem expedient, which are or shall at any time be authorized to be made by or on behalf of said Company, and enter into all contracts for the execution of the purposes of said Company, and for all other matters necessary for the transaction of its affairs ; they may, generally, deal with, treat, sell, and dispose of the lands, property, and effects of said Company, for the time being, in such manner as they shall deem expedient and conducive to the benefit of such Company, as if the same lands, property, and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate but by any of Her Majesty's subjects, being of full age ; they may do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities which may hereafter be at any time granted to said Company by the Parliament of Canada, for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

Seal. 5

Calls.

Forfeiture. Payments. 10

Management of property. 15

General powers. 20

Appointment of Officers. 16. It shall be lawful for the Directors of the said " Farmers' Loan and Savings Company " from time to time to appoint such and so many officers, solicitors, and agents, either in Canada or elsewhere, and so many servants as they may deem expedient for the management of the affairs of said Company, and to allow to them such salaries and allowances as may be agreed upon between them and said Company, and, in addition to their powers heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents, and servants of said Company, and for providing for the due management of the affairs of said Company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others, provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting said Company ; and all by-laws of said Company shall be reduced to writing, and shall have affixed thereto the common seal of said Company, and any copy or extract therefrom, certified under the signature of the secretary or manager, shall be evidence in all courts of justice in Canada of such by-laws or extracts therefrom, and that the same were duly made and are in force, and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of said Company ; and all documents purporting to be sealed with the seal of said Company, attested by the President, Treasurer, or Manager thereof, shall be held to have been duly sealed with the seal of said Company. 30 35 40 45 50

By-laws.

To be in writing and sealed.

Extracts to be evidence.

Company not bound to see to trusts. 17. The said Company shall not be bound to see to the execution of any trust whether expressed, implied or constructive to which any share or shares of its stock or to which any deposits or any other moneys payable or in the hands of said Company may be 55

subject, and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Company shall from time to time be sufficient discharge to the Company for any payment of any kind, made in respect of such share or 5 shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not said Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

18. A member of or depositor with said Company, having a sum 10 of money in the funds thereof not exceeding hundred dollars may from time to time nominate any person or persons (such person or persons being within the statute of distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing, and duly deposited with the 15 Secretary or Manager of the Company; and upon receiving satisfactory proof of the death of the nominator, the Company shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor; and if any member or 20 depositor with said Company, under this Act, having in the funds thereof a sum of money not exceeding dollars, die intestate, and without making any such nomination, then the amount due shall be paid to the person who shall appear to said Company to be entitled under the statute of distributions to 25 receive the same without taking out letters of administration, upon said Company receiving satisfactory evidence of death and intestacy, and that the person so claiming is entitled as aforesaid: Proviso. Provided that whenever the said Company after the decease of any member or depositor has paid any such sum of money to the 30 person who at the time appeared to be entitled to the effects of the deceased, under the belief that he had died intestate without having appointed any nominee, the payment shall be valid and effective with respect to any demand of any other person as next of kin, or as the lawful representative of such deceased member or 35 depositor against the funds of said Company, but nevertheless such next of kin and representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same; and in case of a sale by said Company of property mortgaged to the said Company, any surplus over and 40 above the amount due to the said Company and costs, derived from sale under power of sale of any property mortgaged to said Company, where the mortgagor or his assigns shall have died intestate, shall be and is hereby declared to be personal property, whether such sale took place before or after the death of the 45 mortgagor or person entitled to the equity of redemption, except that in all cases the widow of the intestate shall be entitled to one third of such surplus absolutely in satisfaction of her dower and the said Company shall have the like powers as to paying such surplus over without probate or letters of administration as 50 is conferred upon said Company in case of depositors and members dying intestate.

Members and depositors may nominate successors.

Proviso in case member or depositor dies intestate.

Proviso.

Surplus, how disposed of, in case of sale.

19. Every officer or other person appointed to any office in 55 anyway concerning the receipt of money or for the performance of any other service, shall, upon being required by the Directors, furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Company.

Security to be given by Officers.

An Act to provide for compulsory voting at Elections of
Members of the House of Commons.

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

1. Every person entitled to vote and not excused from voting ^{Who must}
5 shall vote at every election of a Member of the House of Commons ^{vote.}
of Canada for the Electoral District in which he resides.
2. Any person who is ill and any person who is absent from the ^{Who excused.}
Electoral District in which he resides shall be excused from
voting.
- 10 3. Any person who violates the provisions of this Act shall ^{Penalty.}
forfeit the sum of *twenty* dollars.

No. 112.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for compulsory voting at
Elections of Members of the House of
Commons.

Received and read, first time, Friday, 8th
May, 1874.

Second reading, Monday, 11th May, 1874.

Mr. McDOUGALL, (Renfrew.)

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street
1874.

An Act to amend the Act incorporating the Bank of
Manitoba.

WHEREAS the Provisional Directors of the Bank of Manitoba, incorporated by an Act passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Bank of Manitoba," have by their petition represented that they were
5 unable to get a sufficient amount of stock subscribed to enable them to obtain from the Treasury Board, within the time limited by the said Act, the certificate necessary for their organization; but that they have reason to believe that the requisite amount of stock could now be taken up if an extension of time were allowed
10 them; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The eighth section of the said Act, intituled "An Act to incorporate the Bank of Manitoba," is hereby repealed.

15 2. The Bank of Manitoba shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking*," in default of which the Act hereby amended
20 shall become and be null and void, and of no effect; and the charter thereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

3. Notwithstanding anything contained in the section hereby repealed, the said Act of incorporation is hereby declared to be in
25 full force and effect, subject to the limitation contained in the second section of this Act.

No. 113.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the
Bank of Manitoba.

Received and read, first time, Friday, 8th May,
1874.

Second reading, Monday, 11th May, 1874.

PRIVATE BILL.)

Mr. D. A. SMITH
(Selkirk).

OTTAWA:

Printed and sold by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1874

An Act to incorporate the Central Canada Telegraph Company.

WHEREAS, Donald A. Smith, Charles J. Brydges, Marc A. Girard and Thomas Howard, have by their petition prayed

to be incorporated under the name of "*The Central Canada Telegraph Company*," for the construction of certain lines of telegraph in the Province of Manitoba and the North-West Territory to wit: from Winnipeg, eastward to the Lake of the Woods, and westward to the White Mud River and Fort Ellice, *via* the settlement of Portage la Prairie; and whereas such lines of telegraph are now urgently required as well by the exigencies of the Government service as by the business necessities of the settlers, it is expedient to grant the prayer of the said petitioners, and that the said persons and others who may be associated with them should be incorporated for the said purpose; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Donald A. Smith, Charles J. Brydges, Marc A. Girard, Thomas Howard, George Steven, Gilbert McMicken, Charles H. Haskins, and such other persons as may become shareholders in the Corporation to be by this Act created, shall be and they are hereby created, constituted and declared to be a corporation, body politic and corporate, by the name of "*The Central Canada Telegraph Company*," and the head office of the said Company shall be at the city of Winnipeg in the Province of Manitoba.

Certain persons incorporated.

Corporate name and head office.

2. The said Company shall have power to construct make or lay and operate a line of telegraph within and from the city of Winnipeg, in the Province of Manitoba, to the Lake of the Woods by the way of Lower Fort Garry, or by St. Boniface and the route known as the Dawson road, or by both routes, and also to construct another line from the said city to the White Mud River settlement and Fort Ellice *via* the settlement of Portage la Prairie.

Company may build telegraph.

3. The said Company may land, lay down, erect and maintain its line or lines of telegraph along the sides of and across any public highways, bridges, watercourses or other such places, or under any lakes, rivers or waters, and may enter upon any lands, waters or places and survey, set off, use, occupy and take such parts thereof as may be necessary for such line or lines of telegraph; and in case of disagreement between the Company and any owner or occupier of lands or water which the said Company may take or require to use for the purposes aforesaid, or in respect to any damage done to the same by constructing the line or lines under, through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third; and the decision on the matter

Powers of Company as to building telegraph.

Arbitration in case of disagreement.

in difference of any two of these shall be final, and if the said owner or occupier or the agent of the Company neglects or refuses to choose an arbitrator within eight days after notice in writing from the opposite party and upon proof of personal service of such notice, or if such two arbitrators when duly chosen disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Lieutenant Governor of Manitoba for the time being, or a Judge of the Court of Queen's Bench, to nominate any such arbitrators or such third arbitrator, as the case may be, who shall have the same powers as if chosen in manner above named. 10

Connections with other lines.

4. The said Company shall have power and authority to connect with any line or lines of telegraph in the United States of America, and to enter into and make business arrangements with the same from time to time as their business may require, and as the Directors of said Company shall deem meet and proper. 15

Power to extend line.

5. The said Company shall at any time within seven years after the completion of said lines from Winnipeg, have power to extend the same eastward to Lake Superior, and westward to Victoria in Vancouver's Island, and they may construct the same from time to time, by such lengths of extension as to them may seem advisable. 20

Capital and shares, Increase.

6. The capital stock of the said Company shall be one hundred thousand dollars, and shall be divided in two thousand shares of fifty dollars each, and the said capital stock may be increased from time to time by resolution of the Board of Directors by and with the consent of a majority in value of the shareholders; to such an extent as may suffice to carry into perfect completion and operation the whole undertaking. 25

Powers of Provisional Directors.

8. The Provisional Directors of the Company shall have power and authority to open stock books and to procure subscriptions for the undertaking, to make calls upon the subscribers, and to cause surveys and estimates to be made, to cause plans to be executed, to enter upon and occupy lands and waters required for the purposes of the Company, to enter into contracts with any person or persons for materials or for constructing the said lines or any part thereof until the first general meeting of subscribers hereinafter provided for. 30 35

First general meeting

9. The Provisional Directors shall hold office until the first general meeting of the stock holders of the Company after the passing of this Act, which said first general meeting shall be held as soon as ten per cent. upon the capital stock subscribed shall have been paid in, and such subscription of stock shall not be less than fifty thousand dollars. Notice of such first general meeting shall be given to each shareholder by mail at least one month previous to holding the same, and by insertion in some newspaper printed in Winnipeg for four weeks previous thereto. 40 45

Rights of stockholders.

10. Every subscriber to or holder of stock of the said Company shall thereby become a member of said Company, and shall have equal rights and privileges with other members thereof.

Board of Directors.

11. The business of the Company shall be managed by a Board of seven Directors; each such Director shall be the proprietor of at least ten shares in the capital stock of the Company; and such Directors shall be elected and hold office as hereinafter provided. 50

12. Aliens shall have equal rights with British subjects to take and hold stock and be eligible to office in the said Company, and no shareholder shall be liable beyond the amount of the stock subscribed or acquired by him, for any debt contracted by the Company or loss or liability incurred by the Company.

All share-holders to have equal rights.

13. The Directors shall appoint one of their number to act as President, and another as Vice-President, and may appoint such other officers and agents as they may deem necessary; and the Directors may remove all officers appointed by them, and appoint others in their place, and may fill all vacancies in the offices. Three of the Directors shall form a quorum, and all questions and proceedings shall be decided by a majority of votes of the Directors present.

Officers.

Quorum.

14. At all meetings of the stockholders, each share shall entitle the holder to one vote, which may be given in person or by proxy; but no person other than a stockholder shall hold a proxy.

Votes.

15. The first general meeting shall be held as hereinbefore provided for; and in each year thereafter on the same day or on such other day as the Directors by any by-law may from time to time appoint, there shall be held a general meeting for the election of Directors and such other proceedings and business as it is competent for the stockholders to deal with and determine, and four weeks' notice of every such meeting shall be given in one or more of the newspapers published in the City of Winnipeg. The Directors or any of them shall be qualified for re-election.

Annual general meeting.

16. When a vacancy occurs by the death or resignation of a Director the vacancy shall be supplied, the remaining Directors at their first meeting thereafter by resolution appointing a Director or Directors in stead of the Director or Directors so having died or resigned.

Vacancies, how filled.

17. The Directors may from time to time make, alter, amend or repeal such regulations and by-laws as they may deem necessary and proper for the management of the affairs of the Company generally.

By-laws.

18. The Directors may require payments of subscribed stock at such times and in such proportions as they may deem best, so that no call shall exceed ten per cent. of the amount subscribed, or be made upon less than sixty days notice, and at least sixty days subsequent to the preceding call; failure to pay calls shall entail forfeiture, as may be provided for by by-law, but forfeited shares shall be disposed of by public auction and after public notice for a term not less than four weeks.

Calls on shares.

19. All shares in the capital stock of said Company shall be held to be personal estate, and shall be transferable as such: Provided no assignment or transfer shall be valid unless all calls then due upon such shares are paid up, and said transfer duly made in a book to be kept for that purpose; and when a stockholder shall have transferred all his shares he shall cease to be a member of the said Corporation.

Transfer of shares.

20. The said Company, their employees, servants or contractors shall have full power and authority to set up posts for supporting the wires of said telegraph, in and upon any public road, street or highway, and to make the necessary excavations in the same for

Erection of telegraph lines.

placing such posts or poles ; and such posts or poles and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all cables, wires and other apparatus which shall be set up or carried under the surface of land and water by said Company for the purposes thereof, although the lands or waters on or under which the same are set up or carried be not the property of the Company. 5

Messages to be transmitted as received.

21. It shall be the duty of the Company to transmit all despatches in the order in which they are received under a penalty of not less than twenty dollars nor more than one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order ; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by by-laws made by the Directors : Provided always that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime and Government messages or despatches shall always be transmitted in preference to any other message or despatch if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada. 10 15 20

Proviso.

Divulging contents of message a misdemeanor.

22. Any operator employed by the said Company on any of the lines of the Company divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the court before which the conviction shall be had. 25 30 35

Injuring line a misdemeanor.

23. Any person who shall wilfully, unlawfully or maliciously injure, molest or destroy any of the said lines, posts, cables or other structures or thing the property of the Company, or in any way obstruct the working of the said lines of telegraph, or any of them, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be liable to be punished in the manner provided by law for such offences. 30 35

Act 32 33 V., c. 12 to apply.

24 The Act known as the "Joint Stock Companies' Clauses Act, 1869," shall in all the provisions thereof, not inconsistent with this Act, be applicable to and incorporated in this Act.

Short title.

25. This Act shall be known and cited as "The Central Canada Telegraph Company Act." 40

BILL.

An Act to incorporate the Central Canada Telegraph Company.

Received and read, first time, Friday, 8th M 1874.

Second reading, Monday, 11th May, 1874.

(PRIVATE BILL.)

Mr. SMITH
(Selkirk)

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau St

1874.

An Act respecting the issue of bonds by the Saint Francis
and Megantic International Railway Company,

WHEREAS the shareholders of the Saint Francis and Megantic Preamble.

International Railway Company have, by their petition, represented that with their consent and approval, the Directors of the said Company by resolution bearing date the twentieth day of
5 April now last past, voted to issue the bonds of the said Company under the provisions of section thirteen of the Act thirty-third
Victoria, chapter fifty-four, to an amount not exceeding the amount authorized by their Act of Incorporation, that is to say, to the sum
of three hundred and seventy-five thousand pounds sterling; but
10 that it was impossible to obtain the authorization of them the said shareholders, at an annual general meeting of the said shareholders, without great delay and without greatly impeding the construction of the said railway, and which could not be held until the first Monday in September next; and whereas the said
15 shareholders of the said Railway Company have by their said petition prayed that the issue of the said bonds to the amount aforesaid, by the Directors of the said Company under the said resolution may be sanctioned and ratified: Therefore Her Majesty, by and with the advice and consent of the Senate and House of
20 Commons of Canada, enacts as follows:—

1. Notwithstanding any thing contained in the Act thirty-third
Victoria, chapter fifty-four, incorporating the Saint Francis and
Megantic International Railway Company and the amendments
thereto, the action taken by the Directors of the said Company,
25 and proceedings had by them for the issuing of the bonds of the said Company under the provisions of the said cited Act, and the amendments thereto, shall not be held to be void by reason of not having been previously authorized by the stockholders of the said Company as required by the said cited Act and the amendments
30 thereto, at an annual general meeting of the said stockholders, but shall have the same effect as if the Directors had therein acted with such previous authorization of the shareholders.

Action of
Directors
with respect
to bonds con-
firmed.

No. 115.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act respecting the issue of bonds by
the St. Francis and Megantic International
Railway Company.

Received and read, first time, Friday, 8th
May, 1874.

Second reading, Monday, 11th May, 1874.

Mr. BROOKS.

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act to authorize the Northern Railway Company of Canada to amalgamate with the Northern Extension Railways Company and to consolidate the various Acts relating to the said Company.

WHEREAS the Toronto, Simcoe and Huron Railroad Union Company was incorporated by an Act, being chapter one hundred and ninety-six of the Statutes passed in the twelfth and thirteenth years of Her present Majesty, by the Legislature of the late Province of Canada: Preamble.

And whereas the name of the said Company was changed to the Ontario, Simcoe and Huron Railroad Union Company, and the limits of the authorized Railway of the said Company were extended by an Act, being chapter one hundred and thirty-one of the Statutes passed by the same Legislature in the thirteenth and fourteenth years of Her present Majesty :

And whereas by an Act, being chapter eighty-one of the Statutes passed by the same Legislature in the last-mentioned years, the municipal corporations through whose jurisdictions the railway of the said Company might pass, were empowered to assist in its construction, and to appoint Directors of the said Company in case they should so assist as therein mentioned :

And whereas, in pursuance of the power so conferred, the municipal corporations of the City of Toronto and of the County of Simcoe assisted in the construction of the said railway, and became entitled to appoint Directors of the said Company :

And whereas by an Act, being chapter fifty-one of the Statutes passed by the said Legislature in the sixteenth year of Her present Majesty, the said Company was empowered to construct a harbor at or near the terminus of its railway on Lake Huron :

And whereas by an Act, being chapter two hundred and forty-four of the Statutes passed by the same Legislature in the last-mentioned year, the limits of the authorized railway of the said Company were again extended, and the said Company was empowered to construct other harbors on Lake Huron :

And whereas the said Company made by-laws at general meetings of its shareholders, held respectively on the sixth of June, one thousand eight hundred and fifty-three, and the twenty-first of July, one thousand eight hundred and fifty six :

And whereas by an Act, being chapter seventy-three of the Statutes passed by the said Legislature, in the nineteenth and twentieth years of Her present Majesty, the said Company was empowered to have and employ steamers on Lake Simcoe, and to make arrangements with the proprietors of steamers on other lakes for running vessels in connection with its railway :

And whereas various other provisions relating to the said Company were contained in all the aforesaid Acts, and in an Act, being chapter one hundred and forty-three of the Statutes passed by the said Legislature in the twentieth year of Her present Majesty :

And whereas by an Act, being chapter one hundred and seven-

teen of the statutes passed by the said Legislature in the twenty-second year of Her present Majesty, and the year of Our Lord one thousand eight hundred and fifty-eight, the name of the said Company was changed to "The Northern Railway of Canada," and various other provisions were made concerning the said Company; but ever since the passing of that Act the said Company has, both in subsequent Statutes and otherwise, been always in fact called "The Northern Railway Company of Canada," and its railway is called the "Northern Railway of Canada."

And whereas by an Act, being chapter eighty-nine of the Statutes passed by the said Legislature in the twenty-second year of Her present Majesty, and the year of Our Lord, one thousand eight hundred and fifty-nine, the railway property and corporate rights of the said Company were vested in the Crown, for the purposes therein mentioned, and the Governor in Council was empowered to transfer the same to such parties, and upon such terms, and to make such provisions relating to the said Company as therein mentioned:

And whereas by an Order in Council made pursuant to the last-mentioned Act on the twelfth of May, one thousand eight hundred and fifty-nine, it was ordered that the said railway property and rights should be re-vested in the said Company on the conditions therein mentioned, and in the said Order various other provisions relating to the said Company were contained:

And whereas by an Act, being chapter one hundred and five of the Statutes passed by the said Legislature in the twenty-third year of Her present Majesty, it was declared that the said Company had, up to that time, complied with all the requirements of the last mentioned Act and of the said Order in Council, and the said Order in Council was confirmed:

And whereas by an Act, being chapter fifty-five of the Statutes passed by the said Legislature in the twenty-seventh year of Her present Majesty, provision was made for the construction of a branch from the railway of the said Company to the town of Barrie, and it was enacted that such branch, when so constructed (which it has since been), should form part of the Railway of the said Company:

And whereas by an Act of the Parliament of Canada, being chapter eighty-six of the Statutes passed by that Parliament in the thirty-first year of Her present Majesty, it was declared that the Northern Railway of Canada is a work for the general advantage of Canada, and various other provisions were made concerning the said Company:

And whereas, by this Act, various provisions are made concerning the Company and the Extension Company, including a declaration that the railways of those Companies are works for the general advantage of Canada, and a provision that under certain conditions therein set forth the said Companies maybe amalgamated:

And whereas of the provisions contained in the hereinbefore-mentioned Acts and by-laws and Order in Council, many have been repealed or amended by others of the said provisions, many were enacted for temporary purposes which have been fulfilled, and many have been incorporated, and sometimes with amendments in *The Railway Act, 1868*:

And whereas if the amalgamation of the Northern Extension Railways Company with the Northern Railway Company of Canada contemplated by this Act, should take effect, many further changes will be introduced into the system of the Northern Railway Company of Canada:

And whereas under these circumstances a consolidation of the statutory and other regulations affecting the said Company will greatly assist in the understanding of its affairs, and will therefore be very beneficial :

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

1. The Northern Railway Company of Canada is hereinafter called the Company, and the Railways of the Northern Extension
10 sion Railways Company, hereinafter called the Extension Company, are hereby declared to be works for the general advantage of Canada. Declaratory.

2. It shall be lawful for the Company and the Extension
15 Company, at any time after the passing of this Act, to enter into an agreement for amalgamation, upon such terms, conditions and stipulations as may be therein set forth, and sealed with their respective common seals, and approved in extraordinary general meetings of the respective Companies specially called for the purpose, by resolution, of which not less than two-thirds of the votes
20 of the persons present or represented at such respective meetings shall have been given in the affirmative, but so that such agreement shall contain provisions to the following effect:— Agreement may be entered into.

1. The franchise or charter of the Extension Company, with all
25 its powers, authorities, rights and privileges, and all its railways, plant and undertaking, with all its property, real and personal, shall be transferred to and vested in the Company, and the members of the Extension Company shall thenceforth be members of the body corporate of the Company; Provided always that the
30 Company, and the undertaking and works thereof, shall continue liable upon all covenants and agreements in respect of the bonds of the Extension Company in the same manner and to the same extent as if such amalgamation had not taken place, and the holders of such bonds shall retain their bonds with the same charge on the undertaking and railways, late of the Extension Com-
35 pany, and with the same rights and privileges in all respects, including the same conditional right in the Company of voting and qualifying as Directors, as under the twenty-eighth section of the Act of the Legislature of the Province of Ontario, thirty-fifth Victoria, chapter forty-three, as if the amalgamation had not taken place,
40 and as if this Act had not been passed; and any debt due to the Company from the Extension Company, or from the Extension Company to the Company, shall merge and be extinguished. Provisions to be contained therein.

2. Ordinary stock of the Company, to such amount as the
45 agreement shall prescribe, shall be given to the shareholders of the Extension Company; and the Company shall be empowered to issue, for the purpose of settlement with the Extension Company, and in extinguishment of the share capital thereof, upon amalgamation, and so far as not required for that purpose for any
50 object within the charter of either of the amalgamated Companies, additional ordinary stock to an amount equal to the total un-issued amount of the authorized share capital of the Extension Company. Amalgamation.

3. All debts due from liabilities of and contracts subsisting with
55 the Extension Company, shall become debts due from liabilities of and contracts subsisting with the Company, and all rights of action and suit which shall have accrued to or against the Extension Company shall enure and subsist for the benefit of and against the Company, and there shall be no abatement of any action or Proviso.

Debts interchangeably extinguished.

Issue of Stock to Extension Company.

Debts and rights transferred.

suit which shall have been commenced by or against the Extension Company; but any such action or suit may, upon a suggestion of the amalgamation effected under the provisions of this Act, be continued and prosecuted by or against the Company in the same way as it would have been continued and prosecuted by or against the Extension Company if such amalgamation had not been effected. 5

Amalgamation now confirmed.

3. When any agreement for amalgamation shall have been sealed and approved as aforesaid, it shall be lawful for either of the said Companies to apply in a summary manner to the Court of Chancery of the Province of Ontario for a declaration that such agreement is within the provisions of this Act, and upon such declaration being made, the said agreement shall take effect and have force as if an Act of the Parliament of the Dominion had been passed in the same words. 10

Loan capital of Extension Company vested in Company.

Consequent powers.

4. After such amalgamation, the loan capital of the Extension Company shall be added to and form part of the loan capital of the Company mentioned in the section of this Act, and the Company shall have the same powers from time to time of issuing, selling or pledging bonds of the Company, and to the same extent, and with the same privileges or priorities as to the undertaking and property belonging before the amalgamation to the Extension Company as the Extension Company would have had as to bonds of the Extension Company if such amalgamation had not been effected, and may upon the maturity of any bonds of the Extension Company issued previously to the amalgamation, or of any further bonds issued under the authority of this section, raise the sums required for paying off the matured bonds or any part of such sums, either out of any funds of the Company applicable to capital services, whether arising from the issue of ordinary stock under the powers herein contained, or arising otherwise, or by issuing, selling, or pledging other bonds of the Company bearing interest at any rate not exceeding six per cent. per annum, at such price and upon such terms and conditions as the Directors of the Company may think fit, and the bonds upon the security of which any sums required for paying off the respective matured bonds shall be raised, may to the amount of the respective matured bonds, but not further or otherwise, be so issued as to take the place of and be entitled to the respective privileges and priorities attached to the respective matured bonds for or towards paying off which such sums respectively shall have been raised, or may be issued with such other privileges or priorities not limiting, restricting or prejudicially affecting the rights of holders of then existing bonds, or without any preference or priority as the Directors of the Company shall think fit. 15 20 25 30 35 40 45

Interim Directors.

5. Until the first general meeting of the Company, held after the date of the amalgamation, three of the Directors of the Extension Company, to be nominated by the board of the Extension Company as existing at the date of the amalgamation, shall act as Interim Directors of the Company, in addition to the other Directors of the Company appointed under the provisions of this Act. 50

Certain Acts repealed.

6. Upon and after such amalgamation, chapter thirty of the statutes passed by the Legislature of the Province of Ontario, in the thirty-third year of Her present Majesty; chapter thirty six of the statutes passed by the same Legislature, in the thirty-fourth 55

year of Her present Majesty; chapter forty-five of the statutes passed by the Parliament of Canada, in the thirty-fourth year of Her present Majesty; chapter forty-three of the statutes passed by the Legislature of the Province of Ontario, in the thirty-fifth year of Her present Majesty; and chapter sixty-six of the statutes passed by the Parliament of Canada, in the thirty-fifth year of Her present Majesty, shall stand repealed and be of no further force or effect as to anything thereafter to be done, except only the sections numbered from thirteen to seventeen, both inclusive, of the Act of the Legislature of the Province of Ontario, thirty-five Vic, chapter forty-three, hereinbefore referred to, and the said sections shall have the same force as if they were re-enacted in this Act, with the substitution of the Company for the new Company in the said last-mentioned Act referred to.

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15 Provided that every right acquired and every obligation or liability undertaken or incurred previous to the repeal hereby made shall be saved, nor shall such repeal affect the validity of anything done previous thereto pursuant to any of the repealed enactments, or of anything of which the validity depends on its having been confirmed by any of the repealed enactments.

Exception.

Proviso.

7. Upon such amalgamation with the Company, the Railways of the extension Company as the same now exist, or may be completed or extended before the expiration of six years from the second day of March, one thousand eight hundred and seventy-two, within the meaning of the following words (that is to say): "A double or single iron or steel railway from some point on the Northern Railway of Canada, within the County of Simcoe, connecting the waters of Lake Simcoe with those of Lakes Muskoka and Rousseau, through and within the Counties of Simcoe, Ontario and Victoria, or any of them, with branches and extensions to the Georgian Bay; and also from some other point on the said Northern Railway, at or near the town of Collingwood, in the County of Simcoe, to or near the village of Meaford, in the County of Grey, with power to extend the same to Owen Sound, and with full authority to pass over any of the country lying between the points aforesaid, and to carry the said railway through the Crown Lands lying between the points aforesaid," shall form part of the undertaking of the Company.

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Railways of Extension Company to form part of Company's undertaking.

8. On and from the coming of this Act into operation, all the Acts of the Legislature of the former Province of Canada, and of the Parliament of Canada, and of the Legislature of the Province of Ontario, and all the by-laws and the Order in Council in this Act recited, shall stand repealed, and be of no further force or effect as to anything thereafter to be done; except only the declaration that the Northern Railway of Canada is a work for the general advantage of Canada: Provided that every right acquired and every obligation or liability undertaken or incurred previous to the repeal hereby made shall be saved, nor shall such repeal affect the validity of anything done previous thereto, pursuant to any of the repealed enactments, by-laws, or Order in Council, or of anything of which the validity depends on its having been confirmed by any of the repealed enactments, or of any by-law of the Company whether fixing any tariff of tolls or otherwise.

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Acts, by-laws and Order in Council recited repealed.

Exception.

Proviso.

9. The Company shall continue to be a body corporate by the name of the Northern Railway Company of Canada, with perpetual succession and a common seal, and all other the usual

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Company continued under its corporate name.

powers and rights of bodies corporate not inconsistent with this Act, and especially with the power of purchasing, holding, letting and conveying real estate without incurring any penalty or forfeiture, and the members of such body corporate shall be the holders from time to time of any portion of the stock of the Company hereinafter mentioned. 5

Of what the undertaking of the Company shall consist.

10. The undertaking of the Company shall consist of :

First. Its main line of railway, as the same now exists, or may be completed or extended within the meaning of the following words, that is to say, "from any point on Lake Ontario, west of 10
"the township of Darlington, in the county of York, to any point
"on the southerly shore of Lake Huron."

Second. Its Barrie branch railway, as the same now exists, or may be completed or extended to a place known, or known in the year one thousand eight hundred and sixty three, as "McWatt's 15
Wharf," in the town of Barrie, including the requisite station ground and buildings at or near the said wharf, together with such borrowing pits as may be requisite, the whole as laid down on a diagram, filed in the year one thousand eight hundred and sixty-three, with the Secretary of the Railway Commissioners at 20
Quebec, marked with the letter A and signed by Frederick Cumberland and T. D. McConkey, or in substantial conformity with the said diagram.

Third. All such extensions and branches as may be made by the Company within the meaning of the following words, that is 25
to say : "It shall be lawful for the said Company to extend the
"line of their railway, or to branch from any point or place on the
"line thereof which has been or may be adopted by the Directors
"of the said Company, to such point or places lying between the
"easterly limit of the Georgian Bay and a point on the east main 30
"shore of Lake Huron, not further south than the limit of the
"township of Saugeen, as the Directors of the said Company may
"fix."

Fourth. All such works as have been or may hereafter be constructed by the Company within the following authority (that is 35
to say), to construct at or near the northern terminus of its railway on Lake Huron, and at or near any or every point at which its railway may touch on the said lake or any intervening bay between the easterly limit of the Georgian Bay and a point on the east main shore of Lake Huron not further south than the 40
southerly limit of the township of Saugeen, a harbor which shall be accessible to, and fit, safe and commodious for the reception of such description and burden of vessels as commonly navigate Lake Huron ; and to erect such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as 45
shall be necessary, useful and proper for the protection of every such harbor, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen, and dredge the said harbor from time to time as may be found necessary or expedient, and to 50
construct a dry dock or railway calculated for refitting and repairing all shipping at every such harbor.

Fifth. All such works as have been or may hereafter be constructed by the Company within the following authority (that is to say), to construct one or more station or stations, depot or depots, wharves, warehouses and other buildings and works, 55
at any one or more point or points on the shores of Lakes Ontario, Simcoe and Huron, and their respective bays and navigable waters,

at or near to any of the termini of or stations on the Company's railways.

11. The Company shall also have power to purchase, build, fit out, charter, sell, dispose of, work, control and keep in repair steam vessels on the Georgian Bay, and on Lakes Huron and Superior and on Lakes Simcoe, Muskoka, Rousseau, Joseph and Nipissing, or any of them, to ply on those lakes in connection with its railway, and all such steam and other vessels shall be deemed to belong to the undertaking of the Company.

Steam vessels may be acquired and held.

12. The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections of "*The Railway Act, 1868*," except the twelfth and nineteenth sub-sections of the said seventh section, shall be incorporated herewith, and shall apply to the Company and its undertaking, or as the nature of the case shall require, to such

Certain sections of Railway Act to apply.

of the works comprised in the said undertaking as may still remain to be constructed; and this Act shall be deemed to be the special Act mentioned as well in the said as in any other portions of "*The Railway Act, 1868*," hereinafter incorporated herewith, and the Company shall further have power to make use,

for the purpose of its railway, of the water of any stream or water-course over or near which its railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course. Provided always, that in every case in which the owner of any lands, or other person or persons

Proviso.

authorized and capacitated to convey, shall in their arrangements with the Company have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts, instead of the same being erected or found by the Company, for the purpose of facilitating the passage to or from either side of the land severed or

divided by the Company's railway, it shall not be lawful for any such owner, or those claiming under him, to pass, and they shall ever be prevented from passing or crossing the said railway from one part to the other part of their lands so severed and divided otherwise than by a gate, stile, bridge, arch, or culvert to be

erected and maintained at the charge of such owners, under the inspection and direction of, and according to plans and specifications to be furnished and approved by the engineer of the Company.

13. The loan capital of the Company shall consist of its existing first, second, and third preference bonds as set out in the recitals of this Act.

Loan capital.

14. All bonds forming part of the loan capital of the Company for the time being, and all coupons attached thereto respectively, shall carry the same priorities and the same rights in all other respects as if this Act had not been passed, and the Directors shall keep registers in which they shall cause to be entered all particulars which shall come to their knowledge concerning transfers of any such bonds, or the names and addresses of the holders thereof.

Bonds forming part of the same.

15. The Company may, upon the maturity of any bonds forming part of the loan capital of the Company for the time being, raise the sums required for paying off the matured bonds or any part of such sums, either out of any funds of the Company applicable to capital services, whether arising from the issue of ordinary stock or arising otherwise, or by issuing, selling or pledging other bonds of the Company, bearing interest at any rate

Paying off of matured bonds

not exceeding six per cent. per annum, at such price and upon such terms and conditions as the Directors of the Company may think fit, and the bonds upon the security of which any sums required for paying off the respective matured bonds shall be raised, may, to the amount of the respective matured bonds, but not further or otherwise, be so issued as to take the place of and be entitled to the respective privileges and priorities attached to the respective matured bonds for or towards paying off which such sums respectively, shall have been raised or may be issued, with such other privileges or priorities not limiting, restricting, or prejudicially affecting the rights of holders of then existing bonds, or without any preference or priority, as the Directors of the Company shall think fit.

Agreements
with bond-
holders.

16. It shall be lawful for the Directors of the Company, at any time, to agree with the holder of any bond of the Company, for the surrender of such bond, either on the principal amount thereof being paid off in cash at par, or in exchange for the issue to such holder of an amount of ordinary stock, not exceeding the equivalent at par, and carrying dividend from the 1st July or 1st January, coinciding with or next following the last half-yearly due date of the interest on such bond, the first interest for the interval, if any, being paid in cash; and it shall be lawful for all trustees, guardians of the estates of infants, curators of the estates of lunatics, executors, administrators, and other persons possessed in right or on behalf of others, and also for all municipalities and corporations, to agree with the Directors for the discharge or conversion of any bonds as aforesaid; and the Company may raise the funds required for paying the sums agreed upon for the surrender of any bonds, or any part of such sums, either out of the funds of the Company applicable to capital services, whether arising from the issue of ordinary stock or arising otherwise.

Consolidation
of classes of
bonds.

Proviso.

17. It shall be lawful for the Company to consolidate into one or more ranks or classes any of the now existing several ranks or classes of the bonds of the Company, or of the bonds of any other Company or Companies with which the Company may hereafter be amalgamated, provided always that such consolidation shall not increase the bonded debt of the Company beyond the aggregate amount at par of all the bonds so consolidated, and provided also that no such consolidation shall take effect unless nor until it shall have been sanctioned by resolution at a special general meeting of the Company, nor unless nor until it shall also have been approved and confirmed by not less than two-thirds of the separate holders in the amounts of each of the said respective ranks or classes of bonds so to be consolidated, present in person or by proxy, at a special meeting of the bondholders of the Company, held in London, England, of which meeting not less than two weeks' special and continuous notice shall have been previously given by advertisement in the *London Times*, *Standard*, *Observer* and *Herepaths' Journal*.

Stock of the
Company.

18. The stock of the Company shall be of the amount mentioned in the section hereof, and in the event of the amalgamation of the Extension Company under the provisions of this Act, of the amount of stock to be issued under the second subsection of the second section hereof.

Liabilities of
stockholders,

19. The holders of any portion of the stock of the Company

shall not be liable to the creditors of the Company, but shall stand towards the Company and its creditors in the position of holders of fully paid up shares,

20. Subject to the other provisions hereof, the seventeenth section of "*The Railway Act, 1868*," shall be incorporated herewith, and shall apply to the Company, "portions of stock" and "stock" being respectively put for "shares in the undertaking" and "shares," provided that it shall not be necessary for transfers to be made in duplicate; and if they shall not be so made, the transfers themselves shall be delivered to the Directors, to be filed and kept for the use of the Company.

Section 17 of
Railway Act
incorporated.

21. The Company shall keep at its offices in Toronto, and in London, England, registers of the holders of ordinary stock, containing the amounts held by them, and the dates of issue, transfer or transmission; and every transfer or transmission shall be registered, which shall be communicated to the Company for that purpose, accompanied with such evidence of title as may be reasonably required, and with the payment of a fee of one dollar at Toronto, or four shillings in London.

Registers to
be kept.

22. The said registers shall be accessible for inspection and perusal, without fee, at all reasonable times, to every bondholder or ordinary stockholder of the Company.

To be acces-
sible.

23. The Company shall deliver to every stockholder a certificate stating the amount of stock held by him, and such certificate shall be surrendered on the transfer of the stock comprised therein or any portion thereof, and a new certificate, or, as the case may require, new certificates shall be issued.

Certificates.

24. The clear profits of the Company shall belong to the stockholders, and dividends at a per centage rate on the stock shall be from time to time declared thereout by the general meetings, and be payable to the stockholders who shall appear in the Company's registers at their opening on the morning of the first of January and first of July in each year, immediately after which dates certified copies of the said registers shall be transmitted and exchanged to and from London and Toronto respectively.

Dividends.

25. No dividend shall be declared whereby the capital of the Company is in any degree reduced or impaired, or shall be paid out of such capital.

Capital not to
be reduced.

26. General meetings shall only be convened by the Directors, or by not fewer than ten stockholders, holding together not less than one-fifth part of the stock of the Company for the time being issued, and in the latter case, only after ten stockholders holding such part as aforesaid of the stock of the Company shall have required the Directors in writing to convene a general meeting for objects expressed in such requisition, and the Directors shall have omitted to do so for one calendar month from the receipt of such requisition, at the office of the Company, either at Toronto or in London.

General meet-
ings, how
called.

27. General meetings to be held in Toronto or London (England) shall be convened by advertisement published in two Toronto or two London daily newspapers, as the case may be, not less than two weeks before the day of meeting, and expressing the objects of the meeting.

Notice of such
meetings.

Ordinary
general meet-
ings.

28. The ordinary general meetings shall be held twice a year, on such days and, in the first instance, at such places, whether in Canada or in England, as the Directors shall from time to time determine; and extraordinary general meetings shall be held in the first instance at such places, whether in Canada or in England, as the Directors or the stockholders convening the same shall appoint; provided that any such meeting convened by the Directors on the requisition of stockholders shall be held in the first instance at such place, if any, as shall be specified in the requisition, and any general meeting may be adjourned to such place, whether in the same or in the other country, as the meeting shall determine.

Representa-
tion of Muni-
cipal Corpora-
tion of
Toronto.

29. So long as the Municipal Corporation of the city of Toronto shall hold stock of the Company to the amount of two thousand five hundred pounds sterling or upwards, the said Corporation may annually on or before the day of the first ordinary general meeting of the Company in every year, nominate one of the aldermen of the said city to be a Director of the Company; and so long as the Municipal Corporation of the County of Simcoe shall hold stock of the Company to the amount of two thousand five hundred pounds sterling or upwards, the same Corporation may also annually, on or before the day of the first ordinary general meeting of the Company in every year, nominate one of their councillors, or such other person as they may see fit, to be a Director of the Company, and the said two Directors shall have the same rights, powers and duties as any of the other Directors of the Company.

Number of
Directors.

30. The number of the Directors of the Company, including the two Directors provided for by the last section hereof, shall be twelve; and of the Directors three at least shall and five may be resident in England; and if the whole number of Directors be not twelve at the date when this Act shall come into operation, it shall be filled up to that number by election at the first ordinary general meeting after that date.

Elections.

31. The annual election of a Board of Directors, other than those nominated by the said municipalities, shall take place at the first ordinary general meeting in every year. All retiring Directors shall be re-eligible if otherwise qualified.

Removal of
Director.

32. Any general meeting may remove a Director, not being one of those appointed by the said municipal corporations, by a resolution, of the intention to propose which notice shall have been given in the advertisement convening the meeting, and the same or any other general meeting may elect another Director in the place of the one so removed, and any casual vacancy otherwise occurring in the Board of Directors among those not appointed by the said municipal corporations may be filled up by the Directors, provided that any person chosen under either part of this section shall retain his office so long only as the vacating Director would have retained the same.

Qualification.

33. The qualification of a Director, other than those appointed by the said municipal corporations, shall be the holding in his own right or in right of his wife, of stock to the amount of two hundred pounds sterling; and the office of a Director shall be vacated on his ceasing to hold such qualification.

Quorum.

34. The quorum for any general meeting of the Company shall

be the presence, either in person or by proxy, of the holders of stock to the amount of twenty-five thousand pounds sterling.

35. Every hundred pounds sterling of stock shall entitle the holder thereof to one vote at general meetings, but the Municipal Corporations of the city of Toronto and county of Simcoe shall not be entitled to attend or vote at general meetings so long as they respectively continue to appoint Directors as aforesaid. Votes.

36. The holders of all outstanding bonds of the Company, and upon amalgamation of the Extension Company with the Company under the provisions of this Act, such holders of bonds (if any) as may for the time being be entitled to vote and qualify as Directors under the twenty-eighth section of the Act of the Legislature of the Province of Ontario, 35 Victoria, chapter 43, shall be deemed to be stockholders within the meaning of the thirteenth and fourteenth sections of "The Railway Act, 1868," as incorporated herewith, and of the twenty-sixth, twenty-eighth, thirty-third, thirty-fourth and thirty-fifth sections hereof, the amounts of stock deemed to be held by them being equal to the nominal amounts of their bonds respectively. Rights of bondholders as to votes.

37. The appointment of a proxy need not be under seal, but no such appointment shall be valid unless in favor of a person being himself, and at the time of exercising the powers of the appointment, a stockholder of the Company. Proxies.

38. It shall be lawful for any Director to give and at his pleasure revoke a general proxy to any other Director to vote for him at the board; but no proxy or power of attorney by which the Director holding it might be obliged to vote in a particular sense on any question shall be permitted. Proxies of Directors.

39. The Directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business. Unless and until the Directors otherwise determine, the quorum for a meeting of the Board shall be for a meeting in Canada three, and for a meeting in England two Directors, present in person or by proxy. Meetings of Directors.

40. The Board may from time to time appoint any Directors either in Canada or England as a committee, and may delegate to such committee all such of its powers as the Board shall from time to time determine. No proxies shall be allowed at the meetings of any committee of Directors. Committee may be appointed.

41. The Board of Directors meeting in Canada may cause a special common seal of the Company to be made for use in England, and may commit the use of such seal to a committee composed of Directors being from time to time in England. Common seal.

42. It shall be lawful for the Board of Directors meeting in Canada to give and at its pleasure revoke a general proxy or power of attorney under seal of the Company, to any Director or to the General Manager for the time being of the Company, to act in England on behalf of such Board, and for such purpose to delegate to such Director or General Manager all such of its powers as the said Board may see fit. Canada Board may give proxy to English Director.

43. Subject to the other provisions hereof, the nineteenth and twenty-first sections, and the first, fourth, seventh, eighth, and tenth Application of the Railway Act.

sub-sections of the twenty-second section of the Railway Act, 1868, and the whole of Part Second of the same Act, shall be incorporated herewith, and shall apply to the Company; but the sections and parts of sections included in Part First of the said Act, and not herein expressly incorporated, shall be excepted from incorporation herewith, and shall not apply to the Company; and in addition to the powers conferred by the said Act, the Company shall also have power to enter into contracts with the Postmaster-General on behalf of the Dominion for the carriage of mails to any district or territory tributary to its railway.

Rates and tolls for using Company's works, how fixed,

44. It shall and may be lawful for the Directors of the Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues, or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lakes Huron, Simcoe, Muskoka, Rousseau and Joseph, and who may from time to time partake of the benefits and advantages of any harbor, wharves, docks or railway forming part of the Company's undertaking, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within any such harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient, a copy of which tolls, rates and dues shall be affixed up in not less than three places at or near to every such harbor respectively. Provided always that such tolls, rates and dues shall be subject to the approval of the Governor General of this Dominion.

How levied, if not paid.

45. If any person shall neglect or refuse to pay the rates, tolls, dues or demands mentioned in the preceding section, it shall and may be lawful for the Company or its officer, clerk, or servant duly appointed, to seize or detain the goods, vessels, or boats on which the same shall be due and payable until such tolls shall be paid; and if the same shall remain unpaid for the space of thirty days next after such seizure, the Company or such its officer, clerk, or servant as aforesaid, may sell or dispose of the said goods, vessels, or boats, or such part thereof as may be necessary to pay the said rates, tolls, dues and demands, by public auction, giving ten days' notice thereof, and return the surplus, if any, to the owner or owners thereof.

Company may be parties to promissory notes.

46. The Company shall have power to draw, make, accept, and endorse all bills of exchange and promissory notes in sums of not less than two hundred dollars necessary for the carrying on of the business of its railways, and the Directors may, from time to time, by instrument under the seal of the Company, appoint any agent or agents to make, draw, accept and endorse such bills and notes on behalf of the Company, and every such bill or note so made, drawn, or accepted or endorsed, shall be binding upon the Company, and in no case shall it be necessary that the seal of the Company be affixed to any such bill or note, nor shall the agent making, drawing, accepting or endorsing the same on behalf of the Company, be individually responsible thereon, provided that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Arrangements with other Companies.

47. The Company incorporated by this Act may enter into any arrangement with any other Railway Company or Companies for the working of the said railway on such terms and conditions as

the Directors of the several Companies may agree on, or for leasing or hiring from such other Company or Companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other movable property from such Companies or persons, and generally to make any agreement or agreements with any other Company touching the use by one or the other, or by both Companies of the railway or rolling stock, of either or both, or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof, provided that the assent of at least two-thirds of the shareholders shall be first obtained at a special general meeting to be called for the purpose, according to the by-laws of the Company and the provisions of this Act; and the Company or Companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner, and in all respects as if incorporated with its own line.

48. The Company shall pay, as working expenses, in priority to any payment of principal or interest on any bonds forming part of the loan capital of the Company other than any interest already made a charge in the nature of a rental upon the earnings of any railway of the Company, which interest is still to be recognized and included in the working expenses of the railway upon the earnings of which the same is charged, the expenses following, that is to say, all expenses of maintenance of its railways, and of its stations, sidings, buildings, works, warehouses, elevators, appliances and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working of its railways, and also such rents or annual sums as may be paid in respect of warehouses, wharves, or other property, including land leased to or held by the Company, and also all expenses of and incident to working the railways of the Company and the traffic thereon, including stores or consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also all salaries, wages and commissions of persons employed in or about or for the working of the said railways and traffic, and all secretarial and establishment expenses, including Directors' fees, agency, legal, and all other incidental working expenses whatsoever: Provided always that nothing herein contained shall limit, restrict, or prejudicially affect the rights of any holders of bonds charged upon any separate part of the undertaking of the Company; but all holders of such bonds shall, for the purpose of obtaining payment of any principal or interest, the payment of which shall be delayed or in arrear, be entitled to call upon the Directors of the Company to distinguish the earnings and working expenses of that part of the undertaking of the Company on which their respective bonds are charged, and such earnings and working expenses shall be distinguished accordingly; and in distinguishing the same due allowances and charges shall be made in respect of terminal and other rates and tolls, payments in the nature of rent for rolling stock and other property of the Company employed in realizing the earnings and all other matters proper to be allowed and charged for; and any expenses properly chargeable against the whole undertaking of the Company, shall be distributed among the different parts thereof in proportion of the mileage open or available for traffic; and in case of disagreement as to any matter arising out of this proviso, all questions in difference or dispute shall be determined by

Working expenses defined.

Proviso.

Disagreements, how settled.

arbitrators to be appointed by a Judge of one of the Superior Courts in the Province of Ontario, upon the application of the Directors, or the bondholders whose interests are affected.

Her Majesty's vessels to have free access to Compan's harbours. 49. All ships and vessels owned by or belonging to, or in the use of Her Majesty, or the Government of this Dominion, shall from time to time have free access and privilege of occupancy and sheltering under, and using the privileges, safeties and advantages of all harbors, wharves and dry docks or railways forming part of the Company's undertaking, under the fourth head of the tenth section hereof, free of all tolls or duties whatsoever. 10 5

Railway and works may be assumed by Her Majesty. 50. Her Majesty, Her heirs and successors, may at any time assume the possession and property of all the Company's railways and of all the property which the Company is empowered to hold, and shall then have all the rights, privileges and advantages now or hereby vested in the Company (all which, after such assumption, shall be vested in Her Majesty, Her heirs and successors) on giving to the Company six months' notice of the intention to assume the same, and on paying to the Company, within three months of the expiration of such notice, the whole amount of money which any members of the Company, or any Company amalgamated with it, shall at any time previous to such assumption have contributed for the purpose of the undertaking of the Company or any part thereof, and which the Company or any Company amalgamated with it shall have expended, with interest at the rate of ten per centum per annum, on all the said moneys, from the respective times of paying up of the same, until the respective times of the opening of the Company's railways, on which the same moneys shall have been expended. 15 20 25

Company to be subject to future legislation. 51. Nothing herein contained shall be construed to exempt the Company or its undertaking from the provisions of any general Act relating to railways, which may be passed during the present or any future Session of Parliament. 30

Costs. 52. All the costs, charges and expenses of and incident to the passing of this Act shall be paid by the Company.

Short title. 53. This Act may be cited as "The Northern Railway Company of Canada Act, 1874." 35

An Act to authorize the Northern Railway Company of Canada to amalgamate with the Northern Extension Railways Company, and to consolidate the various Acts relating to the said Company.

BILL.

1st Session, 3rd Parliament, 37 Victoria, 1874

No. 116.

Received and read, first time, Friday, May, 1874.

Second reading, Monday, 6th May, 1874.

(PRIVATE BILL.)

Mr. MOSS

OTTAWA

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street, 1874.

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An Act respecting the Crime of Libel.

WHEREAS it is expedient that the law respecting the crime of libel should in all respects be uniform throughout all portions of Canada; and for the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the said liberty: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. Whosoever publishes or threatens to publish any libel upon any other person, or directly or indirectly—
1. Threatens to print or publish, or
2. Proposes to abstain from printing or publishing of, or
3. Offers to prevent the printing or publishing of any matter or thing touching any other person—
15 with intent to extort any money or security for money, or any valuable thing, from such or from any other person, or with intent to induce any person to confer upon or procure for any person any appointment or office of profit or trust, is guilty of a misdemeanor, and shall be liable to a fine not exceeding *six hundred dollars*,
20 or to imprisonment, with or without hard labor, in any gaol or place of confinement other than the penitentiary, for any term less than two years, or both, as the court may award: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery
25 of threatening letters or writings.

2. Whosoever maliciously publishes any defamatory libel, knowing the same to be false, is guilty of a misdemeanor, and shall be liable to a fine not exceeding *four hundred dollars* or to imprisonment with or without hard labor, in any gaol or
30 place of confinement other than the penitentiary for any term less than two years, or both, as the court may award.

3. Whosoever maliciously publishes any defamatory libel is guilty of a misdemeanor, and shall be liable to a fine not exceeding *two hundred dollars*, or to imprisonment with or without hard
35 labor, in any gaol or place of confinement other than the penitentiary for any term not exceeding one year, or both, as the court may award.

4. On the trial of any indictment or information for the making or publishing of any defamatory libel, on the plea of not guilty
40 pleaded, the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the court or judge before whom such indictment or

formation is tried, to find the defendant guilty, merely on the proof of publication by such defendant of the paper charged to be a defamatory libel, and of the sense ascribed to the same in such indictment or information; but the court or judge before whom such trial is had shall, according to the discretion of such court or judge, give the opinion and direction of such court or judge to the jury on the matter in issue, as in other criminal cases; and the jury may on such issue find a special verdict, if they think fit so to do; and the defendant, if found guilty, may move in arrest of judgment on such ground and in such manner as he might have done before the passing of this Act. 5

5. On the trial of any indictment or information for a defamatory libel, the defendant having pleaded such a plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published. 15

6. To entitle the defendant to give evidence of the truth of such matters charged as a defence to any such indictment or information it shall be necessary for the defendant, in pleading to the indictment or information, to allege the truth of the matters charged in the manner at the time required in pleading a justification to an action of defamation in the Province in which the indictment or information is being tried, and further to allege that it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof. 20 25

7. Without such plea the truth of the matters charged as libellous in any such indictment or information, or that it was for the public benefit that such matters should have been published, shall in no case be inquired into. 30

8. If after such plea the defendant be convicted on such indictment or information, the court, in pronouncing sentence, may consider whether the guilt of the defendant is aggravated or mitigated by such plea, and by the evidence given to prove or disprove the same. 35

9. In addition to such plea of justification, the defendant may plead not guilty; and no defence otherwise open to the defendant under the plea of not guilty shall be taken away or prejudiced by reason of such special plea.

10. Whenever, upon the trial of any indictment or information for the publication of a defamatory libel, to which a plea of not guilty has been pleaded, evidence is given which establishes a presumptive case of publication against the defendant by the act of any other person, by his authority, the defendant may prove, and if proved it shall be a good defence, that such publication was made without his authority, consent or knowledge, and that such publication did not arise from want of due care or caution on his part. 40 45

11. The right of the Crown to cause any juror to stand aside until the panel has been gone through, shall not be exercised on the trial of any indictment or information by a private prosecutor for the publication of a defamatory libel.

5 12. In the case of an indictment or information by a private prosecutor for the publication of a defamatory libel, if judgment be given against the defendant, he shall be liable for the costs sustained by the prosecutor by reason of such indictment or information; and if judgment be given for the defendant he shall
10 be entitled to recover from such prosecutor the costs sustained by him (the defendant) by reason of such indictment or information; such costs, so to be recovered by the prosecutor or defendant respectively, to be taxed by the proper officer of the court before which such indictment or information is tried.

15 13. The costs mentioned in the last preceding section of this Act shall be recoverable on any rule or order of the court in which the indictment or information was tried, or of any judge of such court; and payment thereof may be enforced by writ of attachment for contempt, after service of such rule or order and
20 demand of payment of costs.

14. So much of any act or law in force in any portion of Canada as may be inconsistent with this Act, or makes other provision with respect to any matter provided for by this Act is hereby repealed.

1.1. The right of the Crown to issue any form of seal or stamp shall not be exercised on the seal or stamp of any institution or individual by a private person or on the seal or stamp of a voluntary body.

1.2. In the event of an indictment or judgment by a private person or institution, a voluntary body, if judgment is given against the defendant, he shall be liable for the costs of the prosecution by reason of such indictment or judgment. The defendant shall be liable for the costs of the prosecution by reason of such indictment or judgment if he is convicted or if the court orders that he should be liable for the costs of the prosecution by reason of such indictment or judgment. The court may order that the defendant should be liable for the costs of the prosecution by reason of such indictment or judgment if the court is satisfied that the defendant is financially able to pay the costs of the prosecution by reason of such indictment or judgment.

1.3. The costs mentioned in the last preceding section of this Act shall be recoverable on any trial or order of the court in which the institution or individual was found guilty of any offence or in which payment should be ordered to be made or in which the defendant was found liable for the costs of the prosecution by reason of such indictment or judgment.

1.4. Nothing in this Act shall be taken to affect any power of the court to order that the defendant should be liable for the costs of the prosecution by reason of such indictment or judgment.

An Act to impose License duties on Compounder's of Spirits; to amend the "Act respecting the Inland Revenue," and to prevent the Adulteration of Food, Drink and Drugs.

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

DEFINITION.

1. All spirits distilled or made in Canada shall be deemed and called Canadian Spirits. Interpretation clause.

5 *Compounded Spirits* shall mean and include all articles containing Canadian or other spirits, which are enumerated in the first schedule to this Act, or which may be added to such schedule by any order of the Governor in Council.

10 "*Compounder*" shall mean and include every person who by himself or his agent compounds or mixes for sale by wholesale any of the articles enumerated in the first schedule to this Act, or which may be added to such schedule by order of the Governor in Council.

15 *Adulterated Liquor* shall mean and include all spirituous and malt liquor, wines, cordials or other intoxicating liquors to which has been added any of the ingredients named in the first schedule to this Act, or added to such schedule by order of the Governor in Council.

20 *Adulterated Food or Drink* shall mean and include all articles of food or drink with which there has been mixed any deleterious ingredient, or any material or ingredient of less value than is understood or implied by the name under which the article is offered for sale.

25 *Food* means and includes every article used as food in the state in which it is offered for sale, or that is used in the preparation of food by admixture therewith, either before, during or after cooking.

30 *Drink* means and includes any liquid used as a beverage, and any article used in or for the preparation or partial preparation of any beverage.

Drug means and includes all articles used for curative or medicinal purposes.

35 2. From and after the coming into force of this Act no person except such as shall have been licensed as herein provided shall carry on the business of a compounder. Compounders must be licensed.

3. A license to carry on business and to act as a compounder and to sell by wholesale the articles compounded under such license, may be granted to any party who has complied with the provisions of this Act, provided that the granting of the license has Conditions of license and amount of bond.

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

- Duty on license.** 4. The party in whose name a license is granted to act as a compounder, shall upon receiving such license pay to the Collector of Inland Revenue the sum of *fifty dollars*.
- Accounts to be kept.** 5. Every compounder shall make such entries and returns and keep such books and accounts as may be from time to time determined by Departmental regulations.
- Inland Revenue Act to apply to compounder and his premises.** 6. All the definitions as to what constitutes the premises of a distiller and the utensils of a distiller, and all the liabilities of distillers as to making entry of and designating his utensils and apparatus, or as to designating the apartments of the premises in which the business is carried on, shall apply to the compounder, and to his premises and utensils, and every license granted to a compounder shall be a license under the Act respecting the Inland Revenue herein cited.
- And to articles made by him.** 7. All the articles made by a compounder shall be liable to the same restrictions and provisions as to their removal from the premises in which they are made, and as to their removal from place to place, as Canadian or other spirits are liable to.
- Articles so made to be designated by label, &c.** 8. Every article made by a compounder shall be designated by some label or brand which shall shew the name of the compounder and the place at which such article was made; and the Governor in Council may, when it is deemed expedient so to do, order that such brands or labels, shall be in the form of a stamp, issued by the Department of Inland Revenue.
- Sect. 136 of 31 Vict., c. 8, repealed and new section substituted.** 9. The Act passed in the thirty-first year of Her Majesty and intituled "*An Act respecting the Inland Revenue*," is hereby amended by repealing section one hundred and thirty-six of the said Act and substituting the following in its place:—
- Penalty for using stamped or branded packages for goods on which duty has not been paid without defacing the stamp, &c.** "136. Every person who shall put into any bags, packages or casks which have been stamped or branded under this Act, any article or commodity subject to excise on which the duty imposed by this Act has not been paid or secured, or which has not been inspected as herein required, and every vendor of any package labelled, branded, or sealed as required by this Act who shall fail to obliterate or deface such label, brand, or seal before removing or allowing it to be removed from the licensed premises in which the article is made in the manner directed or required by any Departmental Regulation in that behalf:

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

5 more than three months."

2. "Every person who shall bring or cause to be brought into any place licensed under this Act, or who shall knowingly permit to remain in any licensed place belonging to him, or in which any business subject to excise is carried on under his supervision or control, any box, jar, barrel, bag or other package, such as is used for containing any of the articles subject to excise which are made in such licensed premises, and having attached to it any stamp, mark, or brand, or a part of any stamp, mark, or brand affixed thereto, under any provision of this Act, as evidence that the duty to which the contents of such box, jar, barrel, bag or other package is liable, has been paid or secured, or that the inspection to which such article is liable has been made without first giving an exact return or account, with a description of such packages and of the marks or labels then upon them to the office of Inland Revenue, under whose survey his premises are, and obtaining a permit thereto :—

"Shall forfeit and pay a penalty of five hundred dollars, and all articles subject to excise on the premises at the time such packages are discovered shall be seized as forfeited to the Crown."

10. Sub-section two of the forty-second section of the Act above cited is hereby repealed, and the following substituted therefor:

"2. All quantities of fluids shall be stated in the aforesaid books, returns, statements, and descriptions, in gallons, and the quantity of any fluid in gallons shall be determined by weighing or gauging in such manner as may be from time to time prescribed by any Departmental regulation in that behalf."

11. Section seventy-nine of the Act above cited is hereby amended by adding the following words :—" And the duty exigible on any article made during any half month shall be computed at the rate of duty to which it is or may be liable on the day upon which the return respecting it is required to be made, and no exciseable article shall be removed from the place in which it is made until an account of it has been included in the return herein mentioned, unless such removal is permitted by some general regulation made by the Department of Inland Revenue in that behalf."

12. The thirty-ninth, fifty-seventh, the sixty-fifth, the sixty-sixth and eightieth sections of the Act above cited are hereby amended by removing therefrom the words "bushel" or "bushels," wherever they or either of them occur in the said sections. And for the purpose of comparing the gauges of grain and malt as required by any provision of the said Act, the Department of Inland Revenue may by regulation in that behalf substitute such measure of capacity as will represent as nearly as may be a cental of barley or the sub-multiple of the cental : Provided always, that such substitution shall not increase or diminish the rate of duty charged on malt nor the quantity of malt required to be produced from a given quantity of barley or grain.

13. It shall be lawful for the Governor by order in Council to add to either of the schedules to this Act, or to remove from

Or bringing stamped vessels, &c., into manufacturers' premises without observing certain conditions.

Penalty and forfeiture.

Subs. 2 of s. 42, repealed and new subs. substituted.

Sect. 79 amended. Computation of duty for half-months.

Sections 39, 57, 65, 66 and 80, amended. Measurement by bushels to be replaced by centals.

Proviso.

Governor in Council may

add or take
away article
in schedules.

either of the said schedules any article or ingredient the addition or removal of which may by him be deemed necessary in the public interest. Every such order shall be published in the *Canada Gazette*, and shall take effect at the expiration of thirty days from the date of such publication.

5

Analysts of
food, &c., to
be appointed.

14. The Governor may appoint in each Inland Revenue Division one or more persons possessing competent medical, chemical and microscopical knowledge as analysts of food, drink, and drugs purchased, sold or offered for sale within such division, and may cause such remuneration to be paid to such analysts as he may deem proper.

Duty of In-
land Revenue
officers.

15. The officers of Inland Revenue, the Inspectors and Deputy Inspectors of Weights and Measures, and the Inspectors and Deputy Inspectors acting under the Act respecting the Inspection of Staple Commodities, or any of them, shall when required to do so by any regulation made in that behalf by the Department of Inland Revenue, procure and submit samples of food or drink or drugs suspected to be adulterated, to be analysed by the analysts appointed under this Act, and upon receiving a certificate signed by an analyst, that such article of food, or drink or drug is adulterated, shall seize the articles from which the sample was taken, and every such seizure shall be a seizure under the Act respecting the Inland Revenue herein cited, and shall be dealt with accordingly.

Adulterated
articles to be
seized and de-
stroyed.

Analysts to re-
port quarterly
to Department

16. Every analyst appointed under this Act shall report quarterly to the Department of Inland Revenue the number of articles of food, drink or drugs analyzed by him under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink or drugs, and all such reports or a synopsis of them shall be printed and laid before Parliament as an appendix to the annual report of the Department of Inland Revenue.

Power to pro-
cure samples
of articles
offered for sale

17. Any officer or person authorized under this Act may procure samples of food, drink and drugs which are required to be analyzed under this Act from any person having such articles in his possession, or selling or exposing the same for sale; he may procure such samples either by purchasing the same or by requiring the person in whose possession they are to shew him and allow him to inspect all such articles in his possession, and the place or places in which such articles are stored, and to give him samples of such articles on payment or tender of the value of such samples.

Penalty for
refusal to
admit officer,
or furnish
samples, &c.

18. If the person having such articles in his possession, or his agent or servant when required in pursuance of this section, refuses or fails to admit the officer, or refuses or omits to shew all or any of the said articles in his possession, or the place where any such articles are stored, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty and forfeiture as if he knowingly sold or exposed for sale adulterated articles.

Officer to
cause samples
to be analyzed

19. When the officer has by either of the means aforesaid procured samples of the articles to be analyzed, he shall cause the

same to be analyzed by one of the analysts appointed under this Act, and he shall give reasonable notice to the person from whom the sample was obtained, to enable such person, if he thinks fit, to attend when the sample is opened for analysis, and if it appears to the person so analyzing that the sample is adulterated within the meaning of this Act, he shall certify such fact, and the certificate so given shall be received as evidence in any proceedings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis, for the purpose of cross-examination.

Duty of analyst. His certificate and its use.

20. The person from whom any sample is obtained under this Act may require the officer obtaining it to annex to every vessel containing any such sample the name and address of such person, and to secure with a seal or seals belonging to him the vessel containing the sample and the address annexed thereto in such manner that the vessel cannot be opened or the name and address taken off without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the person from whom the sample is taken for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the person from whom they were obtained, and that the vessels were not open, and that the seals securing to the vessels the name and address of such person were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receiveable in evidence unless there is contained therein such statement as above or to the like effect.

Right of party from whom the sample is obtained to prevent tampering with it.

21. Any expenses incurred in analysing any food, drink or drugs in pursuance of this Act shall, if the person from whom the sample is taken be convicted of having in his possession, selling or exposing for sale adulterated food, drink or drugs in contravention of this Act be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.

Expense of analysis, how paid.

22. Every person who shall wilfully admix, and every person who shall order any other person to admix with any article of food or drink any deleterious or poisonous ingredient or material to adulterate the same for sale, and every person who shall wilfully admix and every person who shall order any other person to admix any ingredient or material with any drug to adulterate the same for sale, shall, for the first offence, forfeit and pay a penalty of *one hundred dollars*, together with the costs attending the conviction, and for the second offence shall be guilty of a misdemeanor, and be imprisoned for a period not exceeding six calendar months with hard labor.

Penalty on persons mixing deleterious articles with food, &c.

23. Every person who shall sell or offer for sale any article of food or drink with which, to the knowledge of such person, any deleterious ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as unadulterated any article of food or drink or any article commonly used in the preparation of food or drink

Or offering articles so mixed for sale.

or any drug which is adulterated, shall, for every such offence on conviction of the same, pay a penalty of *one hundred dollars*, together with the costs attending such conviction; and if any person so convicted shall afterwards commit a like offence, he shall pay a penalty of *two hundred dollars*, and in either case the adulterated articles shall be seized as forfeited to the Crown. 5

Who shall be held to have sold adulterated food, &c. 24. Any person who shall sell any article of food or drink or any drug, knowing the same to have been mixed with any other substance with intent fraudulently to increase its weight or bulk, and who shall not declare such admixture to any purchaser thereof before delivering the same, *and no other*, shall be deemed to have sold an adulterated article of food, or drink, or drugs, as the case may be, under this Act, 10

As to adulterated drinks. Every person who mixes or causes to be mixed with any intoxicating liquors sold or exposed for sale by him, any deleterious ingredient, that is to say, any of the ingredients specified in the second schedule to this Act, or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health: 15

Every person who sells, or keeps, or exposes for sale any intoxicating liquors mixed with any deleterious ingredient; and 20

Every compounder, or dealer in, and every manufacturer of intoxicating liquors, who has in his possession or in any part of the premises occupied by him as such, any adulterated liquor, knowing it to be adulterated, or any deleterious ingredient specified in the second schedule, hereto or added to such schedule by Order of the Governor in Council, for the possession of which he is unable to account to the satisfaction of the Court before which the case is tried, shall be deemed knowingly to have exposed for sale adulterated liquor; and shall be liable for the first offence to a 25

Penalty. penalty not exceeding *one hundred dollars*, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second or any succeeding offence, to a penalty not exceeding *four hundred dollars*, or to imprisonment for a time not exceeding three months with or without hard labour. 30 35

How this Act shall be construed and applied. 25. This Act shall be read and construed as one Act with the Act passed in the thirty-first year of Her Majesty, and entitled "*An Act respecting the Inland Revenue*," and every clause, matter or thing, in the said Act, whether enacted with special reference to any particular business or trade, or with general reference to the collection of Revenue, or the prevention, detection or punishment of fraud or neglect in relation thereto, shall extend, apply, be construed, and have effect with reference to this Act as if they had been enacted with special reference to the matters and things herein enacted: 40 45

Every penalty or forfeiture hereby imposed may be enforced and dealt with as if imposed under the said Act, and every compounder, and the apparatus used by him, and the place in which his business is carried on, and the articles made or compounded by him, or used in compounding any such article, shall be "subject to excise" under the said Act, and any person acting as a compounder without a license shall be liable to the like penalties and forfeitures as a distiller acting without a license under the said Act, and a license under this Act shall be granted and renewable or forfeited as, and for like periods and on like conditions, as a distiller's license under the said Act, subject to any provisions or alterations made by Regulations of the Governor in Council, as hereinafter provided. 50 55

The Governor in Council may, from time to time, make such regulations as to him may seem necessary for carrying into effect the provisions of this Act, and for declaring in cases of doubt, to what extent the provisions of the Act herein cited shall apply to the enforcement of the provisions of this Act, and every such regulation published in the *Canada Gazette* shall have the same effect in law as if contained in this Act.

26. This Act shall take effect from and after the first day of January, 1875, and may be cited as the "*Inland Revenue Act of 1875*."

SCHEDULES TO WHICH THIS ACT REFERS.

FIRST SCHEDULE.

Imitations of British or foreign wines, brandy, rum, gin o tom, Geneva schnapps, British or foreign whiskey, and bitter liqueurs and cordials when containing alcohol.

SECOND SCHEDULE.

Deleterious Ingredients.

Coculus indicus, chloride of sodium (otherwise common salt), copperas, opium, Indian hemp, strychnine, tobacco, darnel, sud, extract of logwood, salts of zinc or lead, alum, and any extract or compound of any of the above ingredients.

No. 118.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to prevent the Adulteration of
Food and Liquors.

Received and read, first time, Friday, 8th
May, 1874.

Second reading, Monday, 11th May, 1874.

Hon. Mr. CARTWRIGHT.

OTTAWA

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.

An Act to Incorporate the Alliance Assurance Association
of Canada.

WHEREAS the persons hereinafter mentioned have, by their
Petition, prayed for an Act to incorporate them and others
under the style and title of "The Alliance Assurance Association
of Canada," to carry on the business of Marine, Inland Navigation
5 and Transportation and Fire Insurance; and whereas it has been
considered that the establishment of such an association would be
beneficial to the interests of the Dominion, and would promote the
business of insurance among Canadians:—Therefore Her Majesty,
by and with the advice and consent of the Senate and House of
10 Commons of Canada, enacts as follows:—

1. M. Hamilton Gault, T. James Claxton, Hugh McLennan, A. ^{Incorporation,}
Frederick Gault, Daniel Butters, Louis Tourville, John Rankin,
James Crathern, Edward K. Greene, Alexander Walker Ogilvie,
Alexander Buntin, James McDougall, George M. Kinghorn, and
15 Charles Peers Davidson, all of the City of Montreal, Esquires, and
all other person and persons, body and bodies politic, as shall,
from time to time, be possessed of any share or shares of the stock of
the said Association, are hereby constituted and shall be one body
politic and corporate, by the name of "The Alliance Assurance
20 Association of Canada," and by that name shall have perpetual
succession and a common seal, with power to break and alter such
seal; and by that name may sue and be sued, plead and be im-
pleaded, in all courts whatsoever.

2. The said Association shall have power, in the Dominion of ^{Insurance}
25 Canada or in Great Britain and Ireland, or in any of her dependen- ^{powers.}
cies or in foreign countries, to transact and carry on the
business of insurance and reinsurance in all its various branches
and departments, whether against risk by fire or marine risks, or
of the lakes, seas, rivers, canals, or of ocean marine or inland
30 navigation, and all other risks whatsoever that may be insured
against, and to insure and also reinsure all kinds of property
rights and interests and for said purposes or any or either of them
at any and all times and places, to make and execute, written or
printed or partly printed and partly written, policies, contracts,
35 agreements or undertakings, according to the exigency of the
particular case and cases, and generally to do and perform all the
necessary matters and things connected with and proper to pro-
mote these objects.

3. The principal office of the said Association shall be in the ^{Head office}
40 City of Montreal, in the Province of Quebec, but the Directors of ^{and branches,}
the said Association may appoint Local Boards of Directors,
and establish agencies for carrying on the business of the said
Association in any of the countries, or at any of the ports or
60 places where it is permitted to do business as aforesaid.

And it shall only be necessary to prove that the defendant was ^{Proof.} owner of some shares in the said Association, 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 ⁵ Directors who made such calls, nor any other matter whatsoever.

8. The said Association shall have the right to acquire and ^{Power to hold real estate, and for what purposes.} hold real estate in the city of Montreal to the value of one hundred thousand dollars in which it shall provide itself with the offices necessary for the prosecution of its business; and the said ¹⁰ Association in addition to the above mentioned real estate, may purchase and hold all real estate which it may require for offices or the purposes of its specific business wherever it may establish agencies, and may sell and dispose of the same and acquire other property in its place as may be deemed expedient and may take ¹⁵ hold and acquire all such lands and tenements, real or immovable estate 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, or ²⁰ purchased for the purpose of avoiding a loss to the Association in respect thereof, or of the owners thereof and to retain the same ^{Limitation.} for a period not exceeding ten years, but the said association shall not at any one time hold such real estate to an extent exceeding in value in the aggregate the sum of two hundred thousand ²⁵ dollars.

9. It shall be lawful for the said Association to invest its funds ^{Investment of funds.} or any part thereof in Dominion or Provincial stock or debentures or in municipal debentures, and in the stock of chartered Banks, or the stock or debentures of incorporated companies or in any of ³⁰ the public securities of Great Britain and Ireland or the United States of America, to such an amount as may be required to be deposited with the national governments of the said countries or either of them or the governments of any of the different States of the said United States for the purpose of doing business in the ³⁵ said countries or states and to loan the same upon the security of such stocks and debentures, and also upon mortgage on real or personal estate, ships, or vessels at any legal rate of interest, with power to receive the same in advance; and the same investments to call in and reloan as occasion may require.

⁴⁰ 10. The stock, property, affairs and concerns of the said Association shall be managed by a Board of not less than nine or more than fifteen Directors, one of whom shall be chosen President, and one Vice-President, which Board, in the first instance and until replaced by others, shall consist of the said M. Hamilton Gault, ⁴⁵ T. James Claxton, Hugh McLennan, A. Frederick Gault, Daniel Butters, Alexander Walker Ogilvie, Edward K. Greene, Alexander Buntin, James Crathern and John Rankin: ^{Proviso.} Provided always, that no person shall be elected as a Director of the said Association unless he be a registered shareholder owning absolutely in his own ⁵⁰ right and not in trust, not less than one hundred shares of the capital stock of the said Association, and be not in arrear in respect of any call thereon.

11. When and so soon as five hundred thousand dollars of the ^{First general meeting of shareholders.} capital stock shall have been subscribed as aforesaid, and ten per ⁵⁵ centum of the amount so subscribed paid in, the said Provisional

Directors may call a general meeting of the shareholders at some place to be named in the city of Montreal, giving at least ten days notice thereof in the *Canada Gazette*, and also in some daily paper published in the said city, at which general meeting the shareholders present in person, or represented by proxy, shall elect such number of Directors not being less than nine or more than fifteen, as the Provisional Directors may ordain in the manner hereinafter provided, who shall constitute a Board of Directors, and shall hold office for one year or until the annual general meeting in the year following their election.

Notice.

Election of Directors.

Participation in profits by policy holders.

Proviso.

Transmission of shares.

Transmission by marriage of female shareholder.

As to authorization of wife.

Proceedings in case of doubt as to title to such share.

Proviso as to procedure.

12. It shall be lawful for the Directors to return to the holders of policies, or other instruments, such portion of the actual realized profits of the said Association in such proportions, at such times, and in such manner as the said Directors may think proper, and to enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that the holders of policies or other instruments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said Association.

13. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy, or insolvency of a shareholder, or by any other lawful means, than an ordinary transfer shall be authenticated and made in such form, by such proof, with such formalities, and generally in such manner as the Directors shall from time to time require, or by any law may direct; and in case the transmission of any share of the capital stock of the said Association shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding on the said Association and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the said Association; and the omission of such a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

14. If the Directors of the said Association shall entertain doubts as to the legality of any claim to and upon any share of stock, it shall be lawful for the said Association to make and file in the Superior Court, at Montreal, a declaration and petition in writing, addressed to the said court, or to one of the judges thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said share to the party or parties legally entitled to the same, and by which order or judgment the said Association shall be guided and held fully harmless and indemnified, and released from all and every other claim for the said share, or arising therefrom: Provided, always, that notice of such petition shall be given to the party or parties who may have claimed, or signified his or their intention of claiming such share, and who shall upon the filing of such petition at his or their diligence establish his or their right to the several shares referred to in such petition; and the delays to plead, and all other

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proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided, also, that unless the said court or judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso as to costs.

10 **15.** If any insurance shall be and subsist in the said Association, and in any other office, or from and by another person or persons at the same time, the insurance made in and by the said Association shall be deemed and become void, unless such double insurance subsist with the consent of the Directors, signified by
15 endorsement on the policy signed by the President, Secretary, or otherwise as directed by the by-laws and regulations of the said Association.

Case of double insurance.

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

Officers or stockholders competent as witnesses.

17. The said Association shall, when required so to do, by the Parliament of Canada, or either of the branches thereof, present a return under oath of the amount of real estate held by the said Association—the amount of capital stock subscribed and paid up, with a list of the shareholders, and the stock subscribed by each and the names of the Directors—together with a statement of the amount of losses paid during the past year, the amount of risks for which the said Association is liable under each class, the amount
25 paid or to be paid the stockholders in dividends and bonuses, and the amount of money in hand at the time of making the return.

Return to Parliament.

18. Notwithstanding anything contained in "*the Canada Joint Stock Companies Clauses Act, 1869,*" or in any other law, the said Act shall extend and apply to the Association hereby incorporated and shall be incorporated and form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained: Provided always that the words "or insurance" in the third and thirty-first sections of the said cited Act and sections 18, 24, 25, 28, 29, 32, 39 and 40 of the said cited
35 Act shall not extend and apply to or be incorporated with this Act.

General Act to apply, 32, 33 Vic., cap. 12.

19. The present Act shall in nowise be forfeited for non-user at any time before the first day of January, one thousand eight hundred and eighty.

No forfeiture for non-uses before 1880.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Alliance Assurance Association of Canada.

Received and read, first time, Monday, 11th
May, 1874.

Second reading, Tuesday, 12th May, 1874.

(PRIVATE BILL.)

Mr. RYAN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1874.

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An Act to incorporate "The Stadacona Fire and Life Insurance Company."

WHEREAS Jean Baptiste Renaud, the Honorable Eugène Chénic, the Honorable John Sharples, Philippe Baby Casgrain, John Ross, James G. Ross, Alexandre Le Moine, John Lane, Cirice Têtu and others, all of the City and District of Quebec, have petitioned for an Act to incorporate them and others under the style and title of "The Stadacona Fire and Life Insurance Company" to enable them to carry on the business of fire and life insurance; and whereas it has been considered that the establishment of such an association would be greatly beneficial to the interests of the Dominion, and tend to the retaining therein a portion of the moneys annually sent away as premiums for such insurances: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said parties and all other person and persons, firm and firms, body and bodies politic as shall from time to time be possessed of any share or shares of the stock of the Company, are hereby constituted, and shall be one body politic and corporate by the name of the "Stadacona Fire and Life Insurance Company," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

2. The capital stock of the said Company shall be two millions of dollars, divided into twenty thousand shares of one hundred dollars each; books of subscription shall be opened in the City of Quebec and elsewhere at the discretion of the Directors, and shall remain open so long as and in the manner that they shall deem it proper, after giving due public notice thereof. Which said shares shall be and are hereby vested in the several persons, firms or corporations who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall and may be lawful for the said Corporation to increase its capital stock, from time to time to a sum not exceeding five millions of dollars, or such portion thereof as a majority of the stockholders at a meeting to be especially convened for that purpose shall agree upon.

3. It shall be lawful for any person or persons, firm or body politic to subscribe for such and so many shares as he, she or they may think fit; and five per cent. shall be paid at the time of subscription, and five per cent. shall be paid in three months thereafter, to be called for by the Directors; and the remainder shall be payable in such instalments as a

majority of the Directors may determine upon, not to exceed five per cent. per call, and at periods of not less than three months interval: Provided always that no instalment shall be called for nor be payable in less than thirty days after public notice shall have been given in two newspapers, published in the City of Quebec (one in the English language, and the other in the French language) and in the *Canada Gazette*. 5

4. If any stockholder or stockholders as aforesaid, shall refuse or neglect to pay the instalment due upon any share or shares held by him, her or them, at the time required so to do, he she or they shall *ipso facto* be and become further liable to the payment to the Company of interest on the amount of the unpaid call, from the date fixed for the payment of the same, at the rate of seven per cent. per annum. And the Directors may declare such share or shares as aforesaid to be forfeited, together with the amount previously held thereon, and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice, as 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 expenses of such sale, the surplus money shall be paid on demand to the owner. 10 15 20

5. Provided always that the Company may, if the Directors think proper, enforce payment of all calls and interest thereon, with costs of suit by action in any competent court; and, in such action, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company 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 has accrued to the Company to recover the same with interest for non-payment; and a certificate under the seal of the Company, and purporting to be signed by one of their officers, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him shall be received in all courts of law as *prima facie* evidence to that effect. 25 30 35

6. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received, in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal. 40 45

7. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, firm,

body politic or corporate, against loss or damage by fire in Canada on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels, or personal estate whatsoever, for such time or times, and for such premiums or considerations, and 5 under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the assured. And also to carry on the business of life insurance in all branches and modes of conducting the same, and on any plan or principle as the Board of Directors 10 may determine and direct, including the granting of endowments and reversionary annuities, and to buy, sell, grant and otherwise acquire and otherwise dispose of annuities and endowments of every description, whether of reversion, remainder, annuities, life policies or otherwise and generally to enter into any transaction 15 depending upon the contingency of life, and all other transactions usually entered into by life insurance companies or associations. And the said Company shall also have power to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; or to insure any other insurance 20 company against any loss or risk which such other insurance company may have incurred in the course of their business. And generally to do and perform all other necessary matters and things connected with and proper to promote those objects.

8. For all or any of the purposes aforesaid, it shall be lawful 25 for the Directors of the said Company, to establish agencies, for the carrying on of the business of the Company at any place in Canada and in so doing to appoint and from time to time remove such agents and local boards as they, in their discretion, may deem advantageous to the interests of the said Company, and to 30 remunerate such agents and local boards and invest them with such powers as they may deem necessary.

9. It shall be lawful for the said Company to commence the business of fire insurance so soon as they shall have complied with the requirements of the Act respecting Insurance Companies, 31 35 Vict., ch. 48, and its amendments, with regard to fire insurance companies and have obtained from the Minister of Finance the necessary license. And afterwards, when the Directors shall think proper, and when the Company shall have complied with the requirements of the said Act, and amendments with regard to 40 life insurance companies and have obtained from the Minister of Finance the necessary license, it shall then be lawful for them to commence the business of life insurance: Provided that so soon as the said Company shall commence the business of life insurance, separate books of accounts shall be opened and kept 45 for all transactions connected with that branch of the business of the Company; and the funds pertaining to the said branch shall be kept distinct and separate from those pertaining to the fire business of the Company; and the funds derivable from the said life branch shall not be applicable to, nor liable for, any losses or 50 claims whatsoever that may happen in the fire branch; and in like manner the accounts in the fire branch shall be kept distinct and separate from those of the life branch, and the funds of the same

shall not be applicable to, nor liable for, any losses or claims whatsoever arising in the life branch.

10. The said Company shall have power to acquire and hold for the purposes of its business, such real estates in the Dominion of Canada, not exceeding in annual value the sum of ten thousand 5 dollars, to sell the same and buy others, as the Directors may deem expedient; and the said Company in addition to the above mentioned real estate may purchase and hold such other real estate on which it may hold mortgages or hypothecs, which may be brought to a forced sale; or it may take any real estate, with 10 the approval of the majority of the Directors, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell such real estate, either so purchased or so taken in payment and not required for offices or for the purposes of its business as above provided, within ten years after the same 15 shall have been acquired.

11. It shall be lawful for the said Company to invest its funds in the debentures, bonds, stocks or other securities of the Dominion of Canada, or in the securities of any of the Provinces comprising the Dominion, or in the securities of any municipal corporation 20 in the Dominion, or in stocks of banks or building societies incorporated in Canada, or in stock or debentures of companies incorporated in Canada; or to loan its funds on the security of such stocks, bonds or debentures, or on hypothecs or mortgages on real estate in the Dominion of Canada, or on its life policies to 25 the extent of their surrender value; and it shall have power from time to time to dispose of such stocks, bonds or debentures and hypothecs, and replace them by others at the discretion of the Directors.

12. The properties, affairs and concerns of the said Company 30 shall be managed and conducted by a board of nine Directors, one of whom shall be chosen President and one Vice-President, by them, and they shall fix the quorum and procedure of their meetings; which board, in the first instance, and until replaced by others shall consist of the said Jean Baptiste Renaud, Honorable 35 Eugène Chinic, Honorable John Sharples, Philippe Baby Casgrain, John Ross, James G. Ross, Alexandre Le Moine, John Lane and Cirice Têtu, all of the City and District of Quebec.

13. The principal office of the Company shall be in the city of Quebec, but the Company may establish agencies or branch offices 40 in any part of Canada as above provided.

14. When, and so soon as five hundred thousand dollars of the capital stock shall have been subscribed and fifty thousand dollars of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders, at some 45 place to be named in the City of Quebec, giving at least ten days notice thereof in the *Canada Gazette*, and also in a daily French newspaper and a daily English newspaper, published in the City of Quebec; at which general meeting the shareholders present in

person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a board of Directors, and shall hold office until the annual general meeting in the year following their election.

5 15. The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year, or if that be a holiday, on the next succeeding day not being a holiday, at the hour of two of the clock in the afternoon; at which meeting shall be submitted a statement of the affairs of the Company. The
10 annual election of Directors shall take place at this meeting by ballot, which shall be kept open from two to three o'clock of the said afternoon, at the expiration of which time it shall be closed, and when so closed no person shall have a right to vote on any pretence whatever; and the nine persons who shall have the
15 greatest number of votes at any such election shall be Directors, except as hereinafter directed, and if two or more persons have an equal number of votes in such a manner that a greater number of persons than nine shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a
20 majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of nine; and no person shall be eligible to be or shall continue as Director, unless he shall hold in his name and for his own use, stock in the said
25 Company to the amount of fifty shares and shall have paid all calls made and due upon his stock.

16. Special general meetings of the shareholders may be called for any day not a holiday, by order of the President, or, in his absence, of the Vice-President, or on the requisition of at least ten
30 shareholders, representing not less than one thousand shares of the capital stock of the Company; and on such requisition the Directors shall be bound to call the meeting within the time specified therein.

17. All general meetings of shareholders, whether for the
35 annual election or special or other, shall be held in such place in the City of Quebec, as the Directors may select and indicate; and notices of all such meetings shall be given by advertisement during the ten days preceding the day fixed for the meeting in a daily English newspaper, and a daily French newspaper published
40 in the City of Quebec. The *quorum* at all such meetings shall consist of twelve shareholders duly qualified to vote. At all such general meetings whether for the annual election or for any other purpose each shareholder shall be entitled to give one vote for every share held by him absolutely and in his own name for not
45 less than thirty days prior to the said meeting, upon which all calls then due have been paid up; such votes may be given in person or by proxy, the holder of such proxy being himself a shareholder qualified to vote, and all questions proposed for the consideration of the shareholders shall be determined by the
50 majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes: Provided that no salaried employee of the Company shall have right to vote.

18. In case it should at any time happen that an election of Directors of said Company should not be made on the day appointed, it shall be lawfully held on any other subsequent day appointed by the Directors for the time being; and they shall so continue in office until a new election is made.

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19. And if any vacancy should at any time happen amongst the said Directors, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them, electing in such place or places a shareholder or shareholders eligible for such an office.

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20. 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; but shall not be liable to an action therefor by any creditor before the state of insolvency of the Company be proved; and the shares shall be deemed personal estate.

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21. No transfer of any shares of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time be fixed by the Directors; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided that no transfer of stock shall at any time be made until all calls due thereon have been paid in.

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22. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and his signature will suffice for any transfer of such share or other thing concerning such share, whether or not such notice of such trust shall have been given the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt or transfer.

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23. Every person holding stock in the Company as an 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 every person who pledges his stock may nevertheless represent the same at all such meetings and vote accordingly; but no such executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; and no person holding such stock as collateral security 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 shareholder accordingly.

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24. It shall be lawful for the Directors to return to the holders of the policies or other instruments, such part or parts of the profits of

the Company in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable; and to enter into obligations so to do, either by endorsements on the policies or otherwise: Provided always that such holders of policies or other instruments shall not be held to be in anywise answerable for the debts or losses of the Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

25. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may from time to time, if they deem advisable, make by-laws, not contrary to law nor to this Act, for the conduct in all particulars of the affairs of the Company and the remuneration of the Directors, and may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company; and in default of confirmation thereat, shall at and from that time only, cease to have force.

26. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities and generally in such manner as the Directors shall from time to time require, or by any by-law, may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself, without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same, is duly authorised by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal,—any law or usage to the contrary notwithstanding.

27. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share of stock, it shall be lawful to the Company to make and file in the Superior Court, at Quebec, a declaration and petition in writing addressed to the said court, or to one judge thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said share to the party or parties legally entitled to the same, and by which order or judgment the Company shall be guided and held fully harmless and indemnified, and released from all and every other claim for the said share, or arising therefrom: Pro-

vided always that notice of such petition shall be given to the party claiming such share, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also that, unless the said court or judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right. 5 10

28. Any person, who, as Secretary, Clerk or other Officer of the Company shall be guilty of any designed fraud or falsehood, 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 in 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. 15 20

29. If any fire insurance shall be and subsist in the said Company and in any other office, or from and by another person or persons, at the same time on the same thing, the insurance made in and by the said Company shall be deemed and become void; unless such double insurance subsist with the consent of the Directors, signified by endorsement on the policy, signed by the President, Secretary or otherwise, as directed by the Directors or the by-laws and regulations of the Company. 25

30. 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. 30

31. During the hours of business, every stockholder of the said Corporation shall have power to ask and receive from the President, Secretary or other Officer the names of all the stockholders of the said Corporation and the number of shares held by each of them. 35

32. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof, and no shareholder, not being himself a party to such suit shall be incompetent as a witness therein. 40

33. The Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, shall apply to this Act, and the Company therein mentioned. 45

121

An Act to amend the Act to incorporate the Imperial
Bank.

WHEREAS the Imperial Bank was duly incorporated by an Act passed in the thirty-sixth year of Her Majesty's reign, chaptered seventy-four, and the Honorable James-Cox Aikins and others, Provisional Directors thereof, have by their petition prayed
5 the said Act be amended, and the name of the said Bank changed that as hereafter mentioned, and that the time limited by the fifth section of the said Act, may be extended, and the rights and privileges of the said Bank under the said Act of Incorporation
10 may be continued: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The corporate name of the said Bank shall be changed from that of the Imperial Bank to that of the Imperial Bank of Canada.

2. The time limited by the fifth section of the Act passed in
15 the thirty-sixth year of Her Majesty's reign chaptered seventy-four, and intituled an Act to incorporate the Imperial Bank, is hereby extended to the further period of twelve months.

An Act to enable the Montreal Northern Colonization Railway Company to build a Bridge over the Ottawa River.

WHEREAS the Montreal Northern Colonization Railway Company have petitioned that they should be empowered to construct a Bridge over the Ottawa River, in order to improve their connections; and, whereas it is expedient to grant them the powers which they have asked by their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Montreal Northern Colonization Railway Company is empowered and authorized to construct a Bridge over the waters of the Ottawa River, at some suitable point at or near and between the Township of Hull and the City of Ottawa, and also to connect its railway with any Railway coming to the said City of Ottawa.

Preamble. 1874.
Bridge may be built over the River Ottawa.

OTTAWA
MAY 11 1874

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to enable the Montreal Northern
Colonization Railway Company to build
a Bridge over the Ottawa River.

Received and read, first time, Tuesday, 12th
May, 1874.

Second reading, Wednesday 13th May, 1874.

(PRIVATE BILL.)

Hon. Mr. ABBOTT.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to amend the Act incorporating the Western Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company.

WHEREAS the Western Assurance Company have petitioned Preamble.
for certain amendments to their charter, and other acts affecting the same, and that their powers may be extended thereunder, and it is expedient to grant the prayer of the said petition:
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. So much of the fourth section of the amended Act of incorporation of the said Company, passed in the thirty-fifth year of Her Majesty's reign, chapter ninety-nine, as relates to investments S. 4 of 35 V. c. 99, repealed.
- 10 by the said Company, shall be and is hereby repealed; and from Investment of funds.
and after the passing of this Act, it shall be lawful for the said Company to invest the capital stock, funds and money of the said Company, temporarily, or otherwise, in Dominion, Provincial, Municipal and Foreign Securities, in bonds and mortgages, and the
- 15 stocks of the incorporated moneyed institutions of the Dominion of Canada, and to make loans on the security of such stocks, bonds or mortgages as aforesaid, and to change and re-invest the same as occasion may from time to time require; the current value of such stock, bonds and other evidences of indebtedness shall be at
- 20 all times, during the continuance of such loans, at least ten per cent. more than the sum loaned thereon.
2. To enable the Company to extend their business to parts Deposits abroad in order to extend business.
abroad, as contemplated by the Act of incorporation, it shall be lawful for the said Company to make deposits of money or securities there in compliance with the laws of the country, state or
- 25 states wherein it may be desirable to carry on their business of assurance.

No. 123.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act incorporating the Western Assurance Company, and other Acts affecting the same, and to extend the powers of the said Company.

Received and read the first time, Tuesday, 12th
May, 1874.

Second reading, Wednesday, 13th May, 1874.

(PRIVATE BILL)

Mr. O'DONOHUE.

OTTAWA :

Printed by I. B. Taylor, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate "The International Express Company."

WHEREAS the several parties hereinafter named have, by Preamble.
 their petition, represented that they have associated themselves together, with divers others, for the purpose of the transport and carriage and conveyance of money, packages of goods, chattels,
 5 wares and merchandise, and of every description of property that may be intrusted to their care for transport, carriage and delivery to and from any part or portion of the country being within the Dominion of Canada; and the more effectually to carry out this enterprise, they have prayed that an Act be passed incorporating
 10 them with the powers hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Ashley Hibbard, of Chambly, in the Province of Quebec; Certain persons incorporated.
 Norman A. Smith, M.D., and Edward H. Goff, both of the City of
 15 Montreal, in the Province aforesaid; Owen Murphy, Willis Russell, George Goodwin and Thomas H. Mahoney, all of the City of Quebec, in the Province aforesaid; James McShane, junior, Michael C. Mullarky and Charles H. Chandler, all of the City of Montreal aforesaid; and John C. Baker, of Stanbridge, in the said Province,
 20 Esquires, and such others as may be associated with them and their successors, and such and so many other persons or parties as have become or may become shareholders in the capital stock hereinafter mentioned, shall be and they are hereby constituted a Corporate name.
 25 of "The International Express Company."

2. The capital stock of the said Corporation shall be two Capital stock and shares.
 hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall
 30 subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall be lawful for the said Corporation to increase its capital to five hundred thousand dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that
 35 purpose, may agree upon.

3. No shareholder in the said Company shall be in any manner Liability of shareholders.
 liable or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, or her, or their
 subscribed share or shares in the capital stock of the said
 40 Corporation.

4. It shall and may be lawful for the said Company, Business to be transacted by Company.
 (1). To contract with railway companies, steamboat companies or owners, stage or waggon proprietors and others, for the carriage

and transport of any goods, chattels, merchandise, money, packages or parcels that may be entrusted to them for conveyance from one place to another within the Dominion of Canada ;

(2). To contract with British and foreign express companies, and other parties, for co-operating with and transacting such business as aforesaid, in connection with the said Company. 5

(3). To acquire, construct, charter and maintain boats, vessels, vehicles and other conveyances for the carriage and transport of any goods or chattels whatsoever by the Company ;

(4). To make by-laws for managing the business and affairs of the Company, and for regulating the appointment and duties of the officers and servants thereof. 10

Provisional Directors.

5. For the purpose of organizing the said Company, the persons named in the first section of this Act, shall be Provisional Directors thereof, and they or a majority of them may cause stock-books to be opened, after giving due public notice thereof, upon which stock-books shall be recorded the subscriptions of such persons as desire to become shareholders in the Company ; and such books shall be opened in the City of Montreal and elsewhere, and for such time as the Provisional Directors shall deem necessary. 15 20

Stock books.

First meeting of shareholders.

6. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place to be named in the City of Montreal, giving at least ten days' notice thereof in some daily newspaper published in the said City ; at which general meeting the shareholders present, in person or represented by proxy, shall elect five Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the second Wednesday in January, in the year following their election. 25 30

Calls on stock.

7. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint ; no such instalment shall exceed ten per cent., and not less than one month's notice thereof shall be given. 35

Board of Directors.

8. The stock, property, affairs and concerns of the said corporation shall be managed and conducted by five Directors, one of whom shall be chosen President and one Vice-President, who, excepting as hereinbefore provided for, shall hold office for one year ; which Directors shall be shareholders, residing in Canada, and be elected at the annual meeting of shareholders, to be holden in the City of Montreal, on the second Wednesday in January in each year, or such other day as may be appointed by by-law, not less than ten days' notice of such meeting being given, as provided in section six ; and the said election shall be held and made by such of the shareholders present, in person or represented by proxy, as shall have paid all calls made by the Directors, and then due ; and all such elections shall be by ballot, and the five persons who shall have the greatest number of votes at any such election, shall be Directors, except as hereinafter provided ; and if two or more persons have an equal number of votes, in such manner that a greater number of persons shall appear to be chosen as Directors, then the directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of five ; and the 40 45 50 55

Qualification and election.

- said Directors, as soon as may be after the election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if
 5 any director shall move his domicile out of Canada, his office shall be considered as vacant; and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining
 10 Directors or a majority of them, electing in such place or places, a shareholder, or shareholders, eligible for such office: Provided always that no person shall be eligible to be or continue as Director, unless he shall hold in his name, and for his own use, stock in the said Company to the amount of twenty shares,
 15 whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.
9. In case it should at any time happen that an election of Directors of the said Company should not be made on any day
 20 when, pursuant to this Act, it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election, in such a manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall
 25 so continue until a new election is made.
10. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid: such
 30 votes may be given either in person or by proxy,—the holder of any such proxy being himself a shareholder; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him; and all questions proposed for the consideration of the shareholders, shall be
 35 determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes; Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.
- 40 11. It shall and may be lawful for any person or persons, or body politic or corporate, to subscribe for such and so many shares as he, she or they may think fit,—not however exceeding, during the first six months after the subscriptions books are opened, fifty shares: Provided, nevertheless, that, after the expiration of such
 45 six months, there shall be no limitation to the subscription for or acquisition of any number of shares.
12. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously
 50 paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold, or any part thereof, for the benefit of the Company, to any other person or persons.
13. If payments of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such
 55 share shall revert to the owner, as if the same had been duly paid

Election of officers.

Vacancies.

Proviso: Qualification.

Failure of election not to dissolve corporation.

Votes on shares.

Proviso.

Number of shares which may be subscribed for.

Forfeiture of shares for non-payment of calls.

Effect of payment of arrears.

- Allegation in suits.** before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial, it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act: and it shall not be necessary to prove the appointment of the Directors who made such calls, or any matter whatsoever other than what is before mentioned: a copy of any by-law, rule, regulation, or minute, or of any entry in any book of the Company, certified to be a true copy or extract, under the hand of the President, or Vice-President, or the Manager, or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without proof thereof, and without proof of the official character or signature of the officer signing the same, or of the corporate seal. 5 10 15 20
- Proof.**
- Quorum.** 14. At all meetings of Directors, three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes; and, in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote, in addition to his vote as a Director. 25
- Casting vote.**
- Annual general meeting.** 15. At the annual meeting of the shareholders, the election of Directors shall be held, and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders, the President, or in his absence, the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote, in addition to his vote as a shareholder. 30 35
- Special general meeting.**
- By-laws may be made.** 16. The Directors shall have full power and authority to make and from time to time, to alter such by-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the appointment of a managing director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them; the regulation of the transfer of stock, and the form thereof; the compensation of Directors; and the establishment and regulation of agencies: Provided always that such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and 40 45 50 55
- Proviso, to be confirmed.**

shall thereafter have force and effect, as so approved or modified at such meeting; and provided further that such by-laws do not contravene the provisions of this Act. Proviso.

17. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding five thousand dollars; and to sell or dispose of the same and acquire other property in its place as may be deemed expedient; and to take, acquire and hold all such land and tenements, real or immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owner thereof; and to retain the same for a period not exceeding ten years; and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada or of any of the Provinces thereof, or in the stocks of any banks or building societies in Canada or in the bonds or debentures of any incorporated city, town or municipality in Canada authorized to issue bonds or debentures, or in mortgages on real estate. Company may acquire real estate.
Investment of funds.

18. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company, according to such form as may from time to time be fixed by the by-laws; and, until the whole of the capital stock of the said Company is paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid up. Transfer of stock.
Proviso.

19. In the event of the property and assets of the said Company being insufficient to satisfy its debts, liabilities and engagements, the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company hereinbefore provided for. Liability of shareholders limited.
Proviso.

20. The Directors of the Company, at the annual meetings thereof, shall declare such dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends. Dividends.

No. 124.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL,

An Act to incorporate "The International
Express Company."

Received and read the first time, Tuesday, 12th
May, 1874.

Second reading Wednesday, 13th May, 1874.

(PRIVATE BILL.)

By **Mr. JETTÉ.**

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to incorporate the Colonial Building and Investment Association.

WHEREAS the persons hereinafter named, owners of real estate in the City and District of Montreal and elsewhere in the Dominion, have petitioned for an Act of Incorporation, to establish an Association to be called the "Colonial Building and Investment Association," whereby powers may be conferred on the said Association for the purpose of buying, leasing or selling landed property, buildings and appurtenances thereof, for the purchase of building materials, to construct an improved class of villas, homesteads, cottages and other buildings and premises and to sell or let the same, and for the purpose of establishing a building or subscription fund to which persons may subscribe or pay in money for investment or for building purposes, and from which payments may be made for said purposes and also to act as an agency, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. William Rodden, John Torrance, Andrew Robertson, William Clendinneng, Philip Simpson Ross, William W. Robertson, Edward MacKay, George Winks, Alexander Holmes, (who shall be Provisional Directors) and all other persons and bodies corporate who shall from time to time be possessed of any share or shares in the Association, shall form and are hereby constituted an Incorporate Association by the name of the "Colonial Building and Investment Association," with all the rights and powers hereinafter named necessary to properly carry out the objects of the Association and incident to such corporations.

Certain persons incorporated.

2. The capital stock of the Association shall be one million dollars divided into shares of one thousand dollars each, and may be increased to five millions of dollars by a vote of two-thirds of the shareholders present at any meeting called for that purpose, provided the said two-thirds of the shareholders shall represent at least one half of the paid up stock of the Association; and before the Association shall go into operation, one half of the stock shall be taken up and ten per cent. thereon paid in.

Capital and shares.

3. The Directors may issue the shares of the capital stock or such number thereof as they may see fit from time to time, and may issue the shares in one or more classes or denominations and distinguish the same as may be convenient, and may determine out of what profits or transactions dividends shall be declared and paid upon the whole stock, or upon such class or classes respectively, and upon their so doing the profits derived or losses arising from investments or transactions under one class of stock, shall not be participated in or borne by the owners of any other class of

Issue of shares

stock as such; provided that the Directors may in an equitable manner apportion the expenses of management among all classes of stock, should there be more than one class thereof.

Powers of the Association.

4. The Association shall have power to acquire and hold by purchase, lease or other legal title, any real estate necessary or requisite for the carrying out of the undertakings of such Association, lands, houses, buildings, premises and rights and privileges belonging thereunto, to construct, erect, build and maintain houses or other buildings and premises; and to lease, let, sell, convey and dispose of the said property or such part thereof as the Association may deem for its advantage and the public convenience, and also shall have power to acquire and use or dispose of every description of material for building purposes and shall have power to lend money on security by mortgage on real estate or "on Dominion or Provincial Government Bonds *Stocks or other securities*, or on the stocks of chartered banks in the Dominion. The Association may acquire, hold and dispose of public securities, stocks, bonds, or debentures, of any corporate bodies, the bonds and debentures and other evidences of debt of the Dominion or Provincial Government, municipal debentures or debentures issued by the Government in exchange for those of any town, city or municipality, constituted and ground rents, (but not arrears of constituted rentes) and any moneys secured by privilege, hypothec, mortgage, pledge or otherwise, and on the titles or evidences thereof, and shall by the acquisition thereof be subrogated in and have all the rights of the parties from whom the same or any of them shall be acquired, and for the foregoing purposes they may execute such assignments or other instruments as may be necessary for carrying the same into effect. The Association may effect or cause to be effected such insurances as may be necessary to protect all its interests, and shall be invested with all the powers, privileges, and immunities necessary to carry into effect the intentions and objects of this Act, and which, by law, are incident to such corporations.

May act as an agency and trust company.

5. The Association may act as an agency and trust company, and may hold, invest, and deal in its own name or otherwise with such real estate, moneys, mortgages, hypothecs, securities or evidences of debt as shall from time to time be transferred or delivered to the Association upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise, and the Association may give such guarantee as may be agreed on for repayment of principal or interest or both of any such moneys, mortgages, hypothecs, securities or evidences of debt.

May acquire real estate mortgaged to them.

6. The Association may hold such real estate as being mortgaged or hypothecated to them, may be required by them for the protection of their investments, and may from time to time sell, mortgage, lease or otherwise dispose of the same; Provided always, that the Association shall sell any such real estate within five years after so acquiring it.

May borrow money.

7. The Directors may obtain money for the purposes of the Association from time to time, at such rates of interest, and upon such terms, as may be agreed upon, and for that purpose make or cause to be made bonds or other instruments under the common seal of the Association for sums of not less than one hundred dollars, which may be payable at any place, and either to order or

- to bearer, and may have interest coupons attached; Provided that the aggregate of the sum or sums so obtained shall not at any time exceed the amount of subscribed capital of the Association for the time being; and provided also that the shareholders shall by by-law or resolution regularly passed at a meeting of the Association authorize the Directors to the foregoing effect, and no lender or lenders shall be bound to enquire into the validity of any resolution or by-law authorizing the same, or the purpose for which such sum or sums are required or obtained. Proviso.
- 10 **8.** The affairs of the Association shall be managed by a board of not less than three or more than seven directors, and the persons named in section one of this Act shall be the Directors of the Association until replaced by others duly elected in their stead. Board of Directors.
- 15 **9.** No person shall hereafter be named a Director unless he be a shareholder owning stock to the amount of at least five thousand dollars in his own right, and not in arrear in respect of any call thereon, and the major part of the Directors must be residents within the Dominion of Canada. Qualification.
- 20 **10.** The Directors to be hereafter named shall be elected by ballot, or by acclamation without a ballot if so agreed upon, by the shareholders in a general meeting of the Association assembled, at such time, in such manner, and for such term as the by-laws of the Association may prescribe, and until a by-law shall be made for the purpose. The election shall take place annually. Election of Directors.
- 11.** The Chief office of the Association shall be in the City of Montreal. Branch offices or agencies may be established in London, England, in New York, United States, and in any city or town in the Dominion of Canada, for such purposes as the Directors may determine in accordance with this Act, and the bonds, coupons, dividends, or other payments of the Association, may be made payable at any of the said offices or agencies, and in sterling or currency. Chief office and agencies.
- 30 **12.** The Directors of the Association shall have full power in all things to administer the affairs of the Association, and may make or cause to be made for the Association any description of contract which the Association may by law enter into, and may from time to time make by-laws not contrary to law, nor to this Act to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of Directors, their term of service, time and manner of their election, and the quorum necessary for the transaction of business, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Association, the security to be given by them to the Association, their remuneration, the time at which and place where the annual meetings of the Association shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Association, the requirements as to proxies and the proceedings in all things at such meetings, the allowance of discount or additions for prepayment of moneys becoming due and payable to the Association, the position and recovery of all penalties and forfeitures admitting of Directors may make by-laws.

- regulation by by-law, and the conduct in all other particulars of the affairs of the Association, and may from time to time, repeal, amend or re-enact the same—and every such by-law and every repeal, amendment or re-enactment thereof shall remain in force until rescinded at a general meeting of the Association duly called for that purpose : Provided always, that one fourth part in value of the shareholders of the Association shall, at all times, have the right to call a special meeting thereof, for the transaction of any lawful business specified in such written requisition and notice they may issue to that effect. 5 10
- Proviso.**
- Copy to be evidence.** 13. A copy of any by-law of the Association under its seal and purporting to be signed by any officer of the Association, shall be received as *prima facie* evidence of such by-law in all Courts of law or equity in this Dominion. 15
- Stock to be personal estate.** 14. The stock of the Association shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as, by the by-laws of the Association, shall be prescribed. 15
- Calls on stock.** 15. The capital stock shall be allotted when and as the Directors by by-law or otherwise may ordain, and the Directors of the Association may call in, and demand from the shareholders thereof, respectively, all sums of money by them subscribed, at such time and places and in such payments or instalments as this Act may require or allow, and interest shall accrue and fall due upon the amount of any unpaid call, from the day appointed for payment of such call. 20 25
- Enforcement of calls.** 16. The Association may enforce payment of all calls and interest thereon, by any action in a competent Court, and in such action it shall not be necessary to set forth the special matter, but 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 Company under this Act, and a certificate under their seal and purporting to be signed by any officer of the Association to the effect that the defendant is a shareholder, that such call or calls has or have been made and that so much is due by him and unpaid thereon, shall be received in all Courts of law and equity as *prima facie* evidence to that effect. 30 35 40
- Transfer of shares.** 17. No share shall be transferable otherwise than in the manner and at the time or times which may be provided for in a by-law to be passed by the Association, as provided for in section 14 of this Act, and until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon. 45
- Shareholders in arrears not to vote.** 18. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Association.
- Transmission otherwise than by transfer.** 19. The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer shall be authenticated and made in such form by such proof, with such formalities and generally in such other manner as the Directors shall from time to time require, or

by any by-law may direct, and in case the transmission of any share of the capital stock of the Association shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share so transmitted in the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband, and such declaration shall be binding upon the Association and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Association, and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal, any law or usage to the contrary notwithstanding.

20. If the Directors of the Association shall entertain doubts as to the legality of any claim to and upon such share or shares of stock it shall be lawful for the Association to make and file in the Superior Court for Lower Canada, a declaration and petition in writing, addressed to the justices of the said court, setting forth the facts and praying for an order or judgment, adjudicating or awarding the said shares to the party or parties legally entitled to the same and by which order or judgment the Association shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom: Provided always that notice of such petition shall be given to the party claiming such shares, who shall upon the filing of such petition establish his right to the several shares referred to in such petition, and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also that unless the said Superior Court otherwise order the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right, other than the said Association.

Proceedings in case of doubts.

Proviso.

Proviso.

21. Every shareholder shall be entitled to as many votes as he owns shares in the Association, and may vote by proxy under such arrangement as may be agreed on or provided for in the by-laws.

Votes.

22. Vacancies occurring the Board of Directors may be filled for the unexpired term by the Board from among the qualified shareholders.

Vacancies how filled.

23. The Directors shall from time to time elect from among themselves a President and Vice-President of the Association, and shall also name and may remove at pleasure all the other officers thereof.

Officers.

24. If at any time an election of Directors be not made or do not take effect at the proper time, the Association shall not be held to be thereby dissolved, but such election may take place at any general meeting of the Association duly called for that purpose, and the retiring Directors shall continue in office until their successors are elected.

Failure of election not to dissolve corporation.

Books to be kept.

25. The Association shall cause a book or books to be kept by the Secretary or by some other officer specially charged with that duty, wherein shall be kept recorded,—

1st. The names alphabetically arranged of all persons who are or have been shareholders. 5

2nd. The address and calling of every such person while such shareholder.

3rd. The number of shares of stock held by each shareholder.

4th. The amount paid in and remaining unpaid respectively on the stock of each shareholder. 10

5th. All transfers of stock in their order as presented to the Association for entry, with the date and other particulars of each transfer, and the date of entry thereof,—and,

6th. The names, addresses and calling of all persons who are or have been Directors of the Association, with the several dates at which each ever became or ceased to be such Director. 15

Not bound to see to trusts.

26. The Association shall not be bound to see to the execution of any trust, whether expressed, implied or constructive in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Association, shall be a valid and binding discharge to the Association 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 Association, and the Association shall not be bound to see to the application of the money paid upon such receipt. 20 25

Acts of agent to be binding.

27. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Association, by any agent, officer or servant of the Association in general accordance with his powers as such, under the by-laws of the Association, shall be binding upon the Association, and in no case shall it be necessary to have the seal of the Association affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the party so acting as agent, officer or servant of the Association be thereby subjected individually to any liability whatever to any third party therefor: Provided always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank. 30 35 40

Proviso.

Liability of shareholders.

28. Each shareholder until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Association to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the Association has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder. 45 0

Liability limited.

29. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Association, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Association, beyond the amount of their respective shares in the capital stock thereof. 55

30. No person holding stock in the Association 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 and interdicted person, or the person interested in such fund or 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 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.

Trustees holding stock.

31. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Association, and may vote accordingly as a shareholder.

May vote.

32. The Association may establish and provide for a building fund, to which persons may become subscribers, and pay in or deposit moneys, from time to time, for investment or building purposes or withdrawals, in the manner, at the times, at the rate of interest and on the conditions established by order or by-law of the Directors, or as may be agreed upon between the said subscribers and Directors.

Building Fund

33. Upon an agreement being made by the said Association for the sale of any house or other real estate held thereby, it shall be lawful for the said Association to execute, in favor of the intending purchaser thereof, a lease thereof, for the time stipulated in such agreement of sale, as the limit of the delay thereby fixed for the payment of the last instalment of the price therein agreed upon at a rental corresponding in the amount and in the terms of payment thereof, with such prices and with the terms of payment of such price. And if such lease appear by its terms to have been made under the provisions of this Act, it shall not be held to convey, to such intending purchaser, any right in or to the property intending to be sold, or any real right therein whatever, nor shall the possession thereof, by the intending purchaser, be held to be a possession as proprietor, nor shall any legal or other hypothec be created or attached thereon, notwithstanding that such lease shall contain a direct promise of sale of such property so soon as the conditions thereof shall have been performed, until the sum of money in such lease stipulated for, and every part and portion thereof shall have been fully paid with all interest due thereon, nor until all charges, conditions and obligation created by or due under such lease shall have been fully paid, performed and fulfilled.

Sale of property by association.

34. If the intending purchaser or lessee having accepted a lease, under this Act, of the property intended to be acquired by him, from such Association, shall make all the payments and perform all the conditions stipulated for by such lease, and shall fulfil all the obligations thereby imposed upon him, the said lease shall thereupon and thereafter be held to be and shall be equivalent to a promise of sale of such property with possession, and shall vest the same in such intending purchaser in the same manner and to the same extent as if it were an ordinary promise of sale, *promesse de vente*, and shall give the right, to the holder thereof, to demand and have, from the said Association, a valid deed of sale of the property mentioned therein, containing warranty of title, and against all charges thereon, other than those disclosed and agreed

Completion of sale.

to be permitted to remain thereon, and all hypothecs and privileges, whether conventional or legal, which were created by the intending purchaser, during the pending of the said lease, shall immediately thereupon attach to such property, according to their rank and privilege and the date of their registration, in the same manner as if the same had been the property of such intending purchaser from the date of such lease. 5

If instalments
are not paid,
property to
revert to
association.

35. If at any time three months' arrears of the instalments stipulated for in any such lease shall become due and shall become due and shall remain unpaid, the said Association shall have the right to re-take possession of the property intended to be sold, upon giving to the intending purchaser or lessee ten days' notice to vacate and deliver back the same, and tendering to him the amount by him actually paid on account of the instalments agreed upon in said lease after the deduction therefrom of interest at the rate of ten per centum per annum on the price agreed upon remaining unpaid each year for the time during which the premises agreed to be sold remained in the occupation of the intending purchaser, by way of rent for the use of and occupation of such premises, and of ten per centum of the amount actually paid in to be retained as a forfeiture and penalty for non-performance of the agreement of purchase of the cost of such tender, of the expense of such repairs, and restoring all injuries and deteriorations suffered by the premises so intended to be sold, reasonable wear and tear excepted; and of all taxes, charges and assessments which attached thereto by the occupation thereof by the intending purchaser or lessee, and which shall then remain unpaid, all which charges and deductions shall be a first and privileged charge upon the amounts so actually paid in by him. But if the instalments payable annually under such lease, shall amount to less than ten per centum upon such price, then, and in that case the amount to be deducted for rental shall be the amount of instalments stipulated for in such lease. 10 15 20 25 30

Ejectment.

36. If, at the end of ten days services of such notice and tender, the intending purchaser or lessee shall not vacate and deliver back to the said Association the premises intended to be bought by him, the said Association shall have the right to cause him to be ejected therefrom by proceedings to be taken under the provisions of the first chapter of the second title of the second book of the Code of Civil Procedure of Lower Canada, commencing with Article 887, in all respects in the same manner and with the same delays as if such lease were an ordinary lease; and further, that if it shall be necessary to institute proceedings at law to recover possession of property so leased, as aforesaid, outside of the Province of Quebec, or where a different system of law prevails, then, in such case, the said Association shall be entitled to institute and prosecute proceedings for the recovery of such property, or to enforce any other their rights under any provisions of law therein open to parties under an ordinary lease, and to avail themselves of the most summary method there in force for the recovery of such property, save and except only that the jurisdiction of the court which shall have the right to hear and determine such proceedings shall be ascertained, regulated and established by the amount which shall have been actually paid to the Association under such lease, and not by the amount due or that of damages alleged. And the costs awarded to the said Association in any action instituted under this Act shall also be a charge upon and be deducted from the amount of money actually paid in by the intending purchaser. 35 40 45 50 55

- 37.** Any tender made by the said Association shall be held to be sufficiently made if the Association shall have *bona fide* used diligence to ascertain the amounts which they shall be entitled to retain out of the purchase money paid in by the intending purchasers, notwithstanding that the amount tendered may not be precisely that which would have been so tendered according to the provisions hereof, and in such case the Association, and the intending purchaser shall have the right to recover each from the other the amount which may have been over or under tendered. What shall be sufficient tender.
- 38.** In the event of the surrender of any property so leased as aforesaid, and of the sum of money actually paid in by the intending purchaser being insufficient to meet all the charges thereon and deductions therefrom herein provided for, the said Association shall have the same lien, privilege and remedies as an ordinary lessor upon the effects of the intending purchaser or lessee for the balance remaining due: Provided always that such balance does not exceed in amount the sum chargeable against such intending purchaser by way of rental for the use and occupation of the premises intended to be sold. Recovery of balance due.
- 39.** Service of all manner of summons or writ whatever upon the Association may be made by leaving a copy thereof at the office or chief place of business of the Association with any grown up person in charge thereof, or elsewhere with the President or Secretary thereof, or if the Association have no known office or chief place of business, and have no known President or Secretary, then upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper, and such publication shall be held to be due service upon the Association. Service of process, how made.
- 40.** Any description of action may be prosecuted and maintained between the Association and any shareholders thereof, and any shareholder not being himself a party to such suit shall be competent as a witness therein. Suits and actions.
- 41.** If at any time the Directors consider it expedient to cease carrying on the business of the Association and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the stockholders, provided that the consent of a majority of the stockholders present at any meeting thereof be obtained thereto, in the notices for the calling of which the intention of considering the winding up thereof shall have been mentioned; provided always, that such majority of stockholders shall be the *bona fide* owners of at least one-half of the subscribed stock of the Association. Winding up of the association.

No. 125.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Colonial Building
and Investment Association.

Received and read, first time, Tuesday, 12th
May, 1874.

Second reading, Wednesday, 13th May, 1874.

PRIVATE BILL.)

Mr. JETTÉ

OTTAWA:

ed by . B. TAYLOR, 29, 31 and 33, Rideau Street.
1874

An Act to incorporate the Rouge Boom Company.

WHEREAS it is indispensable to the lumbering interests on the Preamble.

River Rouge, that commodious and secure booms should be maintained at the mouth of the said river in the county of Argenteuil; and whereas James Kewley Ward, of the city of

- 5 Montreal, lumber merchant, John Roche, Benson Bennett and Robert Hamilton, all of the city of Quebec, lumber merchants, and the Honorable John Hamilton, of the city of Montreal, a Senator of Canada, have by their petition represented that the incorporation of a Company with power to levy and collect tolls is necessary to the proper maintenance and working of such booms; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The persons hereinbefore mentioned and all such persons as Certain persons incorporated.
now are, or hereafter shall become shareholders of the Company hereby incorporated, shall be, and are hereby constituted and declared to be a body corporate and politic in law, and in fact, under the name, style and title of the Rouge Boom Company, for the purpose of holding, maintaining and working such booms at the mouth of the said River Rouge.

- 20 2. The capital stock of the said Company shall be ten Capital stock. thousand dollars, divided into five hundred shares, of twenty dollars each.

3. The said James Kewley Ward, John Roche, Benson First directors. Bennett, Robert Hamilton, and the Honorable John Hamilton shall be the first Directors of the said Company.

4. The Directors of the Company hereafter shall be chosen Election of directors. annually at a general meeting of the shareholders to be held at the time and place fixed by the by-laws of the Company, and in default of the by-laws providing for the same to be held, at the chief office of the Company on the first juridical day of February in each year.

5. The management of the property and affairs of the Company Management of affairs. generally shall be vested in the Directors, subject to the by-laws of the Company.

- 35 6. The shareholders of the Company shall have power to make By-laws. such by-laws, as they may deem proper, not inconsistent with this Act or with the law for the management of the property and affairs of the Company, and to alter, amend, or repeal the same at any general meeting of the shareholders.

- 40 7. The chief office of the Company shall be in the City of Chief office. Montreal.

Certain property vested in the Company.

8 The booms, lands, plant and dependencies, at the mouth of the said River Rouge, and all property and rights whatsoever appertaining thereto, and held in trust for the said Company, are hereby declared to be, and are vested in the said Company, which is hereby declared responsible for all liabilities contracted for the benefit of the Company. 5

Tolls may be levied.

9. The said Company shall have a right to levy, exact, recover and receive the following tolls on all saw-logs and timber which may pass through the said booms, that is to say :—

On each pine saw-log, not over sixteen feet in length	3 cents.	10
On each spruce, hemlock, or other saw-log, not over sixteen feet in length.....	2	"
On each piece of square pine timber or board timber	10	"
On each piece of flatted tamarack, spruce, hemlock, cedar, or other timber.....	5	" 15

C. S. C., c. 68 to apply.

10. The said Company shall be subject to and entitled to the benefit of all the provisions of chapter sixty-eight, of the Consolidated Statutes of Canada, in all matters herein not expressly provided for.

No. 126.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate the Rouge Boom Company.

Received and read, first time, Tuesday, 12th May, 1874.

Second reading, Wednesday, 13th May, 1874.

(PRIVATE BILL.)

MR. JETTÉ

OTTAWA :

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street, 1874.

An Act to amend an Act respecting the Public Works of
Canada.

IN amendment of an Act passed in the 31st year of Her Majesty's reign, intituled "*An Act respecting the Public Works of Canada,*" Her Majesty by and with the consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The compensation money agreed upon or awarded by the official arbitrators for any lands or property acquired or taken by the Minister of Public Works, and which might under the said Act have been taken by the said Minister without the consent of the proprietor, shall stand in the stead of such lands or property; and any claim to or incumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects the lands or property themselves, which shall by the fact of the taking possession thereof under the said Act, become and be absolutely vested in the Crown, as shall also any lands or property taken possession of by the Crown under the said Act, whether there be or be not any conveyance, agreement or award respecting the same, subject always, to the determination of the compensation to be paid, and to the payment thereof when such conveyance, agreement or award shall have been made.
2. If the party conveying such lands or property could not without this said Act have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance or other requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Minister, or if the Minister has reason to fear any claim or incumbrance, or if for any other reason he deems it advisable,—then if the lands or property so acquired or taken are situated in any of the Provinces of Canada, other than Quebec, the Minister may pay such compensation into the office of one of the Superior Courts for the Province in which the lands are situated (with the interest thereon for six months), and may deliver to the Clerk of the Court a copy of the conveyance or of the agreement or award, if there be no conveyance, certified by the Minister:

Preamble.
31 V. c. 12.

Compensation to stand in the place of the land, as to all charges thereon.

Proviso.

Compensation may be paid into court in certain cases.

If the lands be in any other province than Quebec.

Notice to parties interested.

2. A notice in such form and for such time as the Court may appoint, shall be inserted by the Clerk in some newspaper, if there be any, published in the District or County in which the lands are situate, which shall state that the title of the Crown, that is, the conveyance, agreement or award, is under the said Act, and shall call upon all persons entitled to the lands or to any part thereof or representing or being the husbands of any parties so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the compensation or any part thereof, including any claim in respect of dower, as well as in respect of all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment, or investment of the compensation and for the securing of the rights of all parties interested as to right and justice and according to the provisions of this Act and to law appertain.

Court to distribute the compensation money.

If the lands are in Quebec confirmation of title to be obtained.

3. If the lands or property so acquired or taken are situated in the Province of Quebec, the Minister may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate (with the interest thereon for six months), and deliver to the said Prothonotary an authentic copy or a copy verified by him of the conveyance or of the agreement, or award if there be no conveyance, and the same shall be deemed the title of the Crown to the lands or property therein mentioned, and proceedings shall be had for the confirmation of such title of the Crown in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice in such cases, the Prothonotary shall state that the title of the Crown, that is the conveyance, agreement or award, is under the Act, and shall call upon all persons entitled to the lands or property or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court; and the said proceedings shall forever bar all claims to the compensation or any part thereof (including dower not yet open) as well as in respect of any mortgage, hypothec or encumbrance upon the same, and the Court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all parties interested as to right and justice and the provisions of the said Act and to Law shall appertain.

As to costs of such proceedings.

4. The costs of the proceedings or any part thereof shall be paid by the Minister or by any other party as the Court may order, and if the order of distribution be obtained in less than six months from the payment of the compensation into the Court or to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Min-

ister, and if from any error, fault or neglect of the Minister it is not obtained until after the six months have expired, the Court shall order the Minister to pay into Court or to the Prothonotary the interest for such further period as may be right.

5. Provided always, that in any case where the price or compensation money agreed for or awarded does not exceed one hundred dollars, it may, in any Province, be paid to the party who under the Act hereby amended can lawfully convey the lands or property or agree for the compensation to be made in the case, with the same effect as if it had been paid into Court under this Act; saving always the rights of any other party to such compensation money as against the party receiving the same.

Proviso: if compensation does not exceed \$100.

3. The term "conveyance" in this Act includes a "surrender" to the Crown, and any conveyance to the Crown or to the Minister of Public Works, or any officer of that Department, in trust for or to the use of the Crown, shall be held to be a surrender; and no surrender, conveyance, agreement or award under the said Act or this Act shall require registration or enrolment to preserve the rights of the Crown under it, but may be registered in the Registry Office of Deeds for the place where the lands lie, if the Minister of Public Works deems it advisable.

Interpretation clause.

2. The expression "lands and property" includes real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by the Crown under the said Act.

4. So much of the twenty-sixth section of said Act, as requires that the compensation in any case therein referred to, shall be paid within six months after it has been agreed on, appraised or awarded, shall not apply to any case where such compensation is paid into Court under this Act, except that such payment into Court shall be made within the said time: and all the foregoing provisions of this Act shall apply to any lands or property taken, or the compensation for which was agreed upon or awarded, before the passing of this Act, but in such case the compensation if paid into court shall be so paid within two months after the passing of this Act or within six months after the agreement or award.

Section 26 of 31 V. c. 12, amended.

No. 127.

1st Session 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend an Act respecting the Public Works of Canada.

Received and read 1st time, Tuesday 12th
May, 1874.

Second reading, Wednesday 13th May, 1874.

Hon. MR. MACKENZIE.

No. 128.]

BILL.

[1874.

An Act to amend "An Act respecting Vagrants."

IN amendment of the Act passed in the Session held in the thirty-^{Preamble.}
second and thirty-third years of Her Majesty's reign, intituled ^{32-33 Vict.}
"An Act respecting Vagrancy," Her Majesty, by and with the ^{c. 28.}
advice and consent of the Senate and House of Commons of Canada,
5 enacts as follows:—

1. The term for which any offender may be sentenced to im-^{Term of im-}
prisonment, under the Act hereinbefore mentioned, is hereby ^{prisonment}
extended to six months. ^{increased.}

No. 128.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend "An Act respecting
Vagrants."

Received and read, first time, Tuesday, 12th
May, 1874.

Second reading, Wednesday, 13th May, 1874.

Hon. Mr. DORION.

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1874.

An Act respecting Insolvency.

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

1. This Act shall apply to traders and to trading co- Application of
5 partnerships and to trading companies whether incorporat- Act.
ed or not, except Incorporated Banks, Insurance Compa-
nies and Railway Companies.

All persons shall be held to be traders, who having been Who are
traders and having incurred debts as such, which have not Traders.
10 been barred by the statutes of limitations or prescribed, have
since ceased to trade; but no proceedings in liquidation shall
be taken against any such person based upon any debt or
debts contracted after he has so ceased to trade.

2. The word "county" shall mean a county or union of "County,"
15 counties, and the word "district" shall mean a district, as "District."
defined for judicial purposes by the Legislature of the Certain words
Province wherein the same is situate. interpreted.

1. "Official Assignee" shall mean the person or persons ap- "Official As-
pointed to act as Assignee or Joint Assignee under this Act signee."
20 in any County or District.

2. "Official Gazette" shall mean the Gazette published un- "Official Ga-
der the authority of the Government of the Province where zette."
the proceedings in Bankruptcy or Insolvency are carried on,
and if no such Gazette is published, then it shall mean any
25 newspaper published in the County, District or Province,
which shall be designated by the Court or Judge for pub-
lishing the notices required by this Act.

3. The word "Court," shall mean the Superior Court in "Court."
the Province of Quebec, and the County Courts in the Pro-
30 vinces of Ontario and New Brunswick, and also in Nova
Scotia whenever County Courts shall have been established
in that Province, and until such County Courts are estab-
lished it shall mean the Supreme Court of that Province.

4. The word "Judge" shall mean a Judge of the said Courts "Judge."
35 respectively.

5. The word "debtor" shall mean any person or persons, "Debtor."
company or corporation to which this Act may apply.

- “Notary.” : 6. The words “before Notaries” or before a Notary shall mean executed in notarial form, according to the law of the Province of Quebec.
- “Day.”
“Creditor.” 7. The word “day” shall mean a juridical day; the word “Creditor” shall be held to mean every person to whom the Insolvent is liable, whether primarily or secondarily, and whether as principal or surety, and who shall have proved his claim against the estate of an Insolvent in the manner provided by this Act, but no proceeding, discharge or composition had or consented to previous to the passing of this Act, and not now the subject of dispute and in litigation on the ground that a creditor voting thereon or a party thereto had not proved his claim, shall be held invalid by reason of any such creditor not having previously proved his claim as aforesaid, notwithstanding that such creditor or the claims he represents be requisite to complete the proportion necessary to give validity under this Act to such proceeding, discharge or composition. The word “collocated” shall mean ranked or placed in the dividend sheet for some dividend or sum of money.
- “Collocated.” 20
- Appoint'ment of Assignee. 3. The Governor in Council may appoint in every county or district in the several Provinces of the Dominion, one person or several persons to act as Assignee or Joint Assignee for such county or district.
- Security given by Assignee. 4. Each person so appointed Assignee or Joint Assignee shall hold office during pleasure, and before acting as such shall give security in a sum of \$3,000, if the population of the County or District for which he is appointed does not exceed one hundred thousand inhabitants, and in the sum of \$6,000, if the population exceeds one hundred thousand, such security to be given to Her Majesty for the benefit of the creditors of any estate which may come into his possession under this Act; and in case such Assignee shall fail to pay over the monies received by him or to account for the estate, or any part thereof, the amount for which such Assignee may be in default may be recovered from his sureties by the creditors or subsequent Assignee entitled to the same, by adopting in the several Provinces, such proceedings as are required to recover from the sureties of a Sheriff or other public officer.
- 40
- Additional security. 2. The Assignee may also be required to give in any case of Insolvency such further security as on the request of a creditor the Court or Judge shall order, such additional security being for the special benefit of the creditors of the estate for which the same shall have been given.
- 45
- Responsibility, &c., of Assignee. 3. The Official Assignee shall be an officer of the Court having jurisdiction in the County or District for which he is appointed. He shall be as such subject to its summary jurisdiction and to the summary jurisdiction of a judge thereof, and be accountable for the monies, property and estates coming into his possession as such Assignee, in the same manner as sheriffs and other officers of the Court are.
- 50

5. A debtor shall be deemed insolvent :

When a
debtor shall
be deemed
insolvent.

- a. If he has called a meeting of his creditors for the purpose of compounding with them, or if he has exhibited a statement shewing his inability to meet his liabilities or if he
5 has otherwise acknowledged his insolvency.
- b. If he absconds or is immediately about to abscond from any Province in Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process ; or if, being out
10 of any such Province in Canada, he so remains with a like intent ; or if he conceals himself within the limits of Canada with a like intent ;
- c. Or if he secretes or is immediately about to secrete any part of his estate and effects with intent to defraud his credit-
15 ors, or to defeat or delay their demands or any of them ;
- d. Or if he assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of, any of his property with intent to defraud, defeat or delay his creditors, or any of them ;
- 20 e. Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution, having operation where the debtor resides or has property, founded upon a demand in its nature proveable under this Act, and
25 for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law ;
- f. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days in a civil action founded on
30 contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits ; or if in case of such imprisonment he has escaped out of prison or from custody or from the limits ;
- g. Or if he wilfully neglects or refuses to appear on any
35 rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf ;
- h. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them ;
- 40 i. Or if he wilfully neglects or refuses to obey or comply with the order or decree of the Court of Chancery or of any of the judges thereof, for payment of money ;
- j. Or if he has made any general conveyance or assign-
45 ment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act ; or if, being a trader and unable to meet his liabilities in full, he makes any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, or without satisfying their claims.

k. Or if he permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure; subject however, to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province of this Dominion in which the execution shall issue.

Creditors may demand an assignment.

6. If a debtor ceases to meet his liabilities generally as they become due, any one or more claimants upon him for sums of not less than one hundred dollars each, and exceeding in the aggregate five hundred dollars, may make a demand upon him either personally or at his chief place of business or at his domicile upon some grown person of his family or in his employ, (Form A.) requiring him to make an assignment of his estate and effects for the benefit of his creditors.

Judge may annul demand if claims do not amount to \$500, &c.

7. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that the claims of such creditor or creditors do not amount to five hundred dollars, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such trader was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities, he may after notice to such claimant or claimants, but only within five days from such demand, present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant the prayer of his petition, and thereafter such demand shall have no force or effect whatever; and such petition may be granted with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditors making it, to pay treble costs.

Judge may enlarge time for contestation or assignment.

8. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made after due notice to the claimants, within the said period of five days to the Judge on his behalf, for an enlargement of the time for either contesting such demands or for making an assignment; and thereupon, if such debtor have not returned to such Province, the Judge may make an order enlarging such period and fixing the delay within which such contestation or assignment shall be made; but such enlargement of time may be refused by the Judge

if it be made to appear to his satisfaction that the same would be prejudicial to the interests of the creditors.

9. If such petition be rejected, or if while such petition is pending, the debtor continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the Insolvent during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors, as provided by section 6 of this Act, his estate shall become subject to liquidation under this Act.

In certain cases debtor's estate to become subject to liquidation.

10. But no proceedings under this Act to place the estate of an Insolvent in liquidation shall be valid, unless the same are taken within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a writ of attachment in liquidation has been issued while it remains in force, nor after assignment has been made under this Act.

What to constitute valid proceedings.

WRITS OF ATTACHMENT, &C.

11. In the Province of Quebec an affidavit may be made by a claimant for a sum of not less than two hundred dollars, or by the clerk or other duly authorised agent of such claimant, setting forth the particulars of his debt, the Insolvency of the person indebted to him, and any fact or facts which, under this Act, subject the estate of such debtor to liquidation—(Form B.)—And upon such affidavit being filed with the Prothonotary of the district within which the Insolvent has his chief place of business, a writ of attachment (Form C) shall issue against the estate and effects of the Insolvent, addressed to the official assignee of the district in which such writ issues, requiring such official assignee to seize and attach the estate and effects of the Insolvent, and to summon him to appear before the court to answer the premises; and such writ shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to its issue, service, return, and as to all proceedings subsequent thereto before any Court or Judge.

Affidavits by claimants in Province of Quebec.

Writ of Attachment.

12. In the Province of Ontario, New Brunswick or Nova Scotia, in case any claimant by affidavit of himself or of any other individual (Form B), shows to the satisfaction of the judge that he is a creditor of the Insolvent for a sum of not less than two hundred dollars, and also shows by the affidavits of two credible persons, such facts and circumstances as satisfy such judge that the debtor is Insolvent within the meaning of this Act, and that his estate has become subject to liquidation, such judge may order the issue of the writ of attachment (Form C), against the estate and effects of the Insolvent, addressed to the official assignee of the county or district in which such writ issues, requiring such official assignee to seize and attach the estate and effects of the Insolvent, and to summon him to appear before the court to answer the premises, and such writ shall be subject as nearly as can be to the rules of procedure of the Court in ordi-

Affidavits in other Provinces.

Writ of Attachment.

nary suits as to its issue, return, and as to all proceedings subsequent thereto before any Court or Judge.

Service of Writ, if Insolvent has no domicile or absconds.

13. If the defendant in any process for liquidation, has no domicile in any Province of the Dominion, or absconds from the Province in which he has his domicile, or remains without such Province, or conceals himself within such Province, service of the Writ of Attachment issued against him under this Act, may be validly made upon him in any manner which the Judge may order, upon application to him in that behalf. And in proceedings for liquidation, concurrent Writs of Attachment may be issued, if required by the claimant, addressed to the official assignees of districts or counties in any part of this Dominion, other than the District or County in which such proceedings are being carried on. .

Concurrent Writs.

Delay on Return of Writ, and notice of issue.

14. Writs of attachment in proceedings for liquidation may be made returnable after the expiry of three days from the service thereof, when the defendant resides in the Dominion and not more than fifteen miles from the place of return, or when the defendant has no domicile therein; and of one additional day for every additional distance of fifteen miles between such residence, if in the Dominion, and such place of return. And immediately upon the issue of a writ of attachment under this Act, the Official Assignee shall give notice thereof by advertisement (Form D).

Duty of Assignee executing Writ.

15. The Official Assignee by himself or by such Deputy as he may appoint for that purpose, shall, under such writ of attachment, seize and attach all the estate, property and effects of the Insolvent, including his books of accounts, monies, securities for monies, and all his office or business papers, documents, and vouchers of every kind and description; and shall return with the writ a report under oath stating in general terms his proceedings on such writ.

Assignee may break open house, &c.

16. If the Official Assignee or his Deputy is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the Insolvent named in the writ, by reason of the same being locked, barred, or fastened, such Official Assignee or Deputy is hereby authorised forcibly to open the same in the presence of at least one witness, and to attach the property found therein.

ASSIGNMENTS AND PROCEEDINGS THEREON.

Assignment to whom made, &c.

17. A debtor on whom a demand is made, or against whom a writ of attachment has issued, as provided by this Act, may make an assignment of his estate to the Official Assignee appointed for the County or District wherein he has his domicile, or wherein he has his principal place of business, if he does not reside in the County or District wherein he carries on his business; and in case there is no Official Assignee in the County or District where he resides or carries on his business, then to the official Assignee for

the nearest adjoining County or District, and shall accompany such assignment with a list or statement of his liabilities direct or indirect, indicating the nature and amount thereof, together with the names, residences and additions of his creditors, in so far as the same are known to him.

18. The assignment mentioned in the preceding section may be in the form of Schedule E to this Act, and in the Province of Quebec the deed of assignment may be received by a notary in the authentic form.

Form of assignment.

19. Whenever an Insolvent shall have made an assignment, and in case no assignment shall have been made, but writ of attachment shall have issued as provided for by this Act, such assignment or such writ of attachment, as the case may be, shall vest in the Assignee all right, power, title and interest which the Insolvent has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, all monies and negotiable papers, stocks, bonds and other securities and generally all assets of any kind or description whatsoever he may be possessed of or entitled to up to the time of his obtaining a discharge of his liabilities, under the same charges and obligations he was liable to with regard to the same, and the Assignee shall hold the same in trust for the benefit of the Debtor and his Creditors and subject to the orders of the Court or Judge, and he may upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate, he may also, upon such order sell and dispose of any part of the estate and effects of the Insolvent which may be of a perishable nature: such assignment or writ shall not however, vest in the assignee such real and personal property as are exempt from seizure and sale under execution, by virtue of the several statutes in that case made and provided for in the several provinces of the Dominion respectively, nor the property which the Insolvent may hold as Trustee for others.

Powers of Insolvent vested in assignee.

Conservatory proceedings.

Exceptions.

20. The Insolvent shall, within ten days of the date of the assignment, or from the date of the service of the writ of attachment, or if the same be contested, within ten days from the date of the judgment rejecting the petition to have it quashed, furnish the Assignee with a correct statement of all his liabilities and of all the property and assets vested in the Assignee by the deed of assignment made by the Insolvent, or by the writ of attachment issued against him. The Insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets.

Insolvent to furnish statement of his liabilities, assets, &c.

21. Except in cases where a petition has been presented as provided for by the *seventh* section of this Act, the alleged Insolvent may present a petition to the Judge at any time within three days from the return day of the writ,

Petition by Insolvent to set aside attachment.

but not afterwards; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that his estate has not become subject to liquidation; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on such ground, and also on the ground that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such trader to meet his liabilities; and such petition shall be heard and determined by the Judge in a summary manner, and conformably to the evidence adduced before him thereon; but proceedings for liquidation shall not be contested either as to form or upon the merits, otherwise than by a summary petition, in the manner, upon the grounds, and within the delay hereinbefore provided.

Hearing.

Proviso.

Registration of Assignment and transfer.

22. A copy of the deed of assignment or a copy of the writ of attachment as the case may be, certified by the Assignee, shall forthwith be registered in the Registry Office of the County wherein the Insolvent resides, and also in every County or District wherein he may have any real estate; in the Province of Quebec such deed of assignment or writ of attachment shall be accompanied by a description of the real estate belonging to the Insolvent, and shall be registered in the County or District wherein the same is situate, with a notice that the same has by such assignment or writ of attachment been transferred to the Assignee; and in the other Provinces such registration shall be made in the manner and form required by the laws in force in such Provinces respectively, as regards the registration of titles to real estate.

Meeting of creditors, how called.

23. Immediately after the assignment shall have been made or immediately after the delay within which the writ of attachment can be contested or after the contestation has been rejected, the Official Assignee shall forthwith obtain the order of the Judge for calling a meeting of the creditors of the Insolvent to be held within one month from the date of such order, at the place and on the day and hour therein mentioned, notice of which meeting in the Form H shall be published at least twice in the Official Gazette and also in such other newspaper or newspapers as the Judge may direct.

Notice to each creditor by mail.

24. The Assignee shall also forward by mail a notice in writing to every creditor mentioned in the original or any corrected or supplementary list or statement furnished by the Insolvent, or who may be known to him to be a creditor, and give such other notice as the circumstances of the case may require.

EXAMINATION OF INSOLVENTS.

Insolvent to attest on oath his state-

25. On the day of the meeting of his creditors, the Insolvent shall be bound to attest under oath, after making

such corrections as he may deem proper to make, the statements furnished by him of his liabilities and of his assets.

ments of liabilities, &c.

26. The Insolvent shall be bound to attend at the first meeting of his creditors, and shall be examined under oath before the Assignee, by or on behalf of any creditor, touching the management and disposal he may have made of his property.

Examined on oath as to his property.

27. The Insolvent shall sign his examination or declare the reasons why he refuses to sign, and the examination shall be attested by the Assignee.

Attestation, &c., of examination.

28. The Insolvent shall at all times until he shall have obtained his discharge, be subject to the order of the Court or Judge, and to such other examination as the Judge, the Assignee, the Inspectors hereinafter mentioned, or the creditors may require; and he shall at the expense of the Estate execute all proper writings and instruments, and perform all acts required by the Court or Judge touching his estate; and in case the Insolvent shall refuse to be sworn or to answer such questions as may be put to him, or to sign his answers or the writings or instruments, or refuse to perform any of the acts required from him, such Insolvent may be committed and punished by the Court or Judge as for a contempt of court.

Insolvent subject to further examination.

Refusal to be contempt of Court.

29. The Court or Judge may also on the application of the Assignee, of the Inspectors, or of any creditor, order any other person, including the husband or wife of the Insolvent, to appear before the Court or Judge or the Assignee, to answer any question which may be put to him touching the estate and property of the Insolvent and his conduct in the management of his estate; and in case of refusal to appear and to answer the questions submitted, such person may be committed and punished by the Court or Judge as for a contempt of Court.

Examination of wife or husband of Insolvent.

COMPOSITION AND DISCHARGE.

30. The Insolvent may at the first or at any subsequent meeting of the creditors propose to compound with his creditors. Such offer shall be in writing and shall specify the terms and conditions of the composition offered.

Offer of composition.

31. If at such meeting the Insolvent shall make an offer of composition, and such offer be approved by a majority of the creditors present, they may adjourn the meeting for the purpose of taking such offer into consideration, and make such order as they may deem necessary for suspending the disposal of the estate or for protecting the same or for any other purpose in the interest of the creditors.

Adjournment for consideration.

32. If the meeting be adjourned to take such offer of composition into consideration, notice shall be given of the terms and conditions of such offer and also of the time and place of such adjourned meeting to all the creditors mentioned in the list of creditors furnished by the Insolvent,

Notice of terms of composition, &c., to be given to all creditors.

And advertised in Gazette.

and to all those who although not mentioned in such list may have proved their claims. Such notice shall be given by the Assignee by an advertisement in the Official Gazette, and also by letter addressed by mail to each creditor.

Composition accepted by certain proportion of creditors to bind all.

33. If at the first meeting of the creditors, or at the adjourned meeting mentioned in the next preceding section, or at any subsequent meeting of creditors, the Insolvent shall produce the acceptance in writing by a majority in number and by three fourths in value of all his creditors having claims of \$100 each and upwards, of the terms of the proposed composition or of any modifications thereof, a deed of composition and discharge in the form F, or in such other form as the circumstances shall require, may be entered into between the Assignee on behalf of the creditors, and the Insolvent, according to the terms so agreed upon, and such deed of composition and discharge shall have the same effect with regard to the remainder of his creditors, and be binding to the same extent upon him and them, as if they were also parties to it; and such deed may be invoked and acted upon under this Act although made either before, pending, or after proceedings upon an assignment, or for the liquidation of the estate of the Insolvent; the whole subject to the exceptions contained in section 40 of this Act.

Form and effect of such deed.

34. Such deed of composition and discharge may be so made either in consideration of a composition payable in cash, or on terms of credit, or partially for cash and partially on credit; and the payment of such composition may be secured or not according to the pleasure of the creditors signing it; and the discharge therein contained may be absolute, or may be conditional upon the condition of the composition being paid; and such deed may contain instructions to the Assignee as to the manner in which he is to proceed, and to deal with the estate and effects of the Insolvent, subsequent to the deposit of such deed with him, which instructions shall be obeyed by the Assignee; but if such discharge be conditional upon the composition being paid, and the deed of composition and discharge therein contained should cease to have effect, the Assignee shall immediately resume possession of the entire estate and effects of the Insolvent in the state and condition in which they shall then be; but the creditors holding claims which were proveable before the execution of such deed, shall not rank, vote or be computed as creditors concurrently with those who have acquired claims subsequent to the execution thereof, for any greater sum than the balance of composition remaining unpaid: but after such subsequent creditors shall have received dividends to the amount of their claims, then such original creditors shall have the right to rank for the entire balance of their original claims then remaining unpaid, and shall be computed for all purposes for which the proportions of creditors require to be ascertained, as creditors for the full amount of such last mentioned balance.

Deed of reconveyance by Assignee to Insolvent.

35. The re-conveyance by the Assignee to the Insolvent or to any person for him of any part of his estate or effects,

- whether real or personal, if made in conformity with the terms of a deed of composition and discharge shall have the same effect (except as the same may be otherwise agreed by the conditions of such deed or re-conveyance), as if such property had been sold by the Assignee in the ordinary course, and after all the preliminary proceedings, notices and formalities herein required for such sale; and if such deed of composition and discharge be contested, and pending such contestation any payment or instalment of the composition falls due under the terms of such deed, the payment thereof shall be postponed till after the expiration of ten days after final judgment upon such contestation; and if proceedings for revision or appeal be commenced, then until after the expiration of ten days after the judgment in revision or in appeal, as the case may be, and the deed of reconveyance need not contain any further or more special description of the effects and property reconveyed, than is required to be inserted in the deed of assignment, and may be enregistered in like manner and with like effect.
- 36.** If the Insolvent procures and deposits with the Assignee a deed of composition and discharge, duly executed as aforesaid, the Assignee shall immediately give notice of such deposit by advertisement; and if opposition to such composition and discharge be not made by a creditor, within three juridical days after the last publication of such notice, by filing with the Assignee a declaration in writing that he objects to such composition and discharge, the Assignee shall act upon such deed of composition and discharge according to its terms; but if opposition be made thereto within the said period, or if made be not withdrawn, then he shall abstain from taking any action upon such deed until the same has been confirmed, as hereinafter provided.
- 37.** The consent in writing of the said proportion of creditors to the discharge of a debtor absolutely frees and discharges him, after an assignment, or after his estate has been put in compulsory liquidation, from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and proveable against his estate, which are mentioned or set forth in the statement of his affairs exhibited at the first meeting of his creditors, or which are shewn by any supplementary list of creditors furnished by the Insolvent, previous to such discharge and in time to permit the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the Assignee; whether such debts be exigible or not at the time of his insolvency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the Insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section.

Its effect.

If deed of composition be contested.

Duty of Assignee receiving a deed of composition.

Effect of consent of proper number creditors to a discharge.

Holders of negotiable paper unknown to Insolvent.

Discharge without composition not to affect secondary liabilities.

38. A discharge without composition under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the Insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the Insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any such creditor as security for any debt thereby discharged. 5 10

Discharge under this Act not to apply to certain debts or liabilities.

39. A discharge under this Act shall not apply without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander, or malicious arrest, nor for the maintenance of a parent, wife or child, or as a penalty for any offence of which the Insolvent has been convicted, unless the creditor thereof shall file or claim therefor; nor shall any such discharge apply without such consent to any debt due as a balance of account due by the Insolvent as an Assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor shall debts to which a discharge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the Insolvent have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any debt due as a balance of account by the Insolvent as assignee, tutor, curator, trustee, executor, administrator or public officer, may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the Insolvent. 15 20 25 30

Confirmation of discharge and on what conditions it shall be granted.

40. An Insolvent who has procured a consent to his discharge or the execution of a deed of composition and discharge, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, and may then give notice (Form I) of the same being so filed and of his intention to apply by petition, to the Court in the Provinces of Quebec and Nova Scotia, or in the Provinces of Ontario and New Brunswick to the Judge, on a day named in such notice (which however shall not be before the day on which a dividend may be declared under this Act), for a confirmation of the discharge effected thereby; and such notice shall be given by advertisement in the official *Gazette* for one month, and also for the same period, if the application is to be made in the Province of Ontario, New Brunswick or Nova Scotia, in one newspaper, published in English, and if in the Province of Quebec, in one newspaper published in English and in one newspaper published in French, in or nearest the place of residence of the Insolvent; and upon such application, any creditor of the Insolvent or his Assignee under the authority of the creditors, may appear and oppose such confirmation, either upon the ground of 35 40 45 50

Creditor or Assignee may appear on certain grounds.

fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the
 5 insufficiency in number or value of the creditors consenting to or executing the same, or of the fraudulent retention and concealment by the Insolvent of some portion of his estate or effects, or of the evasion, prevarication or false swearing of the Insolvent upon examination as to his estate
 10 and effects, or upon the ground that the Insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or if having at any time kept such book or books, he has refused to produce or deliver them
 15 to the Assignee, or that he is wilfully in default to obey any provision of this Act or any order of the Court or Judge; and if any of the said grounds be proved, the confirmation of his discharge shall be refused and such discharge set aside and annulled; but in the Provinces of Ontario and
 20 Quebec, the omission to keep such books before the coming into force of the Insolvent Act of 1864, and in the Provinces of New Brunswick and Nova Scotia, such omission previous to the coming into force of the Insolvent Act of 1869, shall not be a sufficient ground for contesting the
 25 confirmation of the discharge of an Insolvent.

Proviso: as to keeping of certain books.

And provided further that any act on the part of the Insolvent, which might be held to be an act of fraud or fraudulent preference within the meaning of the Insolvent Act of 1864 or of 1869, or of this Act, but which would not amount
 30 to fraud if the said Acts or this Act had not been passed, shall not be a ground for contesting the confirmation of the discharge of any Insolvent, if such act was done by the Insolvent, in the Province of Ontario or Quebec, before the coming in force of the Insolvent Act of 1864, or in the
 35 Province of Nova Scotia or New Brunswick before the coming into force of the Insolvent Act of 1869.

Proviso as to the time of commission of certain offences against this Act.

41. If the Insolvent does not deposit such consent or such deed of composition and discharge, as the case may be, in the court, and give notice of his application for a confirmation of such discharge within one month from the time
 40 at which the same has been effected under this Act, and proceed therewith thereafter according to such notice, any creditor for a sum exceeding two hundred dollars may cause to be served a notice in writing upon the Insolvent
 45 requiring him to file in the Court the consent, or the deed of composition and discharge, as the case may be; and may thereupon give one month's notice to the Insolvent (Form
 ,) of his intention to apply by petition to the Court or Judge who has authority under this Act to confirm such
 50 discharge, on a day named in such notice, for the annulling of the discharge; and on the day so named may present a petition to the Court or Judge, in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of discharge may be opposed; and upon such

If Insolvent does not file the consent or deed, for confirmation within a certain time, a creditor may apply to have deed annulled.

application, if the Insolvent has not at least one week before the day fixed for the presentation thereof filed in the office of the court the consent or deed under which the discharge is effected, the discharge shall be annulled without further inquiry, except as to the service upon him of the notice to file the same; but if such consent or deed be so filed, or if upon special application leave be granted him to file the same at a subsequent time and he do then file the same, the Court or Judge, as the case may be, shall proceed thereon as upon an application for confirmation of such discharge

Proviso.

Powers of Court or Judge on application for confirmation of discharge.

42. The Court or Judge, as the case may be, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming the discharge or annulling the same according to the effect of the evidence so adduced.—But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, but should nevertheless establish that the Insolvent has been guilty of misconduct in the management of his business, by extravagance in his expenses, recklessness in endorsing or becoming surety for others, continuing his trade unduly after he believed himself to be Insolvent, incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of an assignment or the issue of a Writ of Attachment), or negligence in keeping his books and accounts; or if such facts be alleged by any contestation praying for the suspension of the discharge of the Insolvent, or for its classification as second class, the Court or Judge may thereupon order the suspension of the operation of the discharge of the Insolvent for a period not exceeding five years, or may declare the discharge to be of the second class, or both, according to the discretion of the Court or Judge.

How the discharge shall be favorable.

43. Until the Court or Judge, as the case may be, has confirmed such discharge, the burden of proof of the discharge being completely effected under the provisions of this Act, shall be upon the Insolvent; but the confirmation thereof, if not reversed in appeal, shall render the discharge thereby confirmed, final and conclusive; and an authentic copy of the judgment confirming the same shall be sufficient evidence as well of such discharge as of the confirmation thereof.

Application to Court or Judge for discharge, if not obtained from creditors.

44. If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the Insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the Court or Judge, having power hereunder to confirm his discharge if consented to, to grant him his discharge, first giving notice of such application, (Form .) for one month in the manner hereinbefore pro-

vided for notice of application for confirmation of discharge.

45. Upon such application, any creditor of the Insolvent, or the Assignee by authority of the creditors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge or both; and whether such application be contested or not, it shall be incumbent upon the Insolvent to prove that he has in all respects conformed himself to the provisions of this Act; and he shall submit himself to any order which the Court or Judge may make, upon or without an application to that effect, to the end that he be examined touching his estate and effects and his conduct and management of his affairs and business generally; and touching each and every detail and particular thereof; and the Court or Judge may also require from the Assignee a report in writing upon the conduct of the Insolvent and the state of his books and affairs before and at the date of his insolvency; and thereupon the Court or Judge, as the case may be, after hearing the insolvent, and the opposant, if any, and any evidence that may be adduced, may make an order either granting the discharge of the Insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided, upon an application to confirm it, an order may be made suspending it for a like period, or declaring it to be of the second class, or both.

Proceedings on such application; and powers of the Court or Judge.

46. At any time before judgment upon an application for obtaining a discharge, the creditors or the same proportion of them that may bind the remainder by a consent to a discharge, may file before the Court or Judge before whom such application is pending, a declaration in writing setting forth that it is their desire that the discharge of the Insolvent should (if granted) be suspended for a period therein named not exceeding five years, or that it should be classed as second class, or both; and thereupon if such Court or Judge should be of opinion that the Insolvent is not shewn to have done or omitted anything, the doing or omission of which would deprive him of the right to his discharge under this Act (but not otherwise) and shall therefore be of opinion to grant his discharge, such Judge shall declare such opinion, and shall thereupon grant such discharge, but shall suspend the same as required by such declaration of the creditors.

Suspension of discharge, &c.

47. Every consent to a discharge or composition, and every discharge, or confirmation of any discharge or composition, which has been obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void.

Discharge, &cⁿ obtained by fraud to be void.

ASSIGNEES AND INSPECTORS.

Appointment
of and security
given by as-
signee not
official.

48. The creditors at their first meeting or at any subsequent meeting called for that purpose, may appoint an Assignee other than the Official Assignee, which Assignee so appointed shall give security for the due performance of his duties to such an amount as may be fixed by the creditors at such meeting, and approved by the Judge, who shall have the right to increase, but not to diminish, the amount of the security so fixed by the creditors. In default of such appointment the Official Assignee shall remain the Assignee of the estate, and shall have and exercise all the powers vested by this Act in the Assignee.

Transfer of estate by official assignee.

49. As soon as the security required from the Assignee appointed by the creditors shall have been furnished by him, it shall be the duty of the Official Assignee to account for all the estate and property of the Insolvent which has come into his possession, and to pay over and deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever belonging to the estate, and to execute in his favor a deed of assignment in the Form F.

Notice of appointment.

50. Immediately after giving security, the Assignee appointed by the creditors shall give notice of this appointment thereof by advertisement in Form G.

Place for meetings.

51. The creditors may from time to time, at any meeting determine where subsequent meetings shall be held, and until they shall have passed a resolution to that effect all meetings of creditors shall be held at the office of the Assignee, unless otherwise ordered by the Judge.

Inspectors,
their appointment,
&c., by
creditors.

52. The creditors at their first meeting may appoint two or more Inspectors, who shall act gratuitously and who shall superintend and direct the proceedings of the Assignee in the management and winding up of the estate; and may also at any subsequent meeting held for that purpose, revoke the appointment of any or all the said Inspectors, and upon such revocation, or in case of death, resignation, or absence from the Province of such Inspectors, may appoint others in their stead.

Inspectors,
their appointment,
&c., by
Court or
Judge.

53. In case no Inspectors shall have been appointed by the creditors at their first meeting, it shall be lawful for the Court or Judges at the demand of the Assignee or of any creditor to appoint two or more Inspectors from among the Creditors whose claims exceed one hundred dollars and who are most directly interested in the estate. The appointment so made by the Court or Judge shall be revoked by the subsequent appointment by the Creditors of other Inspectors, at a meeting held for that purpose.

Disposal of
estate of
Insolvent.

54. The creditors may at their first meeting or at any subsequent meeting pass any resolution or order directing the Assignee how to dispose of the estate real or personal

of the Insolvent, and, in default of their doing so, the Assignee shall be subject to the directions, orders and instructions he may from time to time receive from the Inspectors with regard to the mode, terms and conditions on which he
5 may dispose of the whole or any part of the estate.

55. Any creditor whose claim shall exceed one hundred dollars, who may be dissatisfied with the resolutions passed or orders made for the disposal of the estate or any part thereof, may, at the meeting of creditors at which such resolutions have been adopted or such orders passed or within
10 twenty-four hours thereafter, give to the Assignee notice that he will apply to the Court or Judge on the day and hour fixed in such notice and not being later than forty-eight hours after such notice shall have been given, to rescind such resolu-
15 tions or orders. And it shall be lawful for the Judge after hearing the Inspectors, the Assignee, and creditors present at the time and place so fixed, to approve, rescind or modify the said resolutions or orders.

Objections to disposal of estate.

56. The Assignee, subject to the orders, instructions and
20 directions he may receive from the creditors, Inspectors or Judge, shall exercise all the rights and powers of the Insolvent in reference to his own property and estate. And he shall wind up the estate of the Insolvent by the sale in the ordinary mode in which such sales are made, of all
25 Bank or other stocks, and of all moveable property belonging to him, by the collection of all debts or by the sale of the entire estate of the Insolvent, if such be found more advantageous, at such price and on such terms as to the payment thereof as may seem most advantageous :

Powers of Insolvent vested in assignee.

30 Provided no sale of the entire estate shall be made without the previous sanction of the creditors given at a meeting called for that purpose; and provided also, no such sale shall affect, diminish, impair or postpone the payment of any mortgage or privileged claim on the estate, or property of
35 the Insolvent, or on any portion thereof.

Provision to sale of entire estate.

57. The Assignee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Insolvent of every kind and nature whatsoever; for rescinding agreements, deeds and instru-
40 ments made in fraud of creditors, and for the recovery back of monies alleged to have been paid in fraud of creditors, and to take, both in the prosecution and defence of suits, all the proceedings that the Insolvent might have taken for the benefit of the estate, or that any creditor might have
45 taken for the benefit of the creditors generally; and may intervene and represent the Insolvent in all suits or proceedings by or against him, which are pending at the time of his appointment, and on his application may have his name inserted therein in the place of that of the Insolvent;
50 And if after the appointment of an Assignee, and before he has obtained his discharge under this Act, the Insolvent shall sue out any writ or institute or continue any proceeding of any kind or nature whatsoever, he shall give to the

Assignee to sue for debts due Insolvent, &c.

If Insolvent sues for the same.

opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same or take any further proceeding therein.

Partnership dissolved by insolvency of a partner.

58. If a partner in an unincorporated trading company or copartnership, becomes insolvent within the meaning of this Act, and an Assignee is appointed to the estate of such Insolvent, such partnership shall thereby be held to be dissolved; and the Assignee shall have all the rights of action and remedies against the other partners in such company or copartnership, which any partner could have or exercise by law or in equity against his copartners after the dissolution of the firm; and may avail himself of such rights of action and remedies, as if such copartnership or company had expired by efflux of time.

SALE OF DEBTS.

Sale of debts, the collection of which would be too onerous.

59. After having acted with due diligence in the collection of the debts, if the Assignee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he may report the same to the creditors, and with their sanction he may obtain an order of the Judge to sell the same by public auction, after such advertisement thereof as may be required by such order; and pending such advertisement, the Assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars, shall be sold separately, except as herein otherwise provided.

Proviso.

Creditor may be authorized to take any special proceeding at his own risk.

60. If at any time any creditor of the Insolvent shall desire to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the assignee shall under the authority of the creditors or of the inspectors refuse or neglect to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorising him to take such proceeding in the name of the assignee, but at his own expense and risk; upon such terms and conditions as to indemnity to the assignee as the Judge may prescribe, and thereupon any benefit derived from such proceeding shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding. But if before such order is granted, the assignee shall signify to the Judge his readiness to institute such proceedings for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding shall appertain to the estate.

Rights of purchasers of debts due Insolvent.

61. The person who purchases a debt from the Assignee, may sue for it in his own name, as effectually as the Insolvent might have done, and as the Assignee is hereby authorized to do; and a Bill of Sale (Form H), signed and

delivered to him by the Assignee, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the Assignee; and no warranty, except as to the good faith of the Assignee, shall be created by such sale and conveyance, not even that the debt is due.

SALE OF REAL ESTATE.

62. The Assignee may sell the real estate of the Insolvent, but only after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the assignee deems expedient; but the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the Judge; but in the Province of Quebec such abridgement shall not take place without the consent of the hypothecary creditors upon such real estate, if any there be, and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent less than the value set upon it by a resolution of the creditors, or by the Inspectors and the Assignee, the sale may be adjourned for a period not exceeding one month, when after such notice as the Inspectors and the Assignee may deem proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid be then offered, the property shall be adjudged to the person who made such last bid. Provided that with the consent of the Hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors, the Assignee with the approbation of the ordinary creditors or of the Inspectors, may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale shall have been so postponed beyond one month, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction.

Sale of real estate of Insolvent

Proviso.

63. All sales of real estate so made by the Assignee shall vest in the purchasers all the legal and equitable estate of the Insolvent therein, and in all respects shall have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff in the Province in which such real estate is situate, under a writ of execution issued in the ordinary course, but shall have no other, greater or less effect than such sheriff's sale: and the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale; and the deed of such sale which the Assignee executes (Form I,) shall have the same effect as a sheriff's deed has in the Province within which the real estate is situate; but he may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors, for any part of the purchase money; except that no credit shall be given in the Province of Quebec for any part of the purchase

Effect of sales of real estate.

Form of deed and terms.

money coming to any hypothecary or privileged creditor, without the consent of such creditor; and the Assignee shall be entitled to reserve a special hypothec or mortgage by the deed of sale as security for the payment of such part of the purchase money as shall be unpaid; and such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where the real estate sold is situate. 5

64. In the Province of Quebec such sale may be made subject to all such charges and hypothecs as are permitted by the law of the said Province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon, as are not due at the time of the sale, the time of payment whereof shall not, however, be extended by the conditions of such sale; and also subject to such other charges and hypothecs as may be consented to in writing by the holders or creditors thereof.—And an order of re-sale for false bidding may be obtained from the Judge by the Assignee upon summary petition; and such re-sale may be proceeded with after the same notices and advertisements, and with the same effect and consequences as to the false bidder, and all others, and by means of similar proceedings as are provided in ordinary cases for such re-sales, in all essential particulars and as nearly as may be without being inconsistent with this Act. And as soon as immoveables are sold by the Assignee, he shall procure from the Registrar of the Registration Division in which each immoveable is situate, a certificate of the hypothecs charged upon such immoveable and registered up to the day of the issue of the writ of attachment, or of the execution of the deed of assignment by which the estate of the Insolvent was brought within the purview of this Act, as the case may be: And such certificate shall contain all the facts and circumstances required in the Registrar's certificate obtained by the Sheriff subsequent to the adjudication of an immoveable in conformity with the provisions of the Code of Procedure and shall be made and charged for by the Registrar in like manner: And the provisions of the Code of Procedure as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment, and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will admit: And the collocation and distribution of the monies arising from such sale shall be made in the dividend sheet in the same manner as to all the essential parts thereof, as the collocation and distribution of monies arising from the sale of immoveables are made in the appropriate Court in ordinary cases, except in so far as the same may be inconsistent with any provision of this Act. 10 15 20 25 30 35 40 45

Sales in Quebec may be subject to certain charges.

Folle enchere.

Certificate of Registrar.

Code of Procedure to apply.

Order of distribution.

65. In the Province of Quebec any privileged or hypothecary creditor whose claim is actually due and payable, shall have the right to obtain from the judge an order on the Assignee to proceed without delay to the sale in the mode above prescribed, of any property real or personal which is subject to his privileged or hypothecary claim; 50

In Quebec privileged creditors may proceed to sale of property subject to their privileged claims.

and such creditor may also one month after the sale shall have taken place or one month after the Assignee shall have received the price thereof, if not paid at the time of the sale, obtain an order from the Judge to compel the Assignee
5 to make a dividend of the proceeds of such sale.

66. The Assignee shall be entitled to a commission on the sale of the real and personal property of the Insolvent of five per cent. when the amount realized does not exceed four hundred dollars, of two and one half per cent. when it
10 exceeds four hundred dollars and does not exceed one thousand dollars, and of one and a quarter per cent. when it exceeds one thousand dollars. The creditors at a meeting called for that purpose and on the report of the inspectors may increase the rate or amount of remuneration to be
15 allowed to the Assignee or Official Assignee.

Assignee to be paid commission on sales.

The Assignee shall further be entitled to a sum of five dollars for every meeting of the creditors actually held, not exceeding six in number in each case of insolvency, and to all necessary travelling expenses at the rate of ten cents
20 per mile each way, and to other necessary disbursements, to be taxed by the Judge.

And for attendance at meetings, &c.

The remuneration of the Official Assignee, when he shall be superseded by an Assignee appointed by the creditors, shall be fixed by the Judge, and shall be the first charge on
25 the estate.

Remuneration of superseded Assignee.

67. The Assignee shall call meetings of creditors whenever required in writing so to do, by the Inspectors, or by five creditors, or by the Judge, and he shall state succinctly in the notice calling any meeting the purpose thereof.

Assignee to call meetings on requisition.

68. The Assignee shall deposit at interest in some chartered Bank, to be indicated by the Inspectors or by the Judge, all sums of money which he may have in his hands belonging to the estate, whenever such sums shall amount to one hundred dollars. Such deposit shall not be made in
30 the name of the Assignee, on pain of dismissal, but shall be in the name of the estate, and subject only to be withdrawn on the order of the joint order of the Assignee and of the Inspectors, or on the order of the Court or Judge.

Deposit and withdrawal of monies of estate in bank.

The interest accruing on such deposits shall appertain to
40 the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued.

Interest on deposits.

If in any account or dividend sheet made subsequent to any deposit in a Bank, the Assignee shall omit to account
45 for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest; and he may be constrained so to do by the Judge upon summary petition and by imprisonment as for a contempt of court.

Penalty for non-distribution of such interest.

At every meeting of Inspectors or of creditors, the Assignee shall produce a Bank pass book showing the amounts of
50 deposits the dates at which such deposits shall have been

Assignee to produce bank book at meetings, &c.

made, the amounts withdrawn and dates of such withdrawal, of which production mention shall be made in the minutes of such meeting, and the absence of such mention shall be conclusive proof that it has not been produced thereat. The Assignee shall also produce such pass book whenever so ordered by the Judge or at the request of the Inspectors or of a creditor, and on his refusal to do so he shall be treated as being in contempt of court. 5

Penalty for
false entry, in
such pass
book.

The Assignee who shall make or cause to be made any false entry in such pass book with a view to deceive the Inspectors, creditors, or Judge, shall be guilty of a misdemeanor, and shall be liable at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for a term not exceeding three years, or to any greater punishment attached to the offence by any existing statute. 10 15

Estate in
whom vested
on death of
Assignee.

69. Upon the death of an Assignee or Official Assignee, or upon his removal from office or upon his discharge, the estate shall remain under the control of the Judge until the appointment of another Assignee or Official Assignee as the case may be, when the estate shall become vested in such other Assignee or Official Assignee. 20

Final account
and discharge
of Assignee.

70. After the declaration of a final dividend, or if after using due diligence the Assignee has been unable to realize any assets to be divided, the Assignee shall prepare his final account, and may present a petition to the Judge for his discharge, after giving notice of such petition to the Insolvent, and also to the Inspectors if any have been appointed, or to the creditors by circular if no Inspector has been appointed; and he shall produce and file with such petition a Bank certificate of the deposit of any dividends remaining unclaimed, or of any balance in his hands; and a statement showing the nominal and estimated value of the assets of the Insolvent, the amount of claims proved, dividing them into ordinary, privileged and hypothecary claims, the amount of dividends or of composition paid to the creditors of the estate, and the entire expense of winding up the same. And the Judge, after causing the account to be audited by the Inspectors or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally, or unconditionally the prayer of such petition, or may refuse it. 25 30 35 40

DIVIDENDS.

Accounts,
statements
and dividends
by Assignee.

71. Upon the expiration of the period of one month from the first meeting of the creditors, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the Assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such Assignee, and of the position of the estate, and he shall prepare dividends of the estate of the Insolvent whenever the amount of monies in his hands will justify a division thereof, and also whenever he shall be required by the Inspectors or ordered to do so by the Judge. 45 50

72. All debts due and payable by the Insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the Insolvent; and any person then being, as surety or otherwise, liable for any debt of the Insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as such creditor might have done.

What claims shall rank on the estate.

73. If any creditor of the Insolvent claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the Judge that the estate may thereby be kept open for an undue length of time, he may, unless an estimate of the value of such claim be agreed to between the claimant and the Inspectors' order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the Assignee may appoint, and in case they do not agree then by such person or persons as the Judge shall name, and the persons so named shall make their award, which award the Judge after hearing the claimant and Assignee may reject or confirm. In case the award be rejected, other persons shall be appointed as herein provided to establish the value of such claim subject to the control of the Judge, and if the said award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

Case of contingent claims provided for.

74. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act; but no dividend shall be allotted or paid to any creditor holding security from the estate of the Insolvent for his claim, until the amount for which he shall rank as a creditor on the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained.

Rank and privilege of creditors: Proviso as to creditors holding security.

75. No lien or privilege upon either the personal or real estate of the Insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the Insolvent, if before the payment over to the

Seizure in execution after appointment of assignee; its effect.

plaintiff of the moneys actually levied under such writ, the estate of the debtor shall have been assigned to an Assignee, or if proceedings to place the same in liquidation under this Act, have been adopted and are still pending. But this provision shall not affect any lien or privilege for costs which the plaintiff possesses under the law of the Province in which such writ shall have issued. 5

As to creditors holding security for their claims.

76. If a creditor holds security from the Insolvent, or from his estate, or if there be more than one Insolvent liable as partners, and the creditor hold security from, or the liability of one of them as security for a debt of the firm, he shall specify the nature and amount of such security or liability in his claim, and shall therein on his oath put a specified value thereon; and the Assignee, under the authority of the creditors, may either consent to the right to rank for such liability, or to the retention of the property or effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may require from such creditor an assignment of such liability, or an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, to be paid by him out of the estate so soon as he has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the liability or security is retained or assumed and the amount of the claim of such creditor, shall be the amount for which he shall rank and vote as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the Insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this clause, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment he shall be entitled to amend his claim and treat such liability as unsecured. 10 15 20 25 30 35

If the security is on realty, or shipping.

77. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous mortgages, hypothecs and liens, shall have no further recourse or claim upon the estate of the Insolvent; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors; or upon their filing their claims specifying their security thereon as of no value, or upon paying them the value by them placed thereon; or upon giving security to the Assignee that the estate shall not be troubled by reason thereof. 40 45 50 55

78. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Assignee to procure the authority of the Inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of Inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security the Assignee shall act in the premises according to his discretion and without delay.

Proceedings on the filing of a secured claim.

79. The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate of the Insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Assignee may at any time require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and if any creditor refuses to produce or make such oath before the Assignee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet.

Rank of several items of a creditor's claim.

Oath of creditor as to non-payment of his claim.

80. If the Insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full.

Insolvent owing debts as a partner.

81. The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the Insolvent, by way of allowance, any sum of money, or any property they may think proper; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors.

Allowance to insolvent, how made.

82. No costs incurred in suits against the Insolvent after due notice has been given according to the provisions of this Act, of an assignment, or of the issue of a writ of attachment in liquidation, shall rank upon the estate of the Insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt.

As to costs in suits against Insolvent.

Privilege of
clerks, &c. for
wages.

83. Clerks and other persons in the employ of the Insolvent in and about his business or trade shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment or of the issue of a writ of attachment under this Act, not exceeding three months of such arrears, and also for such salary or wages for a period not exceeding two months of the unexpired portion of the then current year of service. 5

Notice of
dividend sheet
and payment.

84. So soon as a dividend sheet is prepared, notice thereof (Form J) shall be given by advertisement, and by letter posted to each creditor, and after the expiry of eight juridic days from the day of the last publication of such advertisement, all dividends which have not been objected to within that period shall be paid. 10 15

Contestation
of claims on
dividend
sheet by As-
signee.

85. It shall be the duty of the Inspectors to examine with the Assignee each dividend sheet before the expiration of delay within which the same may be objected to, and to instruct the Assignee as to which claims or collocations should be contested, by and on behalf of the estate, whereupon contestation shall be entered and made in the name of the Assignee or of the Inspectors or of some individual creditors consenting thereto, and the costs of such contestation, unless recovered from the adverse party, shall be paid out of the funds belonging to the estate. 20 25

Claims not
filed.

86. If it appears to the Assignee on his examination of the books of the Insolvent, or otherwise, that the Insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of the claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residence as nearly as the same can be ascertained by the Assignee; and if such creditors do not file their claims and apply for such dividends previous to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend. 30 35

Claims or di-
vidends ob-
jected to, how
determined.

87. If any claim be objected to at any time, or if any dividend be objected to within the said period of one day, and any dispute arises between the creditors of the Insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the objection shall be filed in writing before the Assignee who shall make a record thereof, and the grounds of objections shall be distinctly stated in such writing, and the party objecting shall also file at the same time the evidence of previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same, which time may however be enlarged by the Judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection, the Assignee shall transmit to the clerk of the Court the dividend sheet 40 45 50 55

or a copy thereof with all the papers and documents relating to such objection or contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon
 5 before the Judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered—which judgment shall be final unless appealed from in the manner hereinafter provided; the proceedings on said objection or contestation
 10 shall form part of the records of the Court and the judgment shall be made executory as to any condemnation for costs in the same manner as an ordinary judgment of the Court.

88. It shall be the duty of the Inspectors to examine the
 15 claims filed before the Assignee, and to obtain information as to their correctness, and when they consider it expedient that any claim, dividend or collocation be contested, they may order the contestation thereof at the expense of the estate; and such contestation may be made in their names
 20 or in the names of any creditor consenting thereto.

Inspectors may order execution of claim.

89. The judgment of the Judge as to costs may be made executory by execution in the same manner as an ordinary judgment of the Court, by means of an order of the Judge, obtained upon the application of the party to
 25 whom costs are awarded, made after notice to the opposite party; and the creditors may by resolution authorize and direct the costs of the contestation of any claim or any dividend to be paid out of the estate, and may make such order either before, pending or after any such contestation.

As to costs awarded by Judge.

90. If, at the time of the issue of a Writ of Attachment, or the execution of a Deed of Assignment, any immovable property or real estate of the insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent Court, such sale shall be proceeded
 35 with by the officer charged with the same, unless stayed by order of the Judge upon application by the Assignee, upon special cause shewn, and after notice to the plaintiff; reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale, for such costs
 40 as he would have been entitled to be paid by privilege out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the monies levied therefrom shall be paid over to the creditors having privileged, mortgage or hypothecary claims
 45 thereon, according to the rank and priority of such claim thereon, and the officer charged with the execution shall make a return of such monies to the Assignee and pay over to him the balance of such monies after payment of such claims, and his return to the Court from which the writ
 50 issued, declaring that he has done so, shall be a valid and sufficient return upon such writ in so far as regards the monies so paid over.

If there be property of insolvent under seizure at time of Assignment or Attachment.

91. All dividends remaining unclaimed at the time of the discharge of the Assignee shall be left in the bank where
 Unclaimed dividends.

they are deposited, for three years, and if still unclaimed, shall then be paid over by such bank with interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government. 5

Balance of estate to be paid over to Insolvent.

92. If any balance remains of the estate of the Insolvent, or of the proceeds thereof, after the payment in full of all debts due by the Insolvent, such balance shall be paid over 10 to the Insolvent upon his petition to that effect, duly notified to the creditors by advertisement and granted by the Judge.

LEASES.

Lease of property more valuable than rent to be sold; on what conditions.

93. If the Insolvent holds under a lease, property having a value above and beyond the amount of any rent payable under such lease, the Assignee shall make a report thereon 15 to the Judge, containing his estimate of the value of the estate of the leased property in excess of the rent; and thereupon the Judge may order the rights of the Insolvent in such leased premises to be sold, after such notice of such sale as he shall see fit to order; and at the time and place 20 appointed such lease shall be sold upon such conditions, as to the giving of security to the lessor, as the Judge may order; and such sale shall be so made subject to the payment of the rent and to all the covenants and conditions contained in the lease, and all such covenants and conditions 25 shall be binding upon the lessor and upon the purchaser, as if the purchaser had been himself lessee and a party with the lessor to the lease.

Other cases of lease, how dealt with.

94. If the Insolvent holds under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the Judge does not make an order of sale, as therein provided or which is not sold under such order, the creditors shall decide at any meeting which may be held more than one month 35 before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the 40 end of the next following yearly term thereof, and their decision shall be final,

Lessor claiming damages for termination of the lease

95. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall from thenceforth be inoperative and 45 null; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the 50 amount thereof under oath, in the same manner as in ordinary claims upon the estate, and the Assignee shall proceed

forthwith to make an award upon such claim, in the same manner, and after similar investigation and with the same right of appeal, as is herein provided for in case of claims or dividends objected to.

5 **96.** In making such claim, and in any award thereupon, the measure of damages shall be the difference between the value of the premises leased when the lease terminates under the resolution of the creditors, and the rent which the Insolvent had agreed by the lease to pay during its continuance; and the chance of leasing or not leasing the premises again, for a like rent, shall not enter into the computation of such damages; and if damages are finally awarded to the lessor he shall rank for the amount upon the estate as an ordinary creditor.

How damages to be estimated.

15 **97.** The preferential lien of the landlord for rent in the Province of Ontario, New Brunswick or Nova Scotia is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act as the case may be, and from thence so long as the Assignee shall retain the premises leased.

Preferential claim of landlord limited.

APPEAL.

25 **98.** If any of the parties to any contestation, matter or thing upon which a Judge has made any final order or judgment are dissatisfied with such order or judgment, they may in the Province of Quebec move to revise the same or may appeal therefrom within the same delay in like manner as from any final judgment of the Superior Court, to the Court of Queen's Bench on the appeal side thereof; in the Province of Ontario they may appeal therefrom to either of the Superior Courts of Common Law or to the Court of Chancery, or to any one of the Judges of the said Courts; in the Province of New Brunswick to the Supreme Court of New Brunswick or to any one of the Judges of the said Court; and in the Province of Nova Scotia to the Supreme Court of Nova Scotia or to any one of the Judges of the said Court; but any appeal to a single Judge in the Province of Ontario, New Brunswick or Nova Scotia may, in his discretion, be referred on a special case to be settled, to the full Court, and on such terms in the mean time as he may think necessary and just.

Appeal from order of the Judge.

May be referred to full Court.

35 **99.** Pending the contestation of any claim or of a dividend sheet and of the appeal the Assignee shall reserve a dividend equal to the amount thereon, of the dividend claimed.

Reservation of amount of dividend claimed.

FRAUDS AND FRAUDULENT PREFERENCES.

45 **100.** All gratuitous contracts or conveyances, or contracts or conveyances without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming an Insolvent with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding

Gratuitous contracts, within three months of insolvency presumed fraudulent.

the date of the Assignment or of the issue of the Writ of Attachment in liquidation, and all contracts by which creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an Insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors. 5

Certain other contracts voidable.

101. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before the execution of a deed of assignment or of the issue of a Writ of Attachment under this Act, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the Court may order. 10 15 20

Contracts made with intent to defraud creditors to be void.

102. All contracts, or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage. 25 30

Fraudulent preferential sales, &c., to be void.

103. If any sale, deposit, pledge or transfer be made of any property real or personal by any person in contemplation of insolvency, by way of security for payment to any creditor; or if any property real or personal, moveable or immoveable, goods, effects, or valuable security, be given by way of payment by such person, to any creditor whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer, or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Assignee, in any Court of competent jurisdiction; and if the same be made within thirty days next before the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, it shall be presumed to have been so made in contemplation of insolvency. 35 40 45

Presumption of.

Certain payments by debtor void.

104. Every payment made within thirty days next before the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same 50

to exist, is void, and the amount paid may be recovered back by suit in any competent Court, for the benefit of the estate; Provided always that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

105. Any transfer of a debt due by the Insolvent, made within thirty days next previous to the execution of a deed of assignment or the issue of a Writ of Attachment under this Act, or at any time afterwards, to a debtor knowing or having probable cause for believing the Insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void, as regards the estate of the Insolvent; and the debt due to the estate of the Insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor.

106. Any person who purchases goods on credit, or procures any advance in money, knowing or believing himself to be unable to meet his engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize, with intent to defraud the person thereby becoming his creditor, and who shall not afterwards have paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years, unless the debt or costs be sooner paid; and if such debt or debts be incurred by a partnership then every member thereof who shall have known of the incurring, or of the intention to incur, such debt or debts, shall be similarly liable; provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

107. Whether the defendant in any such case appear and plead, or make default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud, (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant immediately to be taken into custody and imprisoned accordingly; but such judgment shall not affect the ordinary remedies for the provision thereof, or of any proceeding in the case.

PROCEDURE GENERALLY.

To what assets certain sections shall apply. 108. The operation of sections and of this Act shall extend to all the assets of the Insolvent, of every kind and description, although they are actually under seizure under any ordinary writ of attachment, or under any writ of execution, so long as they are not actually sold by the Sheriff or Sheriff's officer under such writ; but in the Provinces of Nova Scotia and New Brunswick this section shall not apply to any writ of execution in the hands of the Sheriff, at the time of the coming into force of this Act; and the rights, liens and privileges of the seizing or attaching creditor, for his costs upon any such writ, shall be the same as they were previous to the passing of this Act, in the Province in which such writ shall have issued. 5 10

Proviso.

Notices under this Act, how given. 109. Notices of meetings of creditors and all other notices, herein required to be given by advertisement, without special designation of the nature of such notice, shall be so given by publication thereof for two weeks in the *Official Gazette*, also in the Province of Quebec in every issue during two weeks of one newspaper in English and one in French, and in the Provinces of Ontario, New Brunswick and Nova Scotia, in one newspaper in English, published at or nearest to the place where the proceedings are being carried on; and in any case, unless herein otherwise provided, the Assignee or person giving such notice shall also address notices thereof to all creditors and to all representatives of foreign creditors within the Dominion, and shall mail the same with the postage thereon paid, at the time of the insertion of the first advertisement. 15 20 25

Majority in value of creditors to decide questions.

110. All questions discussed at meetings of creditors shall be decided by the majority in number of all creditors for sums of one hundred dollars and upwards, present or represented at such meeting, and representing also the majority in value of such creditors, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and such resolutions with a statement of the vote taken thereon, shall be referred to the Judge who shall decide between them; 30 35

Question as to number and value of creditors voting, how decided.

111. If for any purpose it becomes necessary to ascertain the proportion of the creditors of an Insolvent who have voted at any meeting or concurred in any act or document, and if it be found that the whole of the creditors holding claims against an Insolvent for sums of one hundred dollars and upwards, do not represent the proportion in value of the liabilities of the Insolvent subject to be computed in that behalf and required to give validity to such vote, act or documents such proportion may be completed by the votes or concurrence of creditors holding claims of less than one hundred dollars. 40 45

112. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay named herein, notice of such meeting or application may be given pending such delay.

Notice pending delay.

113. If the first meeting of creditors which takes place after the expiry of the period of one month from the advertisement of the appointment of an Assignee be called for the ordering of the affairs of the estate generally and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting, notwithstanding anything to the contrary in this Act contained, due regard being had however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation.

What matters may be voted upon, &c., at first meeting of creditors.

114. The claims of creditors (Form K) shall be furnished to the Assignee or Official Assignee as the case may be, in writing, and they shall be attested under oath, taken in Canada before the Assignee or before any Judge, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada, before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, the Chief Municipal Officer for any town or city, or any British Consul or Vice Consul, or before any person authorized by any statute of this Dominion or of any Province therein, to take affidavits to be used in any part of the Dominion.

Form and attestation of claims.

115. Any affidavit requiring to be sworn in proceedings in Insolvency, may be sworn before any Commissioner for taking affidavits, appointed by any of the Courts of Law or of Equity in any of the said Provinces; or before any Judge having civil jurisdiction in any of the said Provinces; and such affidavit may be made by the party interested, or by his agent in that behalf having a personal knowledge of the matters therein stated.

Affidavits, before whom sworn.

116. The Statutes of set off shall apply to all claims in insolvency and also to all suits instituted by an Assignee for the recovery of debts due to the Insolvent, in the same manner and to the same extent, as if the Insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

Set-offs, how allowed.

117. One clear day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed

Services of papers under this Act.

for similar services in the Province within which the service is made.

Commissions for examination of witnesses.

118. The Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record in the Province in which the proceedings are being carried on, and may also on petition of either of the parties to a contestation before an Assignee, order the issue of such a commission by the Assignee.

Subpoenas to witness.

119. In any proceeding or contestation in insolvency, the Court or Judge, or the Assignee as the case may be, may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue commanding the attendance as a witness of any person within the limits of Canada.

Service of process, &c.

120. All rules, writs of *subpœna*, orders and warrants, issued by any Judge, Court or Assignee in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof and on oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office.

Disobedience of writs and process, how punishable.

121. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such Court or Judge, in an ordinary suit; and if the person so served and making default, has his domicile beyond the limits of the Province within which such writ or process issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served may reside, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of *subpœna* or other similar process issued out of such last mentioned Court; and such certificate of default signed by the Court, Judge or Assignee before whom default was made, and copies of such writ, process and of the return of service thereof certified by the Clerk of the Court in which the order of transmission is made, shall be *prima*

Proof of default.

facie proof of such writ or process, service, return, and of such default.

122. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any such subpoena or other similar process, unless it be made to appear to the Court or Judge transmitting, and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem*, and per mile allowed to witnesses by the law and practice of the Superior Courts of Law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such person at the time when the writ of subpoena, or other similar process, was served upon him.

Expenses must be tendered to person summoned as a witness, &c.

123. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation, or dividend or of an application for a discharge, or for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance, and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

Forms under this Act.

Contestation of statements.

124. No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the Bankrupt or Insolvent Law, of any country whatsoever beyond the limits of this Dominion, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in this Dominion, for the recovery of any debt or obligation contracted within such limits.

Foreign discharges not to bar debts contracted in Canada.

125. The rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act and any Court or Judge, or Assignee, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court.

As to amendments in proceedings under this Act.

126. The death of the Insolvent, pending proceedings in liquidation, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf

Provision in case of death of insolvent.

Representatives, how far liable.

to the procuring of a discharge, or of the confirmation thereof, or of both; and the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable for the debts of the deceased, to any greater extent than they would have been if this Act had not been passed.

Costs; on what property and in what order chargeable.

127. The costs of the proceedings in Insolvency up to and inclusive of the notice of the appointment of the Assignee, shall be paid by privilege as a first charge upon the assets of the Insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unincumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being incumbered or not, as the case may be; and the remuneration of the Assignee and the costs of the judgment of confirmation of the discharge of the Insolvent, or of the discharge if obtained direct from the Court, and the costs of the discharge of the Assignee being first taxed by the Judge at the tariff rate, or if there be no tariff, at the same rate as is usual for uncontested proceedings of a similar character, after notice to the Inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon.

Provision as to letters addressed to Insolvent by Post.

128. The Judge shall have the power, upon special cause being shewn before him under oath for so doing, to order the Postmaster at the place of residence of the Insolvent to deliver letters addressed to him received at such Post Office to the Assignee, and to authorize the Assignee to open such letters in the presence of the Prothonotary or Clerk of the Court of which such Judge is a member; and if such letters be upon the business of the estate the Assignee shall retain them, giving communication of them, however, to the Insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened by the Assignee and returned to the Post Office; and a memorandum in writing of the doings of the Assignee in respect of such letters, shall be made and signed by him and by the Prothonotary or Clerk, and deposited in the Court.

Provision as to cases in which the Judge has a claim on the Estate.

129. If the Judge holds a claim against the estate of an Insolvent, he shall be *ipso facto* disqualified from acting as a Judge in any matter connected with such claim; and in such case the Judge competent to act in matters of Insolvency, in any county or district adjoining that in which the Insolvent has his chief place of business, and who is not disqualified under this section, shall be the Judge who shall have jurisdiction in such matter, in the place and stead of the Judge so disqualified; and upon a suggestion being filed before the Judge, of his disqualification under this

section, the Judge shall be bound within twenty-four hours thereafter, to declare under his hand, by a writing filed with the Assignee, whether such Judge is so disqualified or not, and if he does not, shall be conclusively held to be so disqualified; and the validity or correctness of such declaration may be contested, in the case of the Judge, by summary petition before the Judge who would be competent to act in the place or stead of the Judge alleged to be disqualified.

10 **130.** In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the Court or Judge, and tariffs of fees for the officers of the Court and for the Advocates and Attorneys practising in relation to such proceedings, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated, under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court and shall apply in the same manner, and have the same effect in respect of the proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court; and Bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court; but until such rules of practice and tariff of fees have been made, the rules of practice and tariff of fees of Insolvency, now in force in the said Province, shall continue and remain in full force and effect.

Rules of practice and Tariff of Fees in the Province of Quebec; how to be made.

Present rules, &c., to remain until altered.

30 **131.** In the Province of Ontario the Judges of the Superior Courts of Common Law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Common Pleas, shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them,—and in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—shall forthwith make, and frame and settle such forms, rules and regulations, as shall be followed and observed in the said Provinces respectively, in the proceedings in insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to Attorneys, Solicitors, Counsel, and Officers of Courts, whether for the Officer or for the Crown as a fee for the fee fund or otherwise, and by or to Sheriffs, Assignees or other persons whom it may be necessary to provide for.

And in the other Provinces.

50 **132.** In the Province of Quebec every trader having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid, any right, thing, or sum of money, shall enregister the same, if it be not already enregistered, within three months from the execution thereof; and every person not a trader, but hereafter becoming a trader, and having such a contract of marriage

Registration of marriage contracts of traders in Quebec.

with his wife, shall cause such contract to be enregistered as aforesaid (if it be not previously there enregistered,) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such Insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which, in the absence of any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second paragraph of section twelve of the Insolvent Act of 1864, and of section one hundred and forty of the Insolvent Act of 1869, and shall not relieve any person from the consequences of any negligence in the observance of the provisions of the said paragraph and section.

Limitation of proceedings to set aside anything done under this Act.

133. After the expiration of one year from the appointment of an Assignee, no suit or proceeding shall be instituted or commenced for the setting aside of any Act or proceeding preliminary to such appointment or of such appointment; nor shall any such appointment or the proceedings preliminary thereto be impeached, or the validity thereof put in issue by any pleading in any suit or proceeding. But after the expiration of the said period, as to all persons not previously contesting the same and until set aside by the decision of a Court of law or of equity, upon a previous contestation thereof, such appointment and the proceedings preliminary thereto, shall be conclusively presumed to be valid and sufficient.

PROCEDURE IN THE CASE OF INCORPORATED COMPANIES.

Provisions for Incorporated Companies.

134. The provisions of this Act shall apply to the estates of the Incorporated Companies, mentioned in the first section of this Act, subject to the following modifications:

(1.) No writ of attachment shall issue against the estate of an Incorporated Company except upon the order of the Judge, and after notice of at least forty-eight hours shall have been given to such Company of the application for such writ. The Judge in all cases where proceedings have been adopted under this Act against an Incorporated Company, may before granting a writ of attachment, order the Official Assignee to inquire into the affairs of the Company and to report thereon:

(2.) Upon such order it shall be the duty of such Company and of the President, Directors, Managers, and Employees thereof to exhibit to the Official Assignee, or to his Deputy, the books of account together with all inventories, papers, and vouchers referring to the business of the Company, and generally to give all such information as may be required by the Official Assignee to form a just estimate of the affairs of the said Company; and any refusal on the part of said President, Directors, Managers, or Employees of the Company to give such information shall on evidence of such refusal be considered as a contempt of an order of the Court

or Judge, and punishable by fine or imprisonment or by both at the discretion of the Judge :

(3.) From the time the above order shall be served upon the Company, the President, Directors, Managers, and Employees thereof having the control of its affairs, shall hold the estate and property of the said Company upon trust for the creditors of the said Company, and shall be bound to account for all the property of the said Company under the same obligations, liabilities, and responsibilities as trustees appointed by Courts of Law or Equity are bound :

(4.) Upon the report of the Official Assignee the Judge may order that a meeting of the creditors be called in the manner provided for by this Act, at which meeting the creditors present may pass such resolutions either for the winding up of the affairs of the Company or for allowing the business thereof to be carried on as they may deem most advantageous to the creditors, and may also appoint two Inspectors and indicate the mode in which the business of the Company should be wound up or should be continued :

(5.) The resolutions so adopted shall be submitted to the Judge at the time and place appointed at the meeting, and at least forty-eight hours notice shall be given by the Official Assignee to the Company of the time and place so fixed :

(6.) The Judge after hearing the creditors, the Assignee and the Company, may confirm, reject, or modify the said resolutions, and he may order the immediate issue of a Writ of Attachment to attach the estate of the Company, or direct that the issue of such writ shall be suspended for a period not exceeding six months, during which period he may order that the Official Assignee or the Inspectors, if any have been appointed by the creditors, shall exercise a general supervision over the estate and business of the said Company by requiring from the President, Directors, Managers and Employees of the Company, such periodical accounts and statements, of the business done, and of the monies received and expended or disbursed since the last statement as may be required by the said Inspectors or the said Official Assignee to obtain a proper knowledge of the affairs of the Company :

(7.) The Judge may also, if he deems it for the advantage of the creditors, appoint a Receiver charged with such duties as to the superintendence or management of the affairs of the Company as may be imposed upon him by the order of the Judge, and subject to such orders and directions as he may from time to time receive from the Judge :

(8.) Such Receiver shall account, whenever ordered by the Court or Judge, for all monies or property he may have received from the estate :

(9.) Before the expiration of the six months next after such order, the Official Assignee or the Receiver as the case may be, shall cause another meeting of the creditors to be called :

(10.) On the resolutions adopted at such meeting the Judge may either grant a further delay not exceeding six months, or cause a writ of attachment to issue at the instance of the

creditor or creditors who originally made a demand, or at the instance of any other creditor making a demand under the provisions of this Act :

(11.) If at the expiration of such prolonged delay the demands made upon the Company to place it in liquidation have not been satisfied the Judge shall order the issue of a writ of attachment, and the estate of the said Company shall be wound up under the provisions of this Act, unless the creditor entitled to such writ shall consent to a further delay :

(12.) Nothing in this section shall prevent the Judge before the expiration of the delays he may have granted under the preceding sub-sections, from cancelling the orders so given by him, and from ordering the issue of a writ of attachment or from releasing the Company from the effect of any such order, as circumstances may require :

(13.) The President, Directors, Managers and other employees of said Company may be examined by the Assignee or by the Judge on the affairs of the Company, and each of them shall for refusal to answer questions put in reference to the business within his own cognizance, be liable to the same penalties as ordinary traders refusing to answer questions put under the provisions of this Act :

(14.) The remuneration of the Official Assignee and of the Receiver for services performed under the preceding sections shall be fixed by the Judge.

(15.) Nothing in the preceding sub-sections shall prevent the President, Directors, Managers or employees of the Company, on being duly authorised to that effect, from making an assignment of the estate of such Company to an Official Assignee in the form provided for by this Act, before the expiration of the delays which may have been granted to such Company by the Court or Judge.

IMPRISONMENT FOR DEBT.

Insolvent in Gaol or on the limits may Judge for discharge.

Proceedings thereon.

131. Any debtor confined in gaol or on the limits, in any civil suit who may have made the assignment provided for in the Section 18 of this Act; or against whom process for liquidation under this Act may have been issued, may at any time after the meeting of Creditors provided for in the Section of this Act, make application to the Judge of the County or District in which his domicile may be or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the Sheriff or Gaoler to bring the debtor before him for examination at such time and place in such County or District as may be thought fit; and the said Sheriff or Gaoler shall duly obey such order, and shall not be liable for any action for escape in consequence thereof, or for any action for the escape of the said debtor from his custody, unless the same shall have happened through his default or negligence :

(2.) In pursuance of such order the said confined debtor and any witnesses subpoenaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such Judge, and if on such examination it shall appear to the satisfaction of the Judge that the said debtor has *bonâ fide* made an assignment as required by this Act, and has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof, or of his books and accounts or any material portion thereof or otherwise in any way contravened the provisions of this Act; such Judge shall by his order in writing discharge the debtor from confinement or imprisonment, and on production of the order to the Sheriff or Gaoler, the debtor shall be forthwith discharged without payment of any gaol fees, provided always that no such order shall be made in any suit unless it be made to appear to the satisfaction of such Judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in such suit, or his attorney and to the Assignee for the time being:

Examination of insolvent and witnesses.

Judge may discharge him if the examination be satisfactory.

(3.) The minutes of the examination herein mentioned shall be filed in the office of the Clerk of the Court out of which the process issued, and a copy thereof shall be delivered to the Assignee, and if during the examination, or before any order be made the Official Assignee or the appointed Assignee, or the creditor or any one of the creditors at whose suit or suits he shall be in custody shall make affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day:

Minutes of examination to be kept.

Postponement in certain cases.

(4.) After such examination, in case of any subsequent arrest in any civil suit as aforesaid for causes of action arising previous to the assignment or process for liquidation; the said debtor may, pending the further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge and on producing such previous discharge; provided that nothing in this section contained, shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act.

As to any subsequent arrest.

Proviso.

OFFENCES AND PENALTIES.

136. Every Assignee to whom an assignment is made under this Act, is an agent within the meaning of the *seventy-sixth* and following sections of the Act respecting *Larceny and other similar offences*, and every provision of this Act, or resolution of the creditors, relating to the duties of an Assignee, shall be held to be a direction in writing, within the meaning of the said *seventy-sixth* section; and in any indictment against an Assignee, under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the Insolvent (naming him), under the Insolvent Act of 1874," or in

Assignees, Guardians, and Interim Assignees, to be deemed agents for certain purposes.

the name of any Assignee subsequently appointed, in his quality of such Assignee.

Certain acts by insolvents to be misdemeanors.

137. From and after the coming into force of this Act, any Insolvent who shall do any of the acts or things following with intent to defraud, or defeat the rights of his creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute: 10

Not fully discovering or not delivering property, books, papers, &c.

If he shall not upon examination fully and truly discover to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned or transferred the same or any part thereof, except such part has been really and *bona fide* before sold or disposed of in the way of his trade or business, if any, or laid out in the ordinary expenses of his family; or shall not deliver up to the Assignee all such part thereof as is in his possession, custody or power, (except such part thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his property or affairs; 15

Removing property.

If within thirty days prior to the execution of a deed of assignment, or the issue of a writ of attachment under this Act, he shall, with intent to defraud his creditors, remove, conceal or embezzle any part of his property, to the value of fifty dollars or upwards; 25

Not denouncing false claims.

If in case of any person having to his knowledge or belief proved a false debt against his estate, he shall fail to disclose the same to his Assignee within one month after coming to the knowledge or belief thereof; 30

False schedule.

If he shall with intent to defraud, wilfully and fraudulently omit from his schedule any effects or property whatsoever; 35

Withholding books, &c.

If he shall with intent to conceal the state of his affairs, or to defeat the object of this Act or of any part thereof, conceal, or prevent or withhold the production of any book, deed, paper or writing relating to his property, dealings or affairs; 40

Falsifying books, &c.

If he shall with intent to conceal the state of his affairs, or to defeat the object of the present Act, or of any part thereof, part with, conceal, destroy, alter, mutilate or falsify, or cause to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his property, trade, dealings or affairs, or make or be privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto; 45

Stating fictitious losses.

If, *being a trader*, he shall, at his examination at any time, or at any meeting of his creditors held under this Act, have attempted to account for any of his property by fictitious losses or expenses; 50

If within the three months next preceding the execution of a deed of assignment, or the issue of a writ of attachment in liquidation, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects the price of which shall remain unpaid by him during such three months.

Disposing of goods not paid for

138. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed.

How offences against this Act shall be tried.

139. If any creditor of an Insolvent, directly or indirectly, takes or receive from such Insolvent, any payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such Insolvent, or to execute a deed of composition and discharge with him, or if any creditor knowingly ranks upon the estate of the Insolvent for a sum of money not due to him by the Insolvent or by his estate, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be, and the same shall be recoverable by the Assignee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate.

Creditors taking consideration for granting discharge &c.

140. If, after the issue of a writ of attachment in insolvency, or the execution of a deed of assignment, as the case may be, the Insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money, belonging or due to him, and retains and withholds from his Assignee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the Assignee may make application to the Judge, by summary petition and after due notice to the Insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained; and in default of such delivery in conformity with any order to be made by the Judge upon such application, such Insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such Judge may order.

Punishment of Insolvent receiving money, &c., and not handing the same to Assignee.

141. The deeds of assignment and of transfer, or in the Province of Quebec authentic copies thereof, or a duly authenticated copy of the record of appointment of the Assignee certified by the Clerk or Prothonotary of the Court in which such record is deposited, under the seal of such Court, shall be *prima facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto.

Certain documents to be evidence.

142. One per centum upon all moneys proceeding from the sale by an Assignee, under the provisions of this Act, of

Contribution to Building and Jury Fund in Quebec

any immovable property in the Province of Quebec, shall be retained by the Assignee out of such moneys, and shall by such Assignee, be paid over to the sheriff of the district, or of either of the Counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold shall be situate, to form part of the Building and Jury Fund of such District or County.

Governor in Council to have certain powers.

143. The Governor in Council shall have all the powers with respect to imposing a tax duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled: *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada*, (12 Vic., cap. 112.)

Insolvent Act of 1864, and 1869 and Acts amending them repealed; saving certain proceedings and matters.

144. The Insolvent Act of 1864, the Act to amend the same passed by the Parliament of the late Province of Canada in the 29th year of Her Majesty's Reign, the Insolvent Act of 1869 and the Act amending the same passed in the 34th year of Her Majesty's Reign, are hereby repealed, except in so far as regards proceedings commenced and now pending thereunder, and as regards all contracts, acts, matters and things made and done before this Act shall come into force, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and specially such as are contrary to the provisions of the said Acts, having reference to fraud and fraudulent preferences, and to the enregistration of marriage contracts within the Province of Quebec; and as to all such contracts, acts, matters and things, the provisions of the said Acts shall remain in force, and shall be acted upon as if this Act had never been passed: Provided always that as respects matters of procedure merely, the provisions of this Act shall for the future supersede those of the said Acts even in cases commenced and now pending; and all securities given under the said Acts shall remain valid, and may be enforced, in respect of all matters and things falling within their terms, whether before or after this Act shall come into force, and specially all securities heretofore given by Official Assignees shall serve and avail hereafter as if given under this Act; and all other Acts and parts of Acts now in force in any of the said Provinces which are inconsistent with the provisions hereof are also hereby repealed.

Proviso: Procedure under this Act to apply and supersede that under said Acts.

To what Provinces Act shall apply.

145. This Act shall only apply to that part of the Dominion comprising the Provinces of Ontario, Quebec, New Brunswick and Nova Scotia.

Debtors Act of P. E. Island verified.

146. The Act passed by the Legislature of Prince Edward Island in the thirty-first year of Her Majesty's reign, chaptered 15, intituled "*An Act for the relief of unfortunate debtors*," and the several Acts amending and continuing the same which were in force in the said Province of Prince

Edward Island at the end of the last session of the Legislature of the said Province, are hereby revived and continued, and all proceedings under the said Acts which were pending before the Courts or Judges of the said Province when the Legislature of the said Province was prorogued are also hereby revived; and it is hereby provided that the said proceedings may be continued and prosecuted to final termination before the said Courts or Judge as if such proceedings had never lapsed, and as if the said Legislature had not been prorogued but was still sitting and the session still pending; and the said Acts shall remain in force in the said Province until the first day of January one thousand eight hundred and seventy-six, and from thence until the end of the then next session of Parliament, and the Judge or Court acting under the said Acts before the end of the last session of the Legislature of the said Province, shall from the passing of this Act continue to act as such Judge or Court without any new appointment or commission.

20 **147.** This Act shall be called and known as "The Insolvent Act of 1874," and shall come into force and take effect on and after the first day of September next.

Short title, commencement and duration of Act,

FORM A.

INSOLVENT ACT OF 1874.

To (name of Insolvent.) residence and description

You are hereby required, to wit, by A. B. a creditor for the sum of \$ (describe in a summary manner the nature of the debt,) and by C. D. a creditor, &c., to make an assignment of your estate and effects under the above Act, for the benefit of your creditors.

place date

Signature of Creditor or Creditors.

FORM B.

INSOLVENT ACT OF 1874,

CANADA,
Province of
District of

A. B. _____, (name residence and description,) Plaintiff,

vs.

C. D. _____, (name, residence and description.) Defendant.

I, A. B——, (*name, residence and description*) being duly sworn, depose and say :

1. I am the Plaintiff in this cause (or one of the Plaintiffs, or the clerk, or the agent of the Plaintiff in this cause duly authorized for the purposes thereof

2. The Defendant is indebted to the Plaintiff (*or as the case may be*) in the sum of _____ dollars currency for, (*state concisely and clearly the nature of the debt ;*)

3. To the best of my knowledge and belief the Defendant is Insolvent within the meaning of the Insolvent Act of 1874, and has rendered himself liable to have his estate placed in liquidation under the said Act ; and my reasons for so believing are as follows : (*state concisely the facts relied upon as rendering the debtor Insolvent and as subjecting his estate to be placed in liquidation.*)

And I have signed ; (*or I declare that I cannot sign.*)

this _____ day of _____ 187 .

and if the deponent cannot sign, add
—the foregoing affidavit having been
first read over by me to the deponent.

(FORM C.)

INSOLVENT ACT OF 1874.

CANADA,
PROVINCE OF
District of

} VICTORIA, by the Grace of God, of the
United Kingdom of Great Britain and
Ireland, Queen, Defender of the Faith.

To the Sheriff of our District (or County) of

No. _____

GREETING :

We command you at the instance of _____
to attach the estate and effects, moneys and securities for
money, vouchers, and all the office and business papers and
documents of every kind and nature whatsoever,

_____ of and belonging to _____ if the
same shall be found in (*name of district or other territorial
jurisdiction*) and the same so attached, safely to hold, keep
and detain in your charge and custody, until the attachment
thereof, which shall be so made under and by virtue of this
Writ, shall be determined in due course of Law.

We command you also to summon the said _____
to be and appear before Us, in our _____ Court for
at _____ in the County (or District)
of _____ on the _____ day of _____ to show
cause, if any he hath, why his estate should not be placed
in liquidation under the Insolvent Act of 1874, and further

FORM F.

INSOLVENT ACT OF 1874.

In the matter of A. B., an Insolvent.

This deed of release (or transfer) made under the provisions of the said Act between (C. D.,)

Assignee to the estate of the said Insolvent of the first part; and (E. F.,) of the second part, witnesseth:

That whereas by a resolution of the creditors of the Insolvent duly passed at a meeting thereof duly called and held at _____, on the _____ day of _____,

the said party of the second part was duly appointed assignee to the estate of the said Insolvent: Now therefore these presents witness that the said party of the first part, in his said capacity, hereby releases (or transfers) to the said party of the second part the estate and effects of the said Insolvent, in conformity with the provisions of the said Act; and for the purposes therein provided.

In witness whereof, &c.

(This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.)

(Place) _____ (date) _____ (Signature) _____

(FORM G.)

INSOLVENT ACT OF 1874.

In the matter of A. B. [or A. B. & Co.,]

an Insolvent.

I the undersigned [name and residence], have been appointed assignee in this matter.

Creditors are requested to file their claims before me, within one month.

(Place) _____ (date) _____ (Signature) _____ Assignee.

(FORM H.)

INSOLVENT ACT OF 1874.

In the matter of A. B., an insolvent.

In consideration of the sum of \$ _____ whereof quit; C. D., assignee of the Insolvent, in that capacity hereby sells and assigns to E. F. accepting thereof, all claim by the Insolvent against G. H. of (describing the Debtor) with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

(or) C. D., Assignee. E. F.

(FORM I.)

This deed, made under the provisions of the Insolvent Act of 1874, the _____ day of _____ &c., between A. B. of _____ &c., in his capacity of assignee of the estate and effects of _____ an insolvent, under a deed of assignment executed on the _____ day of _____ at _____ in _____ and of a release made and executed on the _____ day of _____, in _____ or under an order of the Judge made at _____ on the _____ day of _____) of the one part, and C. D., of _____ &c., of the other part, witnesseth: That he, the said A. B., in his capacity, hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (or and hath offered for sale pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since by authority of the creditors agreed to sell) and doth hereby grant, bargain, sell, and confirm the same, to wit: unto the said C. D., his heirs and assigns for ever, all (in Ontario, Nova Scotia and New Brunswick, insert "the rights and interests of the Insolvent in") that certain lot of land, (&c., insert here a description of the property sold): To have and to hold the same, with the appurtenances thereof, unto the said C. D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of \$ _____ in hand paid to the said C. D. to the said A. B., the receipt whereof is hereby acknowledged (or of which the said C. D. hath paid by the said A. B., the sum of _____ the receipt whereof is hereby acknowledged) and the balance, or sum of \$ _____ the said C. D. hereby promises to pay the said A. B., in his said capacity, as follows, to wit—(here state the terms of payment)—the whole with interest payable _____ and as security for the payments so to made, the said C. D. hereby specially mortgages and hypothecates to and in favor of the said A. B., in his said capacity, the lot of land and premises hereby sold. In witness, &c.

Signed, sealed, and delivered
 in the presence of
 E. F. _____
 A. B. [L. S.]
 C. D. [L. S.]

(FORM J.)

INSOLVENT ACT OF 1869.

In the matter of _____
 A. B. (or A. B. & Co.,)
 an Insolvent.
 A dividend sheet has been prepared, open to objection,
 until the _____ day of _____ after which dividend
 will be paid.
 (Place.) (Date.)

Signature of Assignee.

To the said Insolvency Court, the undersigned creditor hereby re-
 ceives notice that the undersigned creditor hereby re-
 ceives you to file in the office of this Court, the consent of
 your creditors (or the deed of composition and discharge etc.)

FORM K.

INSOLVENT ACT OF 1874

In the matter of

A. B.,
An Insolvent, and
C. D.,
Claimant.

I. C. D., of _____, being duly sworn in
depose and say:

1. I am the claimant (or the duly authorized agent of the
claimant in this behalf, and have a personal knowledge of
the matter hereinafter deposed to, or a member of the firm
of _____ claimants in the matter, and the said firm is
composed of myself _____ and of E. F. of _____.)

2. The Insolvent is indebted to me (or to the claimant) in
the sum of _____ dollars, for (here state the nature and
particulars of the claim, for which purpose reference may also be
made to accounts or documents annexed.)

3. I (or the claimant) hold no security for the claim, (or I
or the claimant hold the following, and no other, security
for the claim namely: (state the particulars of the security.)

To the best of my knowledge and belief, the security is
of the value of _____ dollars.

Sworn before me at _____ }
this _____ day of _____ } And I have signed.

(FORM.)

INSOLVENT ACT OF 1874.

CANADA, } In the (name of Court)
PROVINCE OF _____ } In the matter of A. B. (or
District (or County) of _____ } A. B. & Co.) an Insolvent.

The undersigned has filed in the office of this Court, a
consent by his creditors to his discharge (or a deed of com-
position and discharge executed by his creditors), and on
the _____ day of _____ next,
he will apply to the said Court (or to the Judge of the said
Court, as the case may be) for a confirmation of the discharge
thereby effected.

(Place, _____ date.)

(Signature of Insolvent, or his of Attorney ad litem.)

FORM.

INSOLVENT ACT OF 1874.

CANADA, } In the (name of Court)
PROVINCE OF _____ } In the matter of A. B. an Insolvent.
District (or County) of _____ }

To the said Insolvent.

Take notice that the undersigned creditor hereby re-
quires you to file in the office of this Court, the consent of
your creditors, (or the deed of composition and discharge exe-

cut by them,) under which you claim to be discharged under the said Act; and on the day of next, at ten o'clock in the forenoon, or as soon as counsel can be heard, the undersigned will apply to the said Court (or to the Judge of the said Court, as the case may be,) for the annulling of such discharge.

(Place, date.)

(Signature of Creditor, or of his Attorney *ad litem*.)

FORM.

INSOLVENT ACT OF 1874.

In the matter of A B., an Insolvent.

Schedule of Creditors.

1. Direct Liabilities.

Name.	Residence.	Nature of Debt.	Amount.	Total.

2. Indirect liabilities, maturing before the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

3. Indirect liabilities, maturing after the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

4. Negotiable paper, the holders of which are unknown.

Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM.

INSOLVENT ACT OF 1874.

CANADA, } In the (name of Court)
PROVINCE OF } In the matter of A. B. (or A. B. & Co)
District (or County) of } an insolvent.

On the day of next,
the undersigned will apply to the said Court (or the Judge
of the said Court, as the case may be,) for a discharge under
the said Act.

(Place date.)

(Signature of the Insolvent, or of his Attorney ad litem.)

FORM.

INSOLVENT ACT OF 1874.

In the matter of an Insolvent.

The Insolvent has made an assignment of his estate to
me, and the Creditors are notified to meet at
in on the day of
at () o'clock to
receive statements of his affairs, and to appoint an Assignee
(Date and residence of Assignee.)

(Signature.)
Residence.
Name.
Assignee.

(The following is to be added to the notices sent by post.)

The Creditors holding direct claims and indirect claims
maturing before the meeting, for one hundred dollars each
and upwards, are as follows: (names of Creditors and amount
due) and the aggregate of claims under one hundred dol-
lars is \$

(date.)
(Signature.)
Residence.
Name.

FORM.

INSOLVENT ACT OF 1874.

In the matter of , an Insolvent.

This instrument witnesseth, that a meeting of the creditors
of the Insolvent having been duly called by advertisement,
to be held at , in , at
o'clock, this day, for the appointment of an assignee to the
Insolvent's estate, such meeting was duly held, and

was duly appointed thereat to be such Assignee (or,
no appointment of Assignee was made at such meeting; or no
meeting was held by reason of no creditor attending of such

meeting or the appointment of _____ to be such Assignee made at the said meeting became of no effect by reason of his refusal to accept the same) by means whereof the said _____ (the Assignee) became Assignee to the said estate.

Place _____ date _____
Signatures of chairman _____ and of Creditors _____ or of Assignee.

The said (Assignee) being duly sworn deposes that the foregoing declaration is true; and he hath signed. Sworn before me at this

Judge. }

RECORDED
INDEXED

No. 129.

1st Session 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act relating to Insolvency.

Received and read 1st time, Tuesday 12th
May, 1874.

Second reading, Wednesday 13th May, 1874.

Hon. MR. DORION.

OTTAWA:

Printed by MacLean, Roger & Co.

An Act to amend the Act to incorporate a Company by the name of "*Le Crédit Foncier du Bas Canada*."

WHEREAS "*Le Crédit Foncier du Bas Canada*" has by its petition prayed that certain amendments may be made to its Act of incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The proviso to section twenty-nine of the said Act is hereby repealed, and the rate of interest (if any) to be allowed by the Company to its borrowers on payments made by them on account of sinking fund, shall be such as may be settled by the deeds between the Company and its borrowers respectively.

2. It shall be lawful for the Company to deduct previously from the amounts of its loans a *bonus*, which shall not at any time exceed two per cent., which *bonus* may be retained at the outset or distributed over the whole period for which the loan is made, and in the last mentioned case shall form part of the annuity, the whole as may be settled in the deed between the Company and the debtor.

3. The Company may, if it thinks fit, take a deed of sale of any immovable property which it is desirous of having pledged to it as security in any transaction made or to be made, and that subject to such clauses and conditions of lease and of reconveyance as may be settled in the deed between the Company and its debtor, the clauses of such deed being indispensable and not comminatory. The Company may possess any immovable property so acquired during the whole of the time stipulated in the deed between it and its debtor; but if the Company finally becomes the actual owner of any such immovable property unconditionally, it shall dispose thereof within five years, as provided for by section fifty-five of the said Act of Incorporation.

4. Funds belonging to persons legally incapacitated from acting for themselves may either be deposited with the Company or invested in the purchase of *lettres de gage* of the Company, and so may disposable capital belonging to public institutions or institutions of public utility.

5. *Lettres de gage* payable to order shall be transferable by indorsement, without any other warranty on the part of the indorser than that he is the holder thereof in good faith.

6. Any *lettre de gage*, or any coupon for interest attached to any *lettre de gage*, not paid at maturity may be protested for non-payment; and copies of such *lettre de gage* or coupon, and of the protest thereof, may be sent to the Minister of Finance. 5

2. On receipt of any such copies the Minister of Finance shall order the Company, by a notice which shall be served at the office of the Company by a literate person, to pay such *lettre de gage* or coupon; and he shall warn the Company that if the amount due on such *lettre de gage* or coupon be not paid (with costs of protest and postages and interest at the rate of six per cent. per annum, reckoning from the date of the protest) within ten days from the date of the service of such notice, he the said Minister of Finance will dissolve the said Company unless he is convinced that the Company has a valid excuse to make. 15

3. The person who serves the notice shall swear to its delivery before a justice of the peace.

4. On receipt of the affidavit of service, if the Company is still in default, and if the Minister of Finance is not convinced that it has a valid excuse to make, the Secretary of State shall, by order of the Governor, appoint a receiver. 20

5. When a receiver shall have been appointed as aforesaid he shall be considered in law as having been substituted in fact to the said Company, with all its rights, titles and actions, and may act in all matters and things as the said Company itself would have had a right to act. 25

6. And in case of the refusal of the Directors of the said Company to submit to the decision of the Minister of Finance appointing such receiver, the Minister of Finance shall, without delay, take proceedings to obtain in due course of law, the decision of a competent court of law as to the validity of the pretensions of the said Directors; and during the pendency of the proceedings for that purpose the said receiver shall be the lawful trustee of the property of the Company, in order that the interests of the Company and of all other parties concerned may be protected. 30 35

7. It shall be the duty of such trustee or receiver to make himself acquainted with the state of the affairs of the Company, and to consult with the cashier of the Company as to the best means of using its credits and other resources for the settlement of its difficulties. 40

8. The functions of the receiver shall cease as of course as soon as all claims against the company have been settled. On the cessation as aforesaid of the functions of the receiver, he and the cashier of the Company shall jointly transmit to the Minister of Finance, a complete statement in detail of the affairs of the Company, and the Company shall be as of course restored to its rights and resume the management of its own affairs. 45

7. The annual general meeting of the shareholders of the Company shall be held on the fifteenth day of January in each year, or on the next following juridical day, and section forty-eight of the said Act is hereby amended to that extent.

8. Money received in deposit by the Company may be invested, lent and employed in any way whatsoever, according as the Company may deem expedient and advisable.

9. The election already made of the Board of Directors of the Company is hereby legalized and confirmed, as are also the nomination and appointment by them of the President, Vice-President, Notary and other officers of the Company.

10. Every section and provision of the Act of incorporation of the said Company inconsistent with this Act is hereby repealed; and this Act shall be construed as forming to all intents and purposes part of the said Act of incorporation.

7. The annual general meeting of the shareholders of the Company shall be held on the thirtieth day of January in each year or on the next following business day and section 10 of the said Act shall apply to the said meeting.

8. The directors may at any time call a meeting of the shareholders of the Company and may at any time adjourn the same from time to time and from place to place and may also cancel any meeting so called.

9. The directors may also call a meeting of the shareholders of the Company and may at any time adjourn the same from time to time and from place to place and may also cancel any meeting so called.

10. The directors may also call a meeting of the shareholders of the Company and may at any time adjourn the same from time to time and from place to place and may also cancel any meeting so called.

11. The directors may also call a meeting of the shareholders of the Company and may at any time adjourn the same from time to time and from place to place and may also cancel any meeting so called.

An Act to authorize the advance of a certain sum to the Province of British Columbia, for the construction of a Graving Dock at Esquimalt, and for other purposes.

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

Preamble.

1. In lieu of the guarantee of interest at the rate of five per cent. per annum for ten years from the completion of the works, on such sum not exceeding one hundred thousand pounds sterling, as may be required for the construction of a first-class Graving Dock at Esquimalt, as provided by the terms of the Order of the Queen in Council for the admission of British Columbia into the Union, advances may be made from time to time by Governor in Council out of the Consolidated Revenue Fund, for the construction of such Graving Dock, upon certificates of the progress of the work; such advances not to exceed in the whole two hundred and fifty thousand dollars, and to be considered as part of the indebtedness of the Province in calculating the subsidy payable to it.
2. The Governor in Council may in his discretion advance from time to time to any Province of Canada, such sums as may be required for local improvements in the Province, and not exceeding in the whole the amount by which the debt of the Province for which Canada is responsible then falls short of the debt with which the Province was allowed to enter the Union; such advances to be deemed additions to the debt of the Province, with permission to the Province to repay them to Canada, on such notice, in such sums and on such other conditions as the Dominion Government and that of the Province may agree upon; any amount so repaid being deducted from the debt of the Province in calculating the subsidy payable to it.

Advance of \$250,000 substituted for guarantee for graving dock at Esquimalt.

Advances authorized to other Provinces in certain cases, and on what conditions.

No. 131.

1st Session, 3rd Parliament, 37 Victoria, 1874

BILL

An Act to authorize the payment of a certain sum for the construction of a Graving Dockyard at Esquimalt.

Received and read, first time, Tuesday, 12th
May, 1874.

Second reading, Wednesday, 13th April, 1874.

Hon. Mr. MACKENZIE

OTTAWA:

Printed by I. B. TAYLOR, 29, 31, and 33 Rideau Street.

1874.

An Act to extend the time limited for the paying in of subscription of Stock in The Canada and New York Bridge and Tunnel Company.

WHEREAS the Provisional Directors of The Canada and New York Bridge and Tunnel Company, have petitioned for an extension of the time limited to the said Company for the paying in of the subscription of stock in the capital of the said Company; and it is expedient to grant the prayer of the petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The time limited for the paying in of fifty thousand dollars subscription of stock in the capital of the said Company shall be, and is hereby extended to three years from the coming into force of the Act to incorporate The Canada and New York Bridge and Tunnel Company.

L-1

and the said Company

of the Act to incorporate the Canada and New York Bank and is hereby extended to those laws from the coming into force of any Act to amend the said Act.

1. The time limited in the said Act for the payment of the stock in the said Company shall be extended to the time limited in the said Act for the payment of the stock in the said Company for the said Act to amend the said Act.

2. The time limited in the said Act for the payment of the stock in the said Company shall be extended to the time limited in the said Act for the payment of the stock in the said Company for the said Act to amend the said Act.

Canada and New York Bank

and the said Company
of the Act to incorporate the Canada and New York Bank and is hereby extended to those laws from the coming into force of any Act to amend the said Act.

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133

An Act to amend the Charter of The Montreal Credit
Company.

WHEREAS The Montreal Credit Company, incorporated by the Statute of the Province of Quebec, 35 Vic., cap. 36, as amended by the Statute of Quebec, 36 Vic., cap. 62, have petitioned for the amendment of their Charter, the enlargement of their powers, so as to allow them to transact business throughout the Dominion, and the regulation of the rate of interest which they may pay and receive; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the said Montreal Credit Company to acquire, hold and dispose of any stock, securities, bonds or debentures, or any moneys secured by mortgage, pledge or otherwise, to make loans and exercise any of the powers by law conferred upon them in any part of the Dominion of Canada.

2. The said Montreal Credit Company may stipulate for, take, receive, reserve and exact any rate of interest or discount that shall be lawful or may be lawfully taken, received, reserved or exacted by similar companies on similar securities, in the place where the contract for the same shall be made or be executory, and shall not in respect thereof be liable for any loss, penalty or forfeiture on any account whatever; and the said Company may allow and pay on sums which they may borrow or other the liabilities they may contract such rate of interest as may be agreed upon and may be lawful at the place where the liability is contracted.

3. In order to restrict the liability of the said "Montreal Credit Company," as set forth in the fourth section of their said Act of Incorporation, in respect of any bill, note or other negotiable instrument other than bonds or debentures, the class or denomination of stock under which the same is drawn or made must be clearly designated thereon, with the amount of capital stock under such class or denomination.

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WHEREAS THE ...

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An Act for avoiding doubts as to the application of the Act 32-33 Victoria, chapter 35, to the District of Algoma.

FOR avoiding doubts as to the application of the Act herein-
 after mentioned to and in the Provisional Judicial District of
 Algoma, in the Province of Ontario: Her Majesty, by and with
 the advice and consent of the Senate and House of Commons of
 5 Canada, declares and enacts as follows:—

Preamble.

1. It was and is the intent and meaning of the Act passed in
 the session held in the thirty-second and thirty-third years of Her
 Majesty's reign, and intituled "*An Act for the more speedy trial,
 in certain cases, of persons charged with felonies and misde-*
 10 *meanors in the Provinces of Ontario and Quebec,*" that the said
 Act should apply to the said Provisional District of Algoma, and
 that the Judge of the said District, being authorized to act as
 chairman of the general sessions of the peace, should have all the
 powers vested by the said Act in a County Judge so authorized;
 15 and the said Act shall be construed to have and to have had effect
 accordingly, and all things heretofore done by the Judge of the
 said District under the said Act so construed, are hereby con-
 firmed and declared valid.

The Act 32-33
 Vict., c. 35,
 declared to
 apply and to
 have applied
 to Algoma.

No. 134.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act for avoiding doubts as to the application of the Act 32-33 Vict., chap. 35, to the District of Algoma.

Received and read, first time, Friday, 15th
May, 1874.

Second reading, Saturday, 16th May, 1874.

Hon. Mr. DORION.

OTTAWA:

Printed by L. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to extend certain Acts relating to the prompt administration of justice in criminal matters to the Province of Manitoba.

WHEREAS the Acts hereinafter mentioned are in schedule Preamble.
 "A" to the Act passed in the thirty-fourth year of Her Majesty's Reign intituled "*An Act respecting the force and effect of the Acts of the Parliament of Canada, in and in relation to the Province of Manitoba, and the Colony of British Columbia when it becomes a Province of Canada,*" mentioned as among those which shall not under that Act apply to the Province of Manitoba, and it is found expedient to remove such restriction and extend them to the said Province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. So much of schedule "A" to the Act cited in the preamble to this Act, or of any other part of the said Act, as would prevent the Acts passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled respectively, "*An Act respecting the prompt and summary administration of Criminal Justice in Certain Cases,*" and "*An Act respecting the trial and punishment of Juvenile offenders,*" is hereby repealed; and the said Acts shall extend and apply to the Province of Manitoba as they would have done under the Act cited in the preamble if they been omitted from the said schedule "A," subject to the provisions of this Act.

Acts 32, 33 V.,
 c. c. 32, 33
 extended to
 Manitoba.

2. Nothing in this Act shall be so construed as to give a retroactive effect to the Acts hereby extended to Manitoba, or to any enactment or provision therein.

This Act not
 retroactive.

3. In the first mentioned of the two Acts hereby extended to Manitoba, the expression "a competent magistrate," and the expression "the magistrate" shall, with respect to the said Province, have the same meaning, and include the like functionaries and tribunals as with respect to the Provinces of Quebec and Ontario; and in secondly mentioned of the said two Acts, the expression "any two or more Justices," and the expression "the Justices" shall, with respect to the Province of Manitoba, have the same meaning and include the like functionaries and tribunals as with respect to the said Provinces of Quebec and Ontario; and the expression "the common gaol or other place of confinement," in either of the said Acts shall have the same meaning with respect to the said Province of Manitoba, as with respect to the other Provinces mentioned in the said Act.

Interpretation
 of expressions
 in the said
 Acts.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to extend certain Acts relating to the prompt administration of justice in criminal matters to the Province of Manitoba.

Received and read, first time, Friday, 15th May, 1874.

Second reading, Saturday, 16th May, 1874.

Hon. Mr. DORCIN.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874

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An Act to define and to extend the powers of the Western Canada Permanent Building and Savings Society, and to authorize the Shareholders to change the name of the said Society.

WHEREAS the Western Canada Permanent Building and Savings Society, by their petition, have represented that they were incorporated under the authority of the Act passed by the Legislature of the late Province of Canada, in the ninth year of Her Majesty's reign, intituled: "An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada formerly constituting Upper Canada," and of the Act amending the same; and that by reason of the great extension of their business, the increase in the number of their shareholders, and the extended character of their financial transactions it is necessary that they should seek from Parliament further powers than those which the Acts above-mentioned are authorized to confer; and whereas it would be for the public advantage as well as for the convenience of the Corporation that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Directors of the said Society may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of the Society: Provided that such action of the Directors shall not have a binding force until confirmed at any general meeting of the shareholders of the Society upon a vote of two-thirds of the capital stock represented at such meeting.

2. No shareholder of the said Society shall be liable for or charged with the payment of any debt or demand due by the Society, beyond the extent of his shares in the capital of the Society not then paid up.

3. The said Society may lend money in conformity with the laws authorizing the establishment of Building Societies in Canada, and with the by-laws of the Society, to any person or persons or body corporate at such rates of interest as may be agreed upon, without requiring any of such borrowers to become subscribers to the stock or members of the Society: Provided always that all borrowers from the Society shall be subject to all the rules of the Society in force at the time of their becoming borrowers, but not to any other rules.

4. The said Society may purchase mortgages upon real estate, debentures of municipal corporations, Dominion or Provincial stock or securities, and may re-sell all or any of such securities as the Society shall deem advisable, and for that purpose the Society

may execute such assignments or other instruments as may be necessary for carrying the same into effect, and may also make advances to any person or persons or body corporate upon all or any of such securities at such rates of discount or interest as may be agreed upon.

5

5. The principal money so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the Society shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage to be made of such real estate, and of such revenues 10 rates, rents, tolls or profits as hereinafter mentioned; and the Society may do all acts that may be necessary for advancing money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions attached to such advance or any forfeiture consequent on 15 the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same, and do, authorize and exercise all acts and powers whatsoever requisite or expedient to be done or exercised in relation to the said purposes.

6. It shall be lawful for the said Society to receive money for 20 investment and on deposit, and also for the Board of Directors of the Society to issue debentures of the Society for such sums, not being less than one hundred dollars, and in such currency as they may deem advisable, and payable in the Dominion of Canada or elsewhere not less than one year from the issue thereof; and 25 the paid-in and subscribed capital of the Society shall be liable for the payment of such debentures, and for any amounts received for investment or on deposit by the Society: Provided always that the amount of deposit held at any one time shall not exceed the amount of paid-up capital of the Society, 30 and that the aggregate amount of money received for investment and deposits in the hands of the Society, together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Society, and shall not 35 exceed an amount equal to twice the amount of capitalized, fixed and permanent stock in the Society not liable to be withdrawn therefrom. The debentures of the Society may be in the form of Schedule A to this Act or to the like effect.

7. The said Society may, and is hereby empowered to demand 40 and receive in advance the half-yearly interest from time to time accruing on any advances of money made by the Society under and by virtue of this Act.

8. The President, Vice-President and Directors of the said Society shall have and exercise the powers, privileges and author- 45 ities set forth and vested in them by this Act and any other Act regulating the Society, and they shall be subject to and be governed by such rules, regulations and privileges as are herein contained with respect thereto and by the by-laws to be made for the man-

agement of the Society ; and the Directors shall, and may, lawfully exercise all the powers of the Society, subject to the rules of the Society, except as to such matters as are directed by law to be transacted by a general meeting of the Society. The Directors
5 may use and affix, or may cause to be used and affixed, the seal of the Society to any document or paper which in their judgment may require the same, they may make and enforce the calls upon the shares of the respective shareholders, they may declare the forfeiture of all shares on which such call
10 are not paid, they may make any payments and advances of money they may deem expedient which are or shall at any time be authorized to be made by or on behalf of the Society, and enter into all contracts for the execution of the purposes of the Society, and for all other matters necessary for
15 the transaction of its affairs ; they may generally deal with, treat, sell and dispose of the lands, property and effects of the Society, for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Society as if the same lands, property and effects were held and owned according to the tenure
20 and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age. They may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be at any time
25 granted to the Society by the Parliament of Canada for the performance and fulfillment of any conditions or provisions from time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively or any of them.

30 9. It shall be lawful for the Directors of the said Society from time to time to appoint such and so many officers, solicitors and agents, either in Canada or elsewhere, and so many servants as they may deem expedient for the management of the affairs of the Society, and to allow to them such salaries and allowances as may be
35 agreed upon between them and the Society ; and in addition to the powers heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Society, and for providing for the due management of the affairs of the Society in all respects
40 whatsoever, and from time to time to alter and repeal any such by-laws and make others: Provided such by-laws and regulations be not repugnant to law or to the provisions of this Act and former Acts affecting the Society, or to the general rules of the Society ; and all by-laws of the Society shall be reduced
45 to writing, and shall have affixed thereto the common seal of the Society, and any copy or extract therefrom, certified under the signature of the Secretary or Manager, shall be evidence in all Courts of Justice in Canada, of such by-laws, rules or regulations or extract from them, and that the same were duly made and are in
50 force ; and in any action or proceeding at law criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of the Society ; and all documents purporting to be sealed with the seal of the Society, attested by the President, Treasurer or Man-

ager thereof, shall be held to have been duly sealed with the seal of the Society.

10. The said Society shall not be bound to see to the execution of any trust, whether impressed, implied or constructive, to which any share or shares of its stock, or to which any deposit or any other moneys payable or in the hands of the Society may be subject; and the receipt of the party or parties in whose name any such share or shares or moneys stand in the books of the Society, or his or their executors, administrators or assigns, shall, from time to time be sufficient discharge to the Society for any payment of any kind made in respect of such share or shares or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the Society has had notice of such trust; and the Society shall not be bound to see to the application of the money paid upon such receipt.

11. A member of or depositor with the said Society having sum of money in the funds thereof not exceeding two hundred dollars may, from time to time, nominate any person or persons (such person or persons being within the statute of distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing and duly deposited with the Secretary or Manager of the Society; and, upon receiving satisfactory proof of the death of the nominator, the Society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor. And if any member or depositor with the Society, having in the funds thereof a sum of money not exceeding two hundred dollars, shall die intestate and without making any such nomination, then the amount due shall be paid to the person who shall appear to the Society to be entitled, under the statute of distributions to receive the same without taking out letters of administration, upon the Society receiving satisfactory evidence of death and intestacy, and that the person so claiming is entitled as aforesaid. Provided that whenever the Society after the decease of any member or depositor has paid any such sum of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the Society; but, nevertheless, such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same. And in case of a sale of property mortgaged to the Society, any surplus over and above the amount due to the said Society and costs derived from sale under power of sale of any property mortgaged to the said Society, where the mortgagor or his assigns shall have died intestate, shall be and is hereby declared to be personal property, whether such sale took place before or after the death of the mortgagor or person entitled to the equity of redemption, except that in all cases the widow of

the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the Society shall have the like powers as to paying such surplus over without probate, as is conferred by this Act upon the Society in case of depositors and 5 members dying intestate.

12. Every officer of the said Society or other person appointed by the Directors thereof to any office in anywise concerning the receipt of money or for the performance of any other service shall, upon being required by the Directors, furnish security to the satisfaction of the Directors for the just and faithful execution of the duties of his office according to the rules of the Society.

13. The said Society may exercise all the powers appertaining thereto in any Province of the Dominion of Canada: Provided always that the rate of interest to be exacted on any security 15 taken or executory in any Province of the Dominion, shall not exceed the rate permissible in such Province to similar companies on similar securities.

14. It shall be lawful for the said Society by by-law to be passed in accordance with the provisions of the first section of 20 this Act, to change the name of the "Western Canada Permanent Building and Savings Society" to that of the Western Canada Loan and Savings Company, which change shall take effect and shall be held to be effectual to all intents and purposes from and after a day to be therein specified: Provided that the Directors of 25 the Society shall advertise the change of name once a week for one month previous to the change taking effect, in the *Canada Gazette*, and in a newspaper published in the City of Toronto.

15. Upon the said change taking effect, the said Society and all its then members, their successors and assigns for ever, shall 30 therefrom be and be thereby held to be constituted, and shall continue to be a body, politic and corporate, under the name last aforesaid having its principal place of business in the City of Toronto: and under that name shall be capable of suing and being sued, pleading and being impleaded in all Courts and places 35 whatsoever.

16. The said Society under its new name shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that shall, previously to such change, have been held, exercised and enjoyed by the said 40 "Western Canada Permanent Building and Savings Society," in as full and ample a manner as if the said Society had continued to exist under its original name, and all statutory provisions applicable to the said Society shall continue applicable to the said Society under its new name, so far as the same are not contrary 45 to or inconsistent with the provisions of this Act.

17. All real and movable property, shares or stock obligations, debts, rights, claims and privileges of the said Western Canada Permanent Building and Savings Society shall from the time such

COUPON.

No. 1.
Half-yearly dividend due of \$ 18 , on
Debenture No. issued by this on the
day of , 18 for \$ at per cent per
annum, payable at the office of the Treasurer, , (or at the
agents)
For the President and Directors.
C. D. A. B.
Secretary.

K-7

137 ✓

An Act to incorporate "The Anglo-Canadian Mortgage and Investment Company (Limited)."

WHEREAS the persons hereinafter named, have by their petition represented that advantage would result to the public from the formation of a Company with sufficient capital for the making of loans upon mortgage of real and personal estate, and upon other securities, and for investment otherwise, as hereinafter mentioned, and have prayed for the passing of an Act of incorporation of such a Company for such purposes; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir Leopold G. Heath, K.C.B., George Latham Browne, Alexander Rivington, Sir Keith Jackson, Baronet, The Honorable James Cox Aikins, John Stuart, M. P., and all and every other person and persons, body and bodies politic and corporate, who shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be carried on, shall be, and they are hereby constituted a body politic and corporate, under the name of "The Anglo-Canadian Mortgage and Investment Company (Limited)."

2. The said above named persons shall be the Provisional Directors of the Company, and shall hold office as such, until Directors of the Company are elected as hereinafter provided.

3. The Company are hereby empowered to lay out and invest their capital, in the first place, in paying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may from time to time be deemed necessary, in the manner, and for the purposes hereinafter mentioned, that is to say: the Company may, from time to time, lend and advance money, by way of loan or otherwise, for such periods as they may deem expedient, on any real or personal security, or both, or on the public securities of the Dominion, or on security of the debentures of any corporation, issued under or in pursuance of any statutory authority, or of the stock or shares of any incorporated Bank in this Dominion, and upon such terms and conditions as to the Company shall seem satisfactory or expedient, and may acquire, by purchase or otherwise, mortgages of real estate, and real and personal securities and evidences of debt (other than the stocks of incorporated Companies), and debentures of Municipal or other Corporations issued under any statutory authority, and may re-sell the same as they may deem advisable, with power to do all acts that may be necessary for advancing such sums of money and for receiving and obtaining

repayment thereof, and for compelling the payment of all interest (if any) accruing from such sums so advanced, and the observance and fulfilment of any conditions annexed to such advance, and the forfeiture of any term or property consequent on the non-fulfilment of such conditions or for delay of payment, and to give 5 receipts, acquittances and discharges for the same, either absolutely and wholly or partially, and to execute such deeds, assignments or other instruments as may be necessary for carrying any such purchase or re-sale into effect; and for all and every, and any of the foregoing purposes, and for every and any other purpose in this Act 10 mentioned or referred to, the Company may lay out and apply the capital and property, for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to their capital for the time being, with power to do, authorize and exercise all acts and 15 powers whatsoever in the opinion of the Directors of the Company, requisite or expedient to be done or exercised in relation thereto.

4. The Company are hereby empowered to act as an Agency Association, and for the interest, and on behalf of others, who shall entrust them with money for that purpose, and either in the name 20 of the Company or of such others, to lend and advance money to any person or persons, upon such securities as are mentioned in the last preceding section, or to any body or bodies corporate whomsoever, or to any municipal or other authority, or any Board or body of Trustees, or Commissioners whatsoever, upon 25 such terms and upon such security as to the Company shall appear satisfactory, and to purchase and acquire mortgages, real and personal securities, debentures of Municipal or other Corporations, the stock of incorporated banks, and other securities and evidences of debt, and again to re-sell the same—and the conditions and 30 terms of such loans and advances, and of such purchases and re-sales may be enforced by the Company for their benefit, and for the benefit of the person or persons, or Corporation for whom such money has been lent and advanced, or purchase or re-sale made; and the Company shall have the same power in respect of such 35 loans, advances, purchases and sales as are conferred upon them in respect of loans, advances, purchases and sales made from their own capital; and they may also guarantee either the repayment of the principal or interest, or both, of any moneys entrusted to the Company for investment, and for all and every, and any of the 40 foregoing purposes may lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be hereafter raised by the Company, in addition to their capital for the time being, or any moneys so entrusted to them as aforesaid, and to do, assent to, and exercise all 45 acts whatsoever, in the opinion of the Directors of the Company, for the time being, requisite or expedient to be done in regard thereto.

5. It shall be lawful for the Company, instead of requiring from the borrower the payment of the expenses incidental to any loan 50 at the time the loan is advanced, to give such time for payment

of the same as they may be advised, and to add the same to the principal or interest secured by any mortgage or other security securing the loan.

6. The Directors may from time to time, with the consent of
5 the Company in general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may from time to time think proper; and the Directors may for that purpose execute any mortgages, bonds or other instruments, under the common seal of the Company, for sums of not less than
10 one hundred dollars each, or assign, transfer or deposit, by way of equitable mortgage or otherwise, any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors shall deem expedient, provided that the aggregate
15 of the sum or sums so borrowed shall not at any time exceed the amount of the subscribed capital of the Company for the time being not paid up; and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

20 7. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of ten thousand dollars in all, or as being mortgaged or hypothecated to them, may be acquired by them for the protection
25 of their investment, and may from time to time sell, mortgage, lease or otherwise dispose of the same: Provided always that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within five years after it shall have fallen to them, otherwise it shall revert to the previous owner, or his heirs or assigns.

30 8. The Company when acting as an intermediary may charge such commission to the lender or borrower, or both, upon the moneys invested on their behalf as they may deem advisable, or as may be agreed upon between them.

35 9. The Company may stipulate for, take, reserve and exact any rate of interest or discount that may be lawful for similar companies on similar securities in the place where the contract for the same shall be made, and shall not in respect
40 thereof be liable for any loss, penalty or forfeiture on any account whatever, and may also receive an annual payment on any loan by way of a sinking fund for the gradual extinction of such loan upon such terms and in such manner as may be regulated by the by-laws of the Company.

45 10. A register of all securities held by the Company shall be kept; and within fourteen days after the taking of any security an entry or memorial specifying the nature and amount of such security, and the names of the parties thereto, with their proper additions, shall be made in such register.

11. The capital of the Company shall be one million, two hundred and fifty thousand dollars, in shares of fifty dollars each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with; but it shall be lawful for the said Company by a resolution passed at the first or any other general meeting of the shareholders to increase the capital stock from time to time as may be deemed expedient to any sum not exceeding the sum of five million dollars, and to raise the amount of the said new stock, either by distribution among the original shareholders, or by the issue of new shares, or partly in one way and partly in the other; and the said new stock shall be subject to all such incidents, both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing, or otherwise, as the original stock. 5 10

12. All shares in the capital of the Company shall be personal estate and transmissible as such. 15

13. No member of the Company shall be liable for or be charged with the payment of any debt or obligation of, or demand due from the Company, beyond the amount unpaid on any shares in the capital of the Company held by him. 20

14. The Company shall keep in a book or books, a stock register, and therein shall be fairly and distinctly entered from time to time the following particulars:—The names and addresses and the occupations, if any, of the members of the Company, and the number of shares held by each member, and the amount paid or agreed to be considered as paid on the shares of each member. 25

15. Every person who agrees to become a member of the Company, and whose name is entered on the stock register, shall be deemed to be a member of the Company.

16. The stock register shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein. 30

17. Notice of any trust expressed, implied or constructive, whether entered on the books of the Company or not, shall not in any way affect the Company.

18. Where any person makes application in writing, signed by him, for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a member of the Company in respect of the shares so allotted, and he shall be entered on the stock register in respect thereof accordingly. 35 40

19. No person shall hold more than one thousand shares in the Company.

20. Every member of the Company shall, on payment of twenty-five cents or such less sum as the Directors shall prescribe, be entitled to receive a certificate under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon; and on evidence to the satisfaction of the Directors being given that any such certificate is worn out, 45

destroyed or lost, it may be renewed on payment of the sum of twenty-five cents, or such less sum as the Directors shall prescribe; such certificate shall be *prima facie* evidence of the title of the member therein named, to the share or shares therein specified.

21. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer), be deemed the sole holder thereof; no share in the Company shall be sub-divided.

22. The Directors may, from time to time, make such calls upon the members in respect of all moneys unpaid upon their respective shares as they shall think fit, provided that twenty-one days at the least before the day appointed for each call, notice thereof shall be served on each member liable to pay the same; but no call shall exceed the amount of five dollars per share, and a period of three months at the least shall intervene between two successive calls.

23. Each member shall be liable to pay the amount of any call so made upon him to such person, and at such time and place as the Directors shall appoint.

24. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same, at the rate of ten per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

25. The Directors may, if they think fit, receive from any member willing to advance the same, all, or any part of the amounts due on the shares held by such member, beyond the sums then actually called for; and upon the moneys so paid in advance, or so much thereof as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate not exceeding six per cent. per annum, as the member paying such sum in advance and the Directors shall agree upon.

26. There shall be a book called the Register of Transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

27. No transfer of shares shall be made without the consent and approval of the Directors.

28. Every instrument of transfer of any share in the Company shall be executed by the transferer and transferee, and the transferer shall be deemed to remain the holder of such share, and a

member of the Company in respect thereof, until the name of the transferee shall be entered in the Stock Register in respect thereof.

29. The Directors of the Company shall have power to prescribe the form for the transfer of shares.

30. The Directors may decline to register any transfer of 5 shares belonging to any member who is indebted to the Company.

31. The executors or administrators of any deceased member shall be the only persons recognized by the Company as having any title to his share.

32. Any person becoming entitled to a share in consequence of 10 the death, bankruptcy or insolvency of any member, or in consequence of the marriage of any female member, may be registered as a member, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a request, in writing, in that behalf, signed by him (his signature 15 being attested by at least one witness), which shall be conclusive evidence of his having agreed to become a member.

33. Any person who has become entitled to a share in consequence of the death, bankruptcy, or insolvency of any member, or in consequence of the marriage of any female member, may, instead of being registered himself, elect to have some person, to be named by him, registered as a member in respect of such share. 20

34. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share. 25

35. Every such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require, to prove the title of the transferrer, and shall be retained by the Company.

36. Any transfer of the share or other interest of a deceased 30 member, made by his personal representative, shall, notwithstanding such personal representative, may not himself be a member, be of the same validity as if he had been a member at the time of his execution of the instrument of transfer.

37. If any member fail to pay any call on the day appointed 35 for the payment thereof, the Directors may at any time thereafter during such time as the call may remain unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less 40 than twenty-one days from the date of such notice) and a place on and at which such call and interest, and any expenses that may have been incurred by reason of every such non-payment, are to be paid; and such notice shall also state, that in the event of non-payment at or before the time, and at the place so appointed 45 as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

38. If the requisitions of any such notice are not complied with, any share in respect of which such notice has been given may, at any time hereafter, before payment of all calls, interest, and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect.

39. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted, or otherwise disposed of, upon such terms, in such manner, and to such person or persons as the Company shall think fit.

40. Any member whose shares shall have been forfeited, shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest, and expenses owing upon such shares at the time of the forfeiture.

41. A declaration in writing by a Director, or the Manager of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share; and such declaration, and the receipt of the Company for such price of such share, shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share, discharged from all calls due prior to such purchase, and shall be entered into the Stock Register in respect thereof, and he shall not be bound to inquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

42. The Directors may reserve the issue of any portion of the shares constituting the present capital of the Company until such further time as they shall think expedient, and may issue any portion of them from time to time, as and when they shall think proper.

43. The shares which may be so reserved by the Directors shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by the notice specifying the number of shares to which the member is entitled, and limiting a time within which such offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

44. It shall be lawful for the Company to receive money on deposit, for such periods and at such rate of interest as may be agreed upon; provided that the aggregate amount of such deposits at any time, together with the amount of the mortgages, bonds or other instruments given by the Company remaining unpaid, shall not exceed the amount of the subscribed capital stock of the Company.

45. For the purpose of organizing the Company, the Provisional Directors or a majority of them, may cause stock books to be opened after giving due public notice thereof, in which stock books shall be recorded the names and subscription of such persons as desire to become shareholders in the Company; and such books shall be opened in London, England, and elsewhere at the discretion of the said Provisional Directors, and shall remain open so long as they deem necessary. 5

46. When and so soon as two hundred thousand dollars of the capital stock shall have been subscribed, and at least ten per cent. 10 of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders to be held in London, England, or in Hamilton, Canada, within three years from and after the passing of this Act, giving at least four weeks' notice of the time and 15 place for holding such meeting by publishing the same in some daily newspaper published in London aforesaid, and in the *Canada Gazette*, and also by serving such notice on each shareholder, either personally or by sending the same through the post as hereinafter provided; at which general meeting the shareholders present, 20 or represented by proxy, shall elect seven Directors who shall constitute the Board of Directors and shall hold office until they are re-elected or their successors are appointed at such time and in such manner as may be provided for in the by-laws of the Company.

47. The business of the Company shall be managed by seven 25 Directors, each of whom shall be the holder of at least sixty shares of the stock of the Company, and by an Executive Committee of at least three in number to be appointed from time to time by the Directors from among such of themselves as shall be resident in the Province of Ontario, who, in addition to the 30 powers and authorities by any Imperial Act of Parliament affecting the Company, or by this Act, or by any other Act of the Parliament of Canada conferred upon them, may exercise all such powers, give all such consents, make all such arrangements and agreements, and generally do all such acts and things as are, or 35 shall be, by any by-laws of the Company or articles of association directed to be authorized, given, made or done by the Company, and are not thereby expressly directed to be exercised, given, made or done by the Company in general meeting, but subject nevertheless to the provisions of such Acts, by-laws and articles, 40 and subject also to such (if any) regulations as may from time to time be prescribed by the Company in general meeting; but no regulation made by the Company in general meeting, shall invalidate any prior act of the Directors, or of the Executive Committee, which would have been valid if such regulation had not 45 been made.

48. The number of Directors by whom the business of the Company shall be managed, may at any general meeting of the Company be increased to any number not exceeding fifteen, and the Company shall have power at any general meeting to appoint 50 an Executive Committee in each of the other Provinces of the

Dominion of Canada with the like powers as shall be possessed by the Executive Committee for the Province of Ontario, or such more limited powers as the Company may at any general meeting direct.

5 49. The Directors may, from time to time, appoint one or more of any Executive Committee to accept and hold any lands or property in trust for the Company, and to cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person so appointed, and they may from
10 time to time remove any such person or persons and appoint another or others instead.

50. The acts of the Directors or of any member of any Executive Committee shall notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Director or member of any such Executive Committee, or that they or
15 any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director or member of such Committee.

51. Every Director of the Company and every member of the
20 Executive Committee, and his heirs, executors and administrators, and estate and effects respectively, shall, from time to time, and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever, which he shall or may sustain or incur in or about
25 any action, suit or proceeding, which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter, or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses, which he shall sustain
30 or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

52. Every Director of the Company and every Member of any Executive Committee, and his heirs, executors and administrators,
35 and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-directors, or for the members of any Executive Committee, or any or either of them, but each of them for his own acts, deeds and defaults only,
40 nor shall the Directors be answerable, collectively or individually, for acts or defaults of members of any Executive Committee, or members of any Executive Committee for acts or defaults of the Directors; nor shall the Directors or members of any Executive Committee, or any of them respectively, be answerable or account-
45 able for any person or persons who may be appointed under or by virtue of any such Act, by-laws, or Articles of Association as aforesaid, or otherwise, under and by virtue of the rules and regulations of the Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose
50 hands any of the money or properties of the Company shall or

may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may, from time to time, be purchased, taken or leased, or otherwise acquired by order of the Directors or otherwise, for or on behalf of the Company, nor for the insufficiency or deficiency of any security, 5 in or upon which any of the moneys of the Company shall be invested; nor shall any Director, or member of any Executive Committee be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director or members of any Executive Committee, or 10 in relation thereto, unless the same shall happen through his own wilful neglect or default.

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53. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following, *videlicet*: there shall, in the first place, be set apart for the 15 purpose of forming a reserve fund to meet contingencies, or for equalizing dividends, such sum not less in any year than two and a-half per centum upon the net profits of the business of such year, as the Directors shall from time to time think fit, and the residue of such profits shall be divided amongst the members, and 20 in such manner as the Directors, with the sanction of the Company in general meeting, shall determine.

54. The Directors may, from time to time, invest the sum set apart as a reserve fund on such good and convertible securities as they in their discretion may select. 25

55. The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

56. The Directors may deduct from the dividends payable to any member all such sums of money as may be due from him to the Company, on account of calls or otherwise. 30

57. Notice of any dividend that may have been declared shall be given to each member, and no dividend shall bear interest against the Company.

58. The Company shall at all times have an office in the City of Hamilton, which shall be the legal domicile of the said Com- 35 pany in Canada, and notice of the situation of that office and of any change therein shall be advertized in the *Canada Gazette*, and they may establish such other offices and agencies elsewhere in the Dominion of Canada, as they may deem expedient.

59. Any summons, notice, order, or other document required 40 to be served upon the Company, may be served by leaving the same at the said office in Hamilton with any grown person in the employ of the Company.

60. Any summons, notice, order or proceeding requiring authentication by the Company may be signed by any Director, 45 member of an Executive Committee, Manager, or other authorized

officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

5 **61.** Notices requiring to be served by the Company upon the members, may be served either personally or by leaving the same for, or sending them through the post, in prepaid letters, addressed to the members at their registered places of abode.

10 **62.** A notice or other document served by post by the Company on a member, shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service, it shall be sufficient to prove that such letter was properly addressed, and was put into the post-office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post.

15 **63.** All notices directed to be given to the members shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the stock register; and notice so given shall be deemed sufficient notice to all the proprietors of such share.

20 **64.** Every person who, by operation of law, transfer, or other means whatsoever, shall become entitled to any share, shall be bound by any and every notice, which, previously to his name and address being entered upon the stock register in respect of such share, shall have been given to the person from whom he shall derive his title.

30 **65.** The appointment or election of Directors and officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors and other officers, and the proceedings at meetings of the Company, and of the Directors, and of the Executive Committees, shall be subject to and regulated by such rules, regulations and provisions, and meetings of the Company, and of the Directors, and of the Executive Committees, shall have such powers, privileges and authorities, as may be set forth and directed in and
35 by by-laws of the Company, passed from time to time at any general meeting of the Company.

66. At all meetings of the Company, each shareholder shall be entitled to give one vote for each share then held by him and so held for not less than twenty days prior to the time of voting.
40 Such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of
45 an equality of votes.

67. Provided that if the Company is incorporated in England, as a Company limited by shares under the Imperial Act of Parliament, called "The Companies' Act, 1862," by means of the registration of a memorandum of association, accompanied by articles of association, then the appointment or election of future Directors and other officers, and the times, place and mode of calling and holding ordinary and extraordinary or other meetings of the Company, and of the Directors, and all other things relative to the Company and its business, not expressly in this Act provided for, shall be subject to and regulated by such rules, regulations and provisions; and meetings of the Company and of the Directors shall have such powers, privileges and authorities, as shall be set forth and directed in and by such articles of association, in so far as the same do not conflict with the provisions of this Act, or with the laws of this Dominion. 5 10 15

68. Any such by-laws or articles of association may provide that the whole or any number of the Directors may be resident in Great Britain, or in Canada, as may be most desirable, and may make provision, not inconsistent with this Act, respecting the appointment, tenure of office, duties and powers of Directors, and Executive Committees; 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 resident in Great Britain ineligible as Directors. 20

69. In case any fiat in bankruptcy or proceeding in insolvency shall be taken against any person who shall be indebted to the Company, or against whom the Company shall have any claim or demand, it shall be lawful for any person, who shall from time to time in that behalf be appointed, by writing under the hands of any two or more of the Directors or of an Executive Committee for the time being, to appear, and he is hereby authorized to appear and act on behalf of the Company in respect of any such claims, debt or demand before the Commissioner or assignee or other officer under any such fiat in bankruptcy or proceeding in insolvency, either personally or by his affidavit sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand under such fiat in bankruptcy or proceeding in insolvency; and such person to be so appointed shall, in all such cases, be admitted and allowed to make proof or tender a claim under any such commission or in any such proceeding on behalf of the Company in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees, and signing certificates and otherwise, in respect of any such debt or claim admitted to be proved on behalf of the Company, as any other person, being a creditor of such bankrupt or insolvent, in his own right would have in respect of the debt proved by him under such fiat in bankruptcy or proceeding in insolvency. 25 30 35 40 45

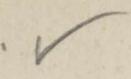
70. Notwithstanding anything in this Act contained, every deed which any person lawfully empowered in that behalf by the Company as their Attorney signs on behalf of the Company, and

seals with his seal, shall be binding on the Company, and have the same effect as if it was under the common seal of the Company.

71. The Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of the President or Manager, setting out the capital stock of the Company, and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, the extent and value of the lands held by them, or in respect of which they are acting as agents; and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance: Provided always that in no case shall the Company be bound to disclose the names or private affairs of any person who may have dealings with them.

72. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say, the word "Manager" shall include the words Cashier, Secretary, and Clerk; the word "Lands" and the words "real estate" shall extend to messuages, lands, tenements, and hereditaments of any tenure; the expression "the Company" shall mean the Anglo-Canadian Mortgage and Investment Company (Limited), in this Act mentioned and described; the expressions, "the Directors," "Executive Committee," and "the Manager" shall mean the Directors, Executive Committee, and the Manager respectively, for the time being, of the said Company.

73. The Interpretation Act shall apply to this Act.



An Act to authorize corporations and institutions incorporated without the limits of Canada to lend and invest moneys therein.

WHEREAS, it would greatly tend to assist the progress of public works and other improvements now going on within the Dominion of Canada if facilities were offered to institutions and corporations incorporated without the Dominion of Canada for the purpose of lending moneys, to lend their money within the Dominion, and with that object it is expedient to confer on such institutions and corporations powers to contract, and also to hold as security lands within the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for any institution or corporation duly incorporated under the laws of the Parliament of Great Britain and Ireland, or of any other state, for the purpose of lending or investing moneys, on receiving a licence from the Secretary of State authorizing it to carry on business within the Dominion of Canada, to transact any loaning business of any description whatsoever within the said Dominion of Canada, in its corporate name, except the business of banking, and to take and hold any mortgages of real estate, and any railway, municipal, or other bonds of any kind whatsoever, on the security of which it may lend its money at any rate of interest not exceeding the rate permissible on such securities to similar Companies in the several Provinces of the Dominion, and whether the said bonds form a charge on real estate within the said Dominion or not, and also to hold such mortgages in its corporate name, and to sell and transfer the same, and to hold and convey the title to such real estate at its pleasure, and in all respects to have and enjoy the same powers and privileges with regard to lending its moneys and transacting its business within the said Dominion, as Companies incorporated therein for such purposes, usually have and enjoy.

2. Every company obtaining such licence as aforesaid shall before the commencement of such business, file in the office of the Secretary of each Province in which the Company proposes to do business, a certified copy of the charter, act of incorporation, or articles of association of such company, and also a power of attorney to the agent or manager of such company, in such Province, signed by the president or managing director and secretary thereof, and verified as to its authenticity by the oath of the principal agent or manager of such company in the Dominion, or by the oath of any person cognisant of the facts necessary for its verification, which power of attorney must expressly authorise such agent or manager as far as respects business done by such agent or manager within such Province to accept process in all suits and proceedings

against such company in the Province for any liabilities incurred by such company herein, and must declare that service of process on such agent or manager for such liabilities shall be legal and binding on such company to all intents and purposes whatever, and waiving all claims of error by reason of such service.

5

3. After such certified copy of the charter and such power of attorney are filed as aforesaid, any process in any suit or proceeding against such company for any liability incurred in any Province may be served upon such manager or agent in the same manner as process may be served upon the proper officer of any company incorporated in such Province, and all proceedings may be had thereupon to judgment and execution in the same manner as in proceedings in any civil suit in such Province.

4. Every company obtaining such license as aforesaid shall forthwith give due notice thereof in the official gazette and in at least one newspaper in the county, city or place where the principal manager or agent of such company transacts the business thereof, and shall continue the publication thereof for the space of one calendar month, and the like notice shall be given when such company shall cease or notify that they cease to carry on business within the Province.

5. The Secretary of State may, if he see fit, issue such licence as aforesaid on being furnished with evidence of the due incorporation of the company applying for such licence under the laws of the Imperial Parliament of Great Britain and Ireland or of any foreign state, which evidence shall be a certified copy of the charter, act of incorporation or articles of association of such company, and on being furnished with a power of attorney from such company to the person appointed to be the principal agent or manager of such company within the Dominion, under the seal of such company and signed by the president or managing director and secretary thereof, and verified by the oath of an attesting witness, expressly authorizing such agent or manager to apply for such licence, and the fee to be paid by such company on the issuing of such licence shall be *twenty dollars*.

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BILL.

An Act to incorporate the Lumber Exchange
of St. John, New Brunswick.

WHEREAS the persons hereinafter mentioned, Preamble.
Lumbermen, Manufacturers, Shippers and
Dealers in Lumber, resident in the City and County of
Saint John, and in the City of Fredericton, and vicini-
5 ties, in the Province of New Brunswick, have associated
themselves together for the purpose of securing united
action among the members of their trade, and promoting
such measures as they have deemed important towards
obtaining more extended information, and facilitating
10 a mutual understanding among the persons engaged, in
so important a branch of business, and developing and
conserving the interests of the lumber business of the
said City and County of Saint John, City of Fredericton,
and of the river Saint John and its tributaries, and
15 have further represented that their said association
would be more efficient in its operations, should an
Act of Incorporation conferring certain powers on them
and their successors be granted; and whereas it is
expedient that the said powers be granted; therefore
20 Her Majesty by and with the advice and consent of
the Senate and House of Commons of Canada, enacts
as follows :

1. Francis Ferguson, E. D. Jewett, James Kirk, S. Certain per-
T. King, A. R. Ferguson, Henry U. Miller, W. Shives, sons incorpo-
E. Sutton, E. G. Dunn, A. F. Randolph, G. S. Baker, rated.
25 Charles Hamilton, Henry Hilyard, William Barnhill,
Z. Adams, Charles P. Baker, William Holt, E. C. Sutton,
Edwin J. Wetmore, John Stewart, William H. Long,
George E. Barnhill, E. C. Baker, André Cushing,
George McKean, F. S. Hilyard, Joseph Henry Leonard
30 and G. B. Cushing, and such other persons resident in
or doing business in the said City and County of Saint
John, City of Fredericton, or on or along the river
Saint John or its tributaries or in the vicinity thereof,
as are or shall be associated with the persons above
35 named for the purposes of this Act in the manner
hereinafter provided, and their successors shall be and
are hereby constituted a body politic and corporate by
the name of "*The Lumber Exchange*," and by that name
shall have all the general powers made incident to
40 Corporations by "*The Interpretation Act*," Provided Corporate
name and
powers.
Proviso as to
Real Estate.

always that the clear annual value of the real and personal estate, together held by the said Corporation at any one time shall not exceed twenty-five thousand dollars currency; and provided also that the said Corporation shall not have or exercise any corporate powers whatsoever excepting such as are expressly conferred on the said Corporation by this Act, or are necessary for carrying the same into effect according to its true intent and meaning. 5

Application of funds. 2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the manufacturing and shipping of lumber and the lumber interests generally of the said City and County of Saint John, City of Fredericton, the River Saint John and its tributaries and vicinities, or as may be necessary for attaining the objects for which the said Corporation is constituted according to the true intent and meaning of this Act. 10 15

Legal domicile of the corporation. 3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof and service at such place of any notice or process of any kind addressed to the said Corporation shall be held to be sufficient service of such notice or process on the Corporation. 20 25

Executive Committee. 4. For the management of the affairs and the business of the said Corporation there shall be an Executive Committee to be called "The Executive Committee of the Lumber Exchange," which Executive Committee shall consist of the President, Vice-President, Secretary and Treasurer, and seven other members of the said Corporation, and which President, Vice-President, Secretary, Treasurer, and seven other members shall be chosen annually by the said Corporation by ballot, all of whom shall be members of the Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned by the By-Laws of the said corporation to the said Executive Committee. 30 35

First officer of the corporation. 5. The said André Cushing shall be the President; the said John Stewart the Vice-President; the said Joseph Henry Leonard Secretary; the said A. R. Ferguson the Treasurer; and the said E. D. Jewett, A. F. Randolph, James Kirk, Henry U. Miller, George Barnhill, George McKean, and Samuel T. King, together with the said President, Vice-President, Secretary and Treasurer, the said Executive Committee of the Lumber Exchange, until the first election to be had under the provisions of this Act, and the said Executive Committee hereby appointed shall until the said election have all the powers assigned to the said Executive Committee by this Act. 40 45 50

6. The members of the corporation shall meet annually at some place in the City of Saint John, of which due notice shall be given by the Executive Committee for the time being; on the first Thursday in October in 5 each year, and they, or a majority of them, shall then and there elect by ballot from among the members of the corporation one President, one Vice-President, one Secretary, one Treasurer, and seven other members of the Executive Committee, and the President, Vice- 10 President, Secretary, Treasurer, and such seven other members so chosen or elected, shall form the Executive Committee of the said corporation, and shall hold their office until others shall be elected in their stead, or until they shall be removed from office, or shall vacate 15 the same under the provisions of any by-law of the said corporation. Provided always that if the said election shall not take place in the month of October in any year, such election may be had at any general meeting of the corporation, to be called in manner to 20 be prescribed by the by-laws of the said corporation.

Annual Meeting.

Election of officers.

Proviso

7. If the President, Vice-President, Secretary, Treasurer, or any member of the "Executive Committee" shall die, resign his office, or be absent for six months continuously from the said Province, it shall be lawful 25 for the said corporation, (if they shall see fit) at any general meeting to elect a member of the corporation to be a President, Vice-President, Secretary, Treasurer, or a member of the "Executive Committee," in the place of the member so dying, or resigning, or being 30 absent, and the member so elected shall hold office until the next election, and no longer unless re-elected.

Vacancies, how filled.

8. At any annual or general meeting of the corporation, one-third of the members shall form a quorum, and shall be competent to do and perform all acts which 35 either by this Act or by any by-law of the corporation are, or shall be directed to be done at any such annual or general meeting.

Quorum.

9. Any member of the said corporation intending to retire therefrom or resign his membership, may at any 40 time do so upon giving to the Secretary sixty days' notice of such intention in writing, and discharging any lawful liabilities which may be existing against him or which may be standing upon the books of the said corporation against him at the termination of the said 45 sixty days.

Resignation of members.

10. It shall be lawful for the said corporation, or the majority of those present, and being a quorum, at any general meeting to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion, or 50 the retirement of members, and for the management

Making of by-laws.

of its Executive Committee, property, officers and affairs, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority may deem advisable, and such by-laws shall be binding on the members of the said corporation, its officers and tenants, and all other persons whomsoever lawfully under its control, and any by-law may be altered, amended, or repealed at any meeting, competent to make by-laws for the said corporation. 5 10

Who may be members.

11. Each and every person resident in the City and County of Saint John, the City of Fredericton, and along or upon the River Saint John, or its tributaries and vicinity, being a manufacturer or shipper of lumber, or interested in the lumber business, shall be eligible to become a member of the said corporation. 15

General meetings, how called.

12. It shall always be lawful for the President or the Executive Committee of the corporation by at least three days' notice being given in one or more newspapers published in the City of Saint John, to call a general meeting of the corporation for any of the purposes of this Act. It shall be the duty of the President upon a requisition to that effect in writing, signed by at least three members of the Executive Committee besides the President, to call a general meeting of the corporation for the purposes stated in such requisition. 20 25

Powers of Executive Committee.

13. The said Executive Committee shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-laws of the Corporation, except only the power of enacting or altering any by-laws, which shall be done in the manner provided in this Act and no other; and any six or more members of the Executive Committee lawfully met (and of whom the President or Vice-President shall be one) shall be a quorum, and any majority of such quorum may do all things within the power of the Executive Committee, and at all meetings of the said Executive Committee, and at all general meetings of the Corporation, the President, or in his absence, the Vice-President, or if both be absent, any member of the Executive Committee who may be then present, and who may be chosen for the occasion shall preside, and upon all occasions, in all cases of equality of votes upon any division shall have the casting vote. 30 35 40 45

Meetings.

Business at meetings.

14. It shall be competent for the said Executive Committee to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act or by the by-laws of the Corporation be assigned to them, and such meetings of the Executive Committee 50

shall be convened by the Secretary at the instance of the President, or at the request of any two members of the Executive Committee, or by the said President or members in case there be no Secretary, or in case 5 the Secretary for the time being shall neglect or refuse to summon any such meeting.

15. It shall be the duty of the Executive Committee hereby appointed so soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the Corporation and the purposes of this Act, and submit the same for adoption to a general meeting of the Corporation called for the purpose in the manner hereinbefore provided. Committee to prepare by-laws.

15 16. All subscriptions of members due to the corporation under any By-law by any person bound thereby, and all other sums of money due to the Corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by 20 him in the name of the corporation in any Court in an action of debt, such Court to have jurisdiction in actions of debt to the amount claimed. Payment of moneys.

17. The meetings of the members of the Executive Committee shall be open to all other members of the 25 corporation who may attend at the same, but who shall take no part in any proceedings thereat, and minutes of the proceedings of all such meetings, and of all general meetings of the corporation shall be entered in a Register to be kept for that purpose by 30 the Secretary, or by a person or persons appointed to keep the same, and the entry shall be signed by the Secretary, and such Register shall be open at all reasonable hours to any member of the Corporation free of any charge. Meetings of Committee to be open.

35 18. It shall be lawful for the said corporation to expel therefrom any member thereof by a vote of two-thirds of the members of the said Corporation present, and voting at a meeting specially called to consider any charge made against such member, such meeting 40 to be called in the manner provided for by this Act, or that may be provided for by the by-laws of said Corporation, but no member shall be so expelled without a hearing before the Executive Committee or Corporation as he may elect. Expulsion of member.

45 19. No member holding any office in the Corporation shall be removed therefrom for official misconduct, without a hearing before the Executive Committee or Corporation, and then only upon a vote of two-thirds of the members of the Corporation present, 50 and voting at a meeting of the Corporation specially Proceedings in such case.

called for the purpose of considering the matter, such meeting to be called in the manner prescribed in this Act, or that may be prescribed in the by-laws of the Corporation; and upon the provisions of this section being complied with, any such official member may be removed from his office in manner aforesaid, and the members of the Corporation so present at such meeting, may at once elect another officer to fill the vacancy occasioned by such removal, and the person so elected to fill the vacancy caused by any such removal, shall hold office until the then next ensuing general election of officers of the said Corporation.

Election of Board of Arbitration.

Their powers.

20. At the same time and times as are hereby appointed for the election of the Executive Committee, and in the same manner it shall be lawful for the members of the said corporation to elect from among their number six persons who shall be called "The Board of Arbitration," and any one or three of whom shall have power to arbitrate upon and to give their award in any commercial case of difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall agree and bind themselves by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any one or three members of the said Board who may either by the special order of the Board, or by virtue of any general rule adopted by them, or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board, and any such submission shall be in the form of the Schedule to this Act, or in any other words to the same effect.

35

Members to be sworn.

21. The several members of the said Board of Arbitration shall before they act as such take and subscribe before the President or Vice-President of the corporation, an oath, which oath the President and Vice-President are hereby authorized to administer, that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and will in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor, or affection of or for any person or party whomsoever, and this oath shall be kept among the documents of the corporation.

Who may be members.

22. Any member of the Executive Committee of the corporation, may be at the same time a member of the said Board of Arbitration.

23. The one or any two of the three appointed to
 hear any case submitted for arbitration as aforesaid,
 shall have full power to examine into the facts of such
 case, and to examine on oath, (which oath, any one of
 5 such three members is hereby empowered to adminis-
 ter) any party or witness, who appears voluntarily
 before them, and shall be willing to be so examined,
 and shall give their award thereupon in writing, and
 their decision given by such award shall bind the
 10 parties according to the terms of the submission, and to
 the provisions of this Act.

Witnesses.

Award.

24. Any person who may by law in other cases
 make a solemn affirmation instead of taking an oath,
 may make such solemn affirmation where by this Act
 15 an oath is required, and any person hereby authorized
 to administer an oath, may in such case as aforesaid
 administer such solemn affirmation, and any person
 who shall wilfully swear or affirm falsely in any case
 where an oath or solemn affirmation is by this Act
 20 required or authorized, shall be guilty of wilful and
 and corrupt perjury.

Affirmation
instead of
Oath in cer-
tain cases.

25. Nothing in this Act shall affect the rights of Her
 Majesty, her heirs or successors or any party or person
 whomsoever, such rights only excepted as are herein
 25 expressly mentioned and affected.

Her Majesty's
rights saved.

SCHEDULE.

Form of Submission to the award of the Board of Arbitration.

Know all men that the undersigned
 and the undersigned (if there
 be more parties, that is more separate interests mention
 them), having a difference as to the respective rights of
 the said parties in the case hereunto subjoined, have
 agreed and bound themselves under a penalty of
 to perform the award to be made by
 the Board of Arbitration in the case aforesaid under the
 penalty aforesaid, to be paid by the party refusing to
 perform such award to the party ready and willing to
 perform the same.

In witness whereof, the parties have hereunto inter-
 changeably set their hands at
 on the day of

Form of Oath to be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially, and dili-
 gently perform my duty as a member of the Board of
 Arbitration of the Lumber Exchange, and that I will,
 in all cases in which I shall act as arbitrator, give a
 true and just award according to the best of my judg-
 ment and ability, without fear, favor, or affection, of or
 for any party or person whomsoever, so help me God.

No. 139.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to incorporate The Lumber Exchange
Company of St. John, New Brunswick.

Received and read, first time, Saturday, 16th
May, 1874.

Second Reading, Monday, 18th May, 1874.

(Private Bill.)

Mr. DE VEEB.

BILL.

An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia.

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

- 5 **1.** The 12th Section of the 31st Vict. cap. 42, intituled "An Act providing for the Department of the Secretary of State for Canada and the management of Indian and Ordnance Lands," and the third Section of the 32nd and 33rd Vict. cap. 6, intituled "An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act of the 31st Vict. cap. 42" are hereby repealed, and the following shall be read in lieu of the last mentioned section. 31 V. c. 42, s. 12, and 32, 33 V. c. 6, s. 3, amended, and new section substituted for the latter.
- 10
- 15 **"3.** 1. Whoever sells, exchanges with, barter, supplies or gives to any Indian man, woman or child in Canada, any kind of intoxicating liquor, or causes or procures the same to be done, or connives or attempts thereat or opens or keeps, or causes to be opened or kept on any land set apart or reserved for Indians, a tavern, house or building where intoxicating liquor is sold, bartered, exchanged, or given, or is found in possession of intoxicating liquor in the house, tent, wigwam, or place of abode of any Indian, shall on conviction thereof before any Justice of the Peace upon the evidence of one credible witness other than the informer or prosecutor, or any Indian witness be liable to imprisonment for a period not exceeding two years, and be fined not more than five hundred dollars, one moiety to go to the informer or prosecutor, and the other moiety to Her Majesty, to form part of the fund for the benefit of that tribe or body of Indians with respect to one or more members of which the offence was committed; and the commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicating liquor shall have been sold, bartered, exchanged, supplied or given to any Indian man, woman or child, shall be liable, on conviction thereof before any Justice of the Peace, upon the evidence of one credible witness other than the informer or prosecutor, or any Indian witness, to be fined not exceeding five hundred dollars for each said offence, the moities thereof to be applicable as Provisions for preventing the supplying of intoxicating liquors to Indians.
- 20
- 25
- 30 Punishment for contravention, by fine and imprisonment.
- 35 If supplied on board any vessel.

hereinbefore mentioned and in default of immediate payment of such fine any person so fined may be committed to any common gaol, house of correction, lock-up, or other place of confinement by the Justice of the Peace before whom the conviction shall take place for a period of not more than twelve months, or until such fine shall be paid; and in all cases arising under this Section, Indians shall be competent witnesses: but no penalty shall be incurred in case of sickness where any intoxicating liquor is made use of under the sanction of any medical man or under the directions of a minister of religion." 5

Indians competent as witnesses.
 Proviso.

Forfeiture of the package containing such liquors.

Seizure of liquor.

And forfeiture.

Penalty on persons having it in possession.

Forfeiture of the vessel, boat, canoe, &c.

Indian found drunk may be arrested.

"2. The keg, barrel, case, box, package or receptacle whence intoxicating liquor has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the balance of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified; and any intoxicating liquor imported or manufactured or brought into and upon any land set apart or reserved for Indians or into the house, tent, wigwam or place of abode of any Indian may be seized by any constable wheresoever found on such land; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may on the evidence of any credible witness, other than an Indian witness, that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty for the purposes hereinbefore mentioned, and in default of immediate payment the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement for any time not exceeding six months unless such fine and costs are sooner paid." 15 20 25 30 35

"3. When it shall be proved before any Judge, Stipendiary Magistrate or Justice of the Peace that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying intoxicating liquor, to be supplied to any Indian or Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited as in the last subsection mentioned and sold, and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned." 40 45

"4. It shall be lawful for any constable, without process of law, to arrest any Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such Indian shall, when sober, be brought before any Judge, Stipendiary Magistrate, or Justice of the Peace, and if convicted of being so found in a state of intoxication, shall be 50

liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding one month. And if any Indian having been so convicted as aforesaid, shall refuse upon examination to state or give information of the person, place, and time, from whom, where, and when, he procured intoxicating liquor, and if from any other Indian, then, if within his knowledge, from whom, where and when such intoxicating liquor was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days."

And must declare how he got the liquor. Punishment for refusal.

"5. The words "intoxicating liquor" shall mean and include all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever."

Interpretation clause.

"6. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form so long as the same is according to the true meaning of this Act.

Want of form not to invalidate proceedings.

2. The following shall be taken and read as part of the 14th Section of the 31st Vict., chap. 42, that is to say: "Nor shall the same be sold, bartered, exchanged or given by any tribe, band or body of Indians or any Indian of any such tribe, band or body to any person or persons other than a tribe, band or body of Indians or any Indian of any tribe, and any such sale, barter, exchange or gift shall be absolutely null or void," unless any such sale, barter, exchange or gift be made with the written assent of the Indian agent; and any person who may buy or otherwise acquire any presents or property purchased as aforesaid without the written consent of the Indian agent as aforesaid shall be guilty of a misdemeanor, and be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months in any place of confinement other than a Penitentiary.

31 V. c. 42, s. 14 amended.

Certain sales, exchanges, &c., to be void.

Punishment of purchaser, &c.

3. Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, or by whomsoever committed, it shall be lawful for any Court, Judge, Stipendiary Magistrate, Coroner or Justice of the Peace to receive the evidence of any Indian or aboriginal native or native of mixed blood, who is destitute of the knowledge of God, and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian, aboriginal native or native of mixed blood as aforesaid, upon his solemn affirmation or declaration to tell the truth, and nothing but the truth, or in such other form as may be approved by such Court, Judge, Stipendiary Magistrate, Coroner, or Justice of the Peace.

Form in which Indians may give evidence in criminal cases.

4. Provided that in the case of any inquest, or upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, aboriginal

Further provision in the same matter.

native or native of mixed blood as aforesaid, shall be reduced to writing, and signed by a mark of the person giving the same, and verified by the signature or mark of the person acting as interpreter (if any), and of the Judge, Stipendiary Magistrate, Coroner, or Justice of the Peace or person before whom such information shall have been given. 5

Court to warn Indian of his obligation, &c.

5. The Court, Judge, Stipendiary Magistrate, or Justice of the Peace shall, before taking any such evidence, information, or examination, caution every such Indian, aboriginal native or native of mixed blood as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth. 10

Written declarations of Indians how to be used.

6. The written declaration or examination made, taken, and verified in manner aforesaid, of any such Indian aboriginal Native or Native of mixed blood as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal suit or proceedings, when under the like circumstances the written affidavit, examination, deposition or confession of any person, might be lawfully read and received as evidence. 15 20

Effect of such declaration, &c., as aforesaid.

7. Every solemn affirmation or declaration in whatever form made or taken by any person as aforesaid shall be of the same force and effect, as if such person had taken an oath in the usual form, and shall in like manner incur the penalty of perjury in case of falsehood. 25

Indians defined.

8. An Indian is hereby defined to be a person within the definition contained in the fifteenth section of the 31st Victoria, chapter 42, as amended by the sixth section of the 32 and 33 Victoria, chapter 6, and who shall participate in the annuities and interest monies and rents of any tribe, band or body of Indians. 30

Certain Acts and laws to be in force in B. Columbia and Manitoba.

9. Upon, from and after the passing of this Act, the Acts and portions of Acts hereinafter mentioned of the Parliament of Canada shall be and are hereby extended to and shall be in force in the Provinces of Manitoba and of British Columbia; and all enactments and laws theretofore in force in the said Province, inconsistent with the said Acts, or making any provision in any matter provided for by the said Acts, other than such as is made by the said Acts shall be repealed on and after the passing of the same. 35 40

Others repealed.

The Acts and parts of Acts extended by s. 9.

10. The Acts and portions of Acts hereinbefore mentioned and hereby extended to and to be in force in the Provinces of Manitoba and of British Columbia, are as follows:—

1. Sections 6 to 25 both inclusive. sections 28, 29, 30, 37, 38, 39 and 42, of the Acts passed in the 31st year of Her Majesty's reign, and intituled "An Act providing for the organization of the Department of the Secretary of State for Canada, and for the management of Indian and Ordnance Lands." 45

2. Sections 1 to 21 both inclusive, and Section 24 of the Act passed in the 32nd and 33rd years of Her Majesty's 50

reign, intituled "An Act for the gradual enfranchisement of Indians, the better management of Indian affairs and to extend the provisions of the Act 31st Vic. cap. 42."

3. Sections 1, 3, 6, 7, 8, 9 and 16, and of the Act passed in the 36th year of Her Majesty's reign, and intituled "An Act to provide for the establishment of the Department of the Interior."

11. The Governor in Council may by proclamation from time to time exempt from the operation of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act providing for the organization of the Department of the Secretary of State for Canada, and for the management of Indian and Ordnance Lands," or from an Act passed in the 32nd and 33rd year of Her Majesty's reign intituled "An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Vic. cap. 42," or from the operation of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act to provide for the establishment of the Department of the Interior," or from the operation of this Act, or from the operation of any one or more of the clauses of any one or more of the said Acts, the Indians or any of them, or any tribe of them or the Indian Lands, or any portions of them in the Province of Manitoba or in the Province of British Columbia, or in either of them, and may again by proclamation from time to time remove such exemption.

Governor in Council may exempt Tribes from the said Acts, &c., and again subject them to the same.

12. The Governor in Council may by proclamation from time to time direct the application of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act providing for the organization of the Department of the Secretary of State for Canada and for the Management of Indian and Ordnance Lands;" and an Act passed in the 32nd and 33rd year of Her Majesty's reign, intituled "An Act for the gradual enfranchisement of Indian; the better management of Indian affairs, and to extend the provisions of the Act 31st Vict., chap. 42;" and an Act passed in the 36th year of Her Majesty's reign and intituled "An Act to provide for the establishment of the Department of the Interior;" or any one or more of the clauses of any one or more of the said acts to the Indians or any of them or any tribe of them or the Indian Lands or any portions of them, or to be in force generally in the Northwest Territories.

And may extend and apply certain other Acts and enactments, generally to any tribe or tribes.

13. The second, third, and seventh sections of Ordinance, No. 85, of the Revised Statutes of British Columbia are hereby repealed.

Ordinance in B.C. repealed.

14. This Act shall be construed as one Act with the Acts thirty-first Victoria, Chapter forty-two, and thirty-second and thirty-third Victoria, Chapter six.

Act how to be construed.

No. 140.

1st Session 3rd Parliament, 37 Victoria, 1874.

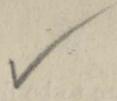
B I L L .

An Act to amend certain Laws respecting Indians, and to extend certain Laws relating to matters connected with Indians to the Provinces of Manitoba and British Columbia.

Received and read 1st time, Saturday 16th
May, 1874.

Second reading, Tuesday 19th May, 1874.

HON. MR. LAIRD.



An Act to authorize the Brockville and Ottawa Railway Company to issue Preferential Mortgage Debentures, and for other purposes.

WHEREAS, at the session of the Legislature of the Province of Ontario, held in the thirty-sixth year of the reign of Her Majesty Queen Victoria, the following resolution was passed, viz.: Resolved, that the Canada Central Railway Company having offered to accept, in lieu of the land for which that company has obtained a decree in chancery against the Province, the mortgages held by the Counties of Lanark and Renfrew, the Township of Elizabethtown, and the Town of Brockville against the Brockville and Ottawa Railway Company, as an indemnity against the liability of the said municipalities to the Municipal Loan Fund, and as well the said municipalities as the Brockville and Ottawa Railway Company, having respectively intimated their concurrence in the said offer, so far as the same affects their interests respectively, and so that the liability of the municipalities to the Province may be discharged, and that the liability of the Brockville and Ottawa Railway Company may thenceforward belong to the Canada Central Railway Company instead of to the said municipalities, this House is content that the said compromise or settlement so proposed to the Government, or any modification thereof which may be more advantageous to the Province, shall be made by His Excellency in Council, if His Excellency shall deem such compromise to be for the public interest, and subject to such terms and conditions, if any, as the Lieutenant-Governor in Council shall require; And whereas, in and by a certain Order in Council, approved by the Lieutenant-Governor of the Province of Ontario, on the twenty-seventh day of June, A.D. one thousand eight hundred and seventy-three, it was recommended that the terms of settlement mentioned in the above recited resolution should be carried out as modified and subject to the terms and conditions hereinafter stated, that is to say: (1) The Canada Central Railway Company to release all claims to further land grants under former legislation. (2) The Canada Central Railway Company to return to the Brockville and Ottawa Railway Company one hundred thousand dollars of moneys said to have been formerly advanced, and the said Canada Central Railway Company to covenant with the Crown that the Brockville and Ottawa Railway Company will expend in repairs and equipment of the Brockville and Ottawa road, the sum of one hundred thousand dollars, such expenditure to be begun within three months and ended within fifteen months; In case the Brockville and Ottawa Railway Company issues mortgage debentures to secure to the Canada Central Railway Company the debt transferred to it, one hundred thousand dollars of such debentures are to be held by the Crown as security for the above expenditure, and such debentures with

all accrued interest, are to be from time to time transferred to the Canada Central Railway Company as twenty thousand dollars of expenditure is made, on the certificate of an engineer to be named.

(3) In case the Brockville and Ottawa Railway Company issues mortgage debentures as before mentioned, the Crown to be entitled to retain one hundred thousand dollars further of such debentures in respect of the extension of the Canada Central Railway from Renfrew Village to their terminus at or near Pembroke, such debentures with all accrued interest to be transferred to the Canada Central Railway Company as follows: the rateable mileage portion on the construction of twenty miles of the said extension, and the remainder on the completion of the residue of the extension, within three years from the first day of October, in the year of our Lord, one thousand eight hundred and seventy-three; In case the extension is not completed within the time limited any part of the debentures and interest undelivered at the expiration of the time, to be forfeited to the Crown; the Canada Central Railway Company to remain entitled as at present to the subsidy granted under Order in Council in respect of the extension to Pembroke; the Canada Central Railway Company not to be bound to build the extension, or any part thereof, in case it prefers to forfeit the subsidy, and the securities retained by the Crown in respect of the extension, or such part thereof as the Canada Central Railway Company may not build. (4) In case no mortgage debentures are issued by the Brockville and Ottawa Railway Company, the transaction to be so arranged that the Crown and the Canada Central Railway Company shall be joint holders of the Brockville and Ottawa Railway Company mortgages, the Crown to the extent of the two hundred thousand dollars, to be from time to time transferred as aforesaid to the Canada Central Railway Company, and the Canada Central Railway Company for the other part of the total sum secured by said mortgages; And whereas the liabilities of the said municipalities to the Municipal Loan Fund for and in respect of the moneys borrowed by them and loaned by them to the Brockville and Ottawa Railway Company, have by Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, been reduced to the following sums, viz: the Town of Brockville to one hundred and thirty-five thousand three hundred and seventy-five dollars; the Township of Elizabethtown to ninety-eight thousand eight hundred and forty-seven dollars twenty-three cents; the Counties of Lanark and Renfrew to three hundred and twenty-two thousand and sixty-nine dollars ninety-three cents; making in all the sum of five hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents; And whereas the terms of settlement mentioned in said resolution as modified and subject to the terms and conditions hereinbefore stated, have been duly carried out by the execution of the necessary instruments, and by an indenture bearing date the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy-four, and made between the Corporation of the Town of Brockville, the Corporation of the Township of Elizabethtown, the Corporation of the County of Lanark, and the

Corporation of the County of Renfrew, of the first part, the Brockville and Ottawa Railway Company of the second part, the Canada Central Railway Company of the third part, and Her Majesty Queen Victoria, of the fourth part: after
5 reciting (amongst other things) the mortgages given by the Brockville and Ottawa Railway Company to the Town Council of Brockville, the Municipality of the Township of Elizabethtown, and the municipal Council of the united Counties of Lanark and Renfrew, to secure the said municipalities in the due re-payment of the
10 amounts borrowed by them upon the credit of the consolidated Municipal Loan Fund for Upper Canada, and loaned by them to the Brockville and Ottawa Railway Company, the Act of the Parliament of the late Province of Canada, passed in the twentieth year of Her Majesty's reign, intituled "An Act to amend and extend the charter of the Brockville and Ottawa Railway Company,"
15 affirming the validity of said mortgages, and the resolution and Order in Council hereinbefore set out, the said mortgages and all the property of the Brockville and Ottawa Railway Company, mentioned therein or conveyed thereby, or intended so to be, and
20 all moneys due or owing, or which might thereafter become due or owing by the said the Brockville and Ottawa Railway Company, to said Municipalities, or any of them, by reason of said loans or said mortgages, or said-last mentioned Act of Parliament were granted, bargained, sold, assigned, transferred, and set over unto
25 Her Majesty Queen Victoria, and the said the Canada Central Railway Company, and their successors and assigns, subject and according to the terms and conditions set out in said Order in Council, and to the condition that no greater sum should be claimed or collected from the said the Brockville and Ottawa Railway Company, by
30 virtue of the said indenture than the said sum of five hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents, with interest at five per cent., and by the said indenture the Brockville and Ottawa Railway Company expressly consented and agreed to the said transfer and assignment, and recognized and acknowledged their liability to pay the said sum of five
35 hundred and fifty-six thousand two hundred and ninety-two dollars sixteen cents; And whereas, under and by virtue of an Act of the Parliament of the late Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty Queen Victoria, and intituled "An Act for the re-organization of the Brockville
40 and Ottawa Railway Company, and to authorize the issue of preferential bonds for certain purposes," the said the Brockville and Ottawa Railway Company have issued certain preferential bonds or debentures, called "Preferential Extension Bonds" bearing seven
45 per cent. interest, to the amount of sixty thousand pounds sterling, which bonds are by said Act declared to form the first charge upon the Brockville and Ottawa Railway, next after the claims of the said municipalities, and subject to their first charge. And whereas, the mortgage mentioned in the second section of said last mentioned Act, has been duly executed as security for the payment of
50 said preferential extension bonds; And whereas the Brockville and Ottawa Railway Company have prayed to be allowed to issue mortgage debentures or bonds for the amount which they are now liable for to Her Majesty Queen Victoria, and the Canada Central

Railway Company, under the said mortgages to the said municipalities and the transfer thereof, and that the "Preferential Extension Bonds," issued under said last recited Act, should, as between the holders thereof and the Canada Central Railway Company, and the Brockville and Ottawa Railway Company, rank *pari passu* with the debentures or bonds, to be issued under this Act as claims, charges, or liens upon the property and rights of the Brockville and Ottawa Railway Company, comprised in the said several mortgages, subject to the right of Her Majesty to priority over the holders of the said "Preferential Extension Bonds," issued under the last recited Act, in respect of the two hundred thousand dollars, retained by her or such portion thereof as she may be entitled to retain, in case of the non-compliance of the Canada Central Railway Company with the terms upon which they will be entitled to receive the same, and have also prayed for certain other powers in connection with the premises; And whereas, the Legislature of Ontario, at its last Session, passed an Act authorizing the Brockville and Ottawa Railway Company to issue such mortgage debentures or bonds as aforesaid in the manner hereinafter set out, and it is desirable that the authority so given should be sanctioned by the Parliament of the Dominion of Canada in the manner hereinafter set out:

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

1. The Brockville and Ottawa Railway Company may issue mortgage debentures or bonds bearing five per cent. interest, and not exceeding in amount in the whole five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents, being the amount of their liability to Her Majesty and the Canada Central Railway Company, under the said mortgages to the said municipalities, and the said transfer thereof; and the said mortgage debentures or bonds shall be called "Preferential Mortgage Debentures;" and shall be and form the first charge on all the property and rights of the Brockville and Ottawa Railway Company comprised in the said several mortgages, to the same extent and in the same manner as the said mortgages to said municipalities formed or were intended to form such first charge, except as hereinafter is provided.

2. Such preferential mortgage debentures shall bear interest at the rate aforesaid, to be computed from the first day of July, in the year of our Lord one thousand eight hundred and seventy-three, and to be payable half-yearly, on each first day of January and first day of July, the first payment to become due on the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and to be for a year's interest, and the principal money secured thereby shall be payable in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four; and such debentures may be in the form given in Schedule A. to this Act appended, or to similar effect; and two hundred and five thousand dollars of such debentures shall be made payable to the treasurer of Ontario

or bearer, and the residue to the Canada Central Railway Company, or bearer, the said sum of two hundred and five thousand dollars, consisting of the sum of two hundred thousand dollars, payable to Her Majesty under the said agreement, and five thousand dollars, being six months' interest on the said sum from the first day of January, one thousand eight hundred and seventy-three, to the first day of July, one thousand eight hundred and seventy-three, and that it shall be lawful for the holders of said mortgages to accept such preferential mortgage debentures in lieu of said mortgages.

3. As between the Canada Central Railway Company and their assigns the Brockville and Ottawa Railway Company, and the holders of said "preferential extension bonds," the said "preferential extension bonds," and the "preferential mortgage debentures" to be issued under this Act, shall rank *pari passu* as charges upon all the property and rights of the Brockville and Ottawa Railway Company, which by means of the mortgages to said municipalities, or the mortgage to secure said "preferential extension bonds," or any Act or Acts of the Parliament of the late Province of Canada, or of the Legislature of Ontario were or are or may become, or might have become liable for the payment of the said debts to the said municipalities, or of said "preferential extension bonds;" and said "preferential extension bonds," and "preferential mortgage debentures," shall jointly (and *pro rata* as to their respective amounts) form the first charge upon all said property, subject however to the right of Her Majesty to priority over the said "preferential extension bonds," in respect of the two hundred and five thousand dollars retained by her, or of any portion thereof which may be forfeited to her in consequence of the non-compliance by the Canada Central Railway Company with the terms upon which they would be entitled to a transfer thereof, but as any portion of said two hundred and five thousand dollars is transferred to the Canada Central Railway Company, such portion shall lose such priority, and rank *pari passu* with the said other bonds.

4. The right of voting at all meetings of the Brockville and Ottawa Railway Company, now possessed by the holders of said "preferential extension bonds," in respect thereof shall continue as if this Act had not been passed, but no right of voting at such meetings is given to the holders of said "preferential mortgage debentures" in respect thereof.

SCHEDULE A.

THE BROCKVILLE AND OTTAWA RAILWAY COMPANY.

Preferential Mortgage Debenture.

Whereas the liability of the different municipalities who borrowed moneys upon the credit of the Consolidated Municipal Loan Fund of Upper Canada, and loaned the same to the Brockville and Ottawa Railway Company, has been reduced by Act

of the Legislature of Ontario, to five hundred and fifty-six thousand two hundred and ninety-two dollars and sixteen cents; And whereas the mortgages given by the Brockville and Ottawa Railway Company to the said municipalities, to secure the amount of the said loan, have been transferred and assigned to Her Majesty Queen Victoria and the Canada Central Railway Company; And whereas the Brockville and Ottawa Railway Company have been authorized by Act of the Legislature of Ontario, passed in the thirty-seventh year of Her Majesty's reign, to issue these preferential mortgage debentures for the above amount, which debentures, jointly with the preferential extension bonds issued under 27 Victoria, chapter 57, are declared to form the first charge upon the property and rights of the Brockville and Ottawa Railway Company;

The Brockville and Ottawa Railway Company hereby promise to pay to _____, or bearer, the sum of _____ dollars, part of the said debt, in twenty years from the first day of July, in the year of our Lord one thousand eight hundred and seventy-four, and also interest thereon, at the rate of five per centum per annum, to be computed from the first day of July, in the year of our Lord, one thousand eight hundred and seventy-three, to be paid on the first days of January and July in each year, upon presentation and surrender of the proper coupons hereto attached, at the Company's office in Brockville, Canada.

Signed and sealed at Brockville, this _____ day of _____, one thousand eight hundred and _____

L. S.

An Act to provide for the appointment of Port Wardens
at certain Ports of the Dominion.

WHEREAS the increasing trade and business in many of the Ports of the Dominion, at which no provision now exists for the appointment of Port Wardens, renders it necessary to make such provision: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Governor in Council may, from time to time, determine at what Ports in the Dominion, it is expedient that Port Wardens should be appointed, and at and for any such Port a Port Warden may be appointed under this Act, by the Governor may appoint a Port Warden at any such Port: Provided always that this Act shall not apply to the Ports of Quebec, Montreal and St. John, New Brunswick, for which provision is already made.
2. The Port Warden shall receive no fees whatever, other than such as strictly appertain to the business of his office; all such fees shall be recorded in his books, and he shall make a certified annual return to the Minister of Marine and Fisheries, of the receipts and expenses of his office and a report of the doings of his office, within seven days after the 31st December in each year.
3. The Port Warden shall, at his own expense, keep an office during the season of navigation, and shall have a seal of office, and the necessary books, in which all his acts as Port Warden, shall be recorded, which books shall be open for inspection on payment of a fee of *twenty-five cents*.
4. It shall be the duty of the Port Warden, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of her cargo; and if there be any goods damaged on board such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.
5. The master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in any harbour for which there is then a Port Warden, shall, immediately on the discovery of any damaged cargo, proceed to have a survey held on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed; and if, after the arrival in port of any vessel from beyond the seas, or from a passage over any of the great lakes contiguous to the Province of Ontario, which has not had occasion to lighten, break bulk, or otherwise discharge any portion of her

Governor may appoint Port Warden.

Certain Ports excepted.

How paid.

Office and books.

To examine conditions of cargo, &c.

If bulk has been broken before arrival in Port.

cargo before coming into the harbour, the hatches of such vessel shall have been first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master, or other person interested as part owner or master of the said vessel. 5

To ascertain cause of damage to any goods.

6. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandize, vessel, material, produce or other property, said to have damaged on board any vessel, and enquire, examine, and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office a full and correct statement thereof. 15

To be a surveyor of wrecks.

7. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage, he shall examine the hull, spars, rigging, and all appurtenances thereof, shall specify what damage has occurred, and record in the books of the office, a full and particular account of all surveys held on such vessel; he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding five dollars, to aid him in the examination and survey, but no such surveyor shall be interested in the case; the Port Warden shall also, if required, be surveyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy. 20 25 30

To see that vessels are seaworthy.

Surveys of vessels and cargoes.

8. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificates of such surveys. 35

Duty of Master of vessel loading with grain.

9. The master of any vessel intending to load grain in bulk for any port not within the limits of inland navigation nor within the Dominion of Canada, shall, before taking in any of such grain, notify the Port Warden from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards; the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo intended for her to its destination; he shall record in his books the condition of the vessels; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy; before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the board and plank used for these purposes have been properly seasoned; he shall examine the pumps and see that they are properly lined and dunnaged; he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates. 40 45 50

And of Port Warden.

Duty as to dunnage.

10. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat and other grain, and the flour to be stowed 55

over it, and his certificate that such dunnage has been used, shall be *primâ facie* evidence of the good stowage of the cargo so far as these points are concerned.

11. The master of any vessel wholly or partly laden with grain for any port not within the limits of inland navigation nor within the Dominion of Canada, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel, and examine whether she is in a fit state, to proceed to sea or not, if she is found unfit, the Port Warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled, and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the Collector of Customs, in order that no clearance may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy.
12. The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.
13. It shall be the duty of every auctioneer making a sale of any vessel condemned, or ship's materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in any harbour for which there is therein a Port Warden, to file a statement of the same at the office of the Port Warden within ten days after such sale; no underwriters' sale shall take place until after at least two days' public advertisement or notice, and such sale shall not be at an hour earlier than eleven, nor later than three o'clock in the day.
14. It shall be the duty of the Port Warden, when required in writing by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any vessel, and any proprietor, shipper or consignee of the cargo, and to keep a record thereof.
15. No goods, vessels or other property at a place where there is a Port Warden, shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall in all such cases be one of the surveyors.
16. Before proceeding to act in any case in the performance of his duties, the Port Warden shall give reasonable notice, where practicable, to all parties interested or concerned in the case.
17. All notices, requests, or requirements to, or from the Port Warden, must be given in writing, and a reasonable time before action is required.
18. The Port Warden may in any case where he thinks it right and necessary, initiate proceedings, and hold surveys, and obtain process, as if required by the parties concerned under the provisions of this Act,—and whenever the Port Warden is mentioned in any provision of this Act, such provision shall always be understood to apply to any Deputy Port Warden, if there is such.

Further duties
of Master and
Port Wardens.

Valuing and
measuring
vessels.

Duty of
Auctioneer
selling con-
demned ships
or goods.

Arbitrating
before Master
and consignee.

Damaged
goods sold on
account of
underwriters.

Notice by
Port Warden.

And to him.

Port Warden
may initiate
proceedings.

Copies of documents in his office.

19. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books, or documents filed in his office, upon payment of a reasonable compensation.

5

Copies of regulations of harbour.

20. On application, the Port Warden shall supply, to any master of a vessel arriving in the Harbour, a copy of the regulations relating to the office of Port Warden once in each year.

To conform to practice of Lloyd's.

21. In all matters regarding surveys, and other matters concerning the value, state, or classification of vessels and like subjects, the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the circumstances of the case.

10

Disputes with Port Warden, how settled.

22. Should any dispute arise between the Port Warden and any party interested in any case where his presence has been required, either party may appeal to the Council of the Board of Trade or Chamber of Commerce, where there is one, and it shall be the duty of the Secretary of such Board or Chamber, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said Council who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination or that of a majority of them, made in writing, shall be final and conclusive.

15

Costs in such case.

23. The party against whom the Council of the Board of Trade or Chamber of Commerce decide shall pay all the expenses, and the Council shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

25

Certificates of Port Warden.

24. All certificates issued under the hand of the Port Warden or his Deputy, and sealed with the seal of his office, referring to matters recorded in his books, shall be received as *prima facie* evidence of the existence and contents of such record, in any court in Canada.

30

Tariff of fees, how to be made.

25. The Council of the Board of Trade or Chamber of Commerce, if there is one, may, from time to time, establish a tariff of fees to be paid to the Port Warden for services performed by him and his deputies, by the masters or owners of sea-going vessels, and by others in respect of whom the duties of the said Port Warden are required to be performed; which tariff, being first approved by the Governor in Council, shall be enforced until repealed or altered by the said Governor in Council, or by the said Council of the Board of Trade or Chamber of Commerce, as it may be at any time, with the approval of the Governor in Council; and when there is no Board of Trade or Chamber of Commerce the Governor in Council shall make such tariff; but such fees shall not exceed the rates hereinafter mentioned, that is to say:—

45

Maximum rates.

1. For every survey and the certificate thereof by the Port Warden and his assistant, of the hatches and cargo of any vessel, or of the hull, spars and rigging thereof, or the survey of damaged goods, a fee, including the certificate thereof, not exceeding *eight dollars* each, and such further sum, not exceeding *five dollars*, as may be payable to shipwrights or other skilled persons employed by him.

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2. For every valuation of a vessel for average, and every inspection of a vessel intended to load, a fee to be graduated according

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to the tonnage of such vessel, but not in any case to exceed *ten dollars*.

3. For hearing and settling disputes of which the Port Warden is authorized to take cognizance, and for the fees on appeal 5 to the Council of the Board of Trade or Chamber of Commerce, a sum to be graduated according to the value of the thing or the amount in dispute, but in no case to exceed *twenty dollars*.

4. The foregoing maximum rates, comprehending the fees for 10 the incidental proceedings, certificates and copies, may be altered and apportioned, and the particular service distinguished, and the fee therefor assigned, and the person by whom the same shall be paid, may be indicated in such a way as the Council of the Board of Trade or Chamber of Commerce, may from time to time appoint; 15 and all rates and fees so established shall be subject to the approval of the Governor in Council, who shall have power from time to time to disallow or modify and alter such fees and rates.

26. The penalty for any and every infraction or breach of the 20 ninth or of the eleventh section of this Act, shall be the sum of *eight hundred* dollars; and for every infraction or breach of the thirteenth section of this Act, the sum of *twenty* dollars; and any and every such penalty as aforesaid shall be recoverable in the manner prescribed by the Interpretation Act, in cases where 25 penalties are imposed, and the recovery is not otherwise provided for; and the whole of any pecuniary penalty imposed by this Act shall belong to the Crown, and shall be paid over to the Receiver General, by the officer or person receiving it, and shall be appropriated in such manner as the Governor General in Council may direct.

Penalties for
contravention
of ss. 9, 11 & 13

27. The Port Warden shall have such other and further duties 30 as may be assigned to him from time to time by any Regulations made by order of the Governor in Council, and the Council of the Board of Trade or Chamber of Commerce, may from time to time suggest to the Governor as they may deem expedient with respect to any such other and further duties, or 35 any modification of the duties hereinbefore assigned to the Port Warden for the Harbour, and such other or further duties, may be assigned or such modification, made by order in Council accordingly: any such Order in Council may be amended or repealed, and new provision made, and any Regulations so made shall while 40 unrevoked have the force of law, as if contained in this Act.

Further duties
of Port Warden,
regulations of
Governor in
Council

28. No officer of Customs shall grant a clearance to any vessel 45 wholly or partly loaded with grain, for the purpose of enabling her to leave the Harbour for any port not within the limits of inland navigation nor within the Dominion of Canada, unless nor until the master of such vessel produces to him a certificate 50 from the Port Warden or his deputy, to the effect that all the requirements of this Act have been fully complied with if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden or his deputy, that all 55 the requirements of this Act, have been fully complied with, if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel, wholly or partly loaded with grain attempts to leave the Harbour for any port not within the limits of inland navigation nor within the Dominion 60 of Canada, without a clearance, any officer of Customs, or any person acting under the direction of the Minister of Marine and

Clearance not
to be granted
unless the
requirements
of this Act have
been complied
with.

Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

Interpreta-
tions.

29. The expression "the Harbour" in this Act, means the harbour for which the Port Warden is appointed; the expression "the Board of Trade or Chamber of Commerce" means the Board of Trade or Chamber of Commerce for the City or Town or place adjoining the harbour, for which the Port Warden is appointed. 5

Short title.

30. This Act may be cited as "*The General Port Wardens' Act, 1874.*" 10

No. 142.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for the appointment of Port Wardens at certain Ports of the Dominion.

Received and read, first time, Wednesday,
20th May, 1874.

Second reading, Thursday, 21st May, 1874.

HON. MR. SMITH
(Westmoreland).

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street,
1874.

An Act to provide for the appointment of Harbor Masters for certain Ports in the Provinces of Quebec, Ontario, British Columbia, and Prince Edward Island.

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

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say:—
- “Ship” shall include every description of vessel used in navigation, not propelled by oars;
- 10 “Master” shall include every person (except a pilot) having command or charge of a ship.
- “Harbor Master” shall mean a Harbor Master appointed under this Act;
- “Port,” shall mean a port to which this Act applies.
- 15 2. The Governor may, from time to time, appoint a fit and proper person to be Harbor Master for any port in any of the Provinces of Quebec, Ontario, British Columbia, or Prince Edward Island, to which this Act applies.
3. Every Harbor Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year.
- 25 4. The rights, powers and duties of the Harbor Master for any port, shall be such as may, from time to time, be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the port for which he is appointed, and for his remuneration, which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend, or repeal, and any such rules and regulations may be so made to apply to any one or more ports to which this Act then applies, or may be afterwards extended by Order in Council to any such port.
- 30 5. The Governor in Council may, in and by any rule or regulation made under the next preceding section of, impose any reasonable penalty, not exceeding in any case *one hundred dollars*, for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case *ten dollars* for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a

Interpretation

Governor may appoint Harbor Masters.

Report of Harbor Master to Minister.

Duties and powers are to be defined by regulations of Governor in Council.

Regulations may impose penalties.

minimum penalty; and every breach of any such rule or regulation shall be deemed a contravention of this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Copies to be furnished to pilots.

6. The Harbor Master for any such port shall furnish copies of the rules and regulations made under the next preceding section, and then in force, to every licensed pilot of the port, who shall give one of such copies to the master of every ship which he shall take in charge. 5

Prosecution for infraction.

7. It shall be the duty of the Harbor Master of any such port to prosecute every person violating any rules or regulations made by the Governor in Council under this Act. 10

Remuneration of Harbor Masters.

8. The Harbor Master for any port shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may from time to time be authorized by the rules and regulations to be made as hereinbefore provided for to collect, in respect of ships not exempt from the payment thereof as hereinafter mentioned, entering such port, but which shall not at any time exceed the following rates, that is to say:— 15

Fees.

For every ship of two hundred tons or under, registered tonnage, one dollar; 20

For every ship of more than two hundred tons, but not more than three hundred tons, registered tonnage, two dollars;

For every ship of more than three hundred tons, but not more than four hundred tons, registered tonnage, three dollars;

For every ship of more than four hundred tons, registered tonnage, four dollars; 25

Ships engaged in trading between ports and places in the Dominion, or in the fishing trade, shall be exempt from the payment of any fee.

Salary, how fixed.

9. The salary or remuneration of each Harbor Master appointed under this Act, shall be, from time to time, fixed by Order of the Governor in Council, but shall not exceed the rate of six hundred dollars per annum, and shall be subject to the provisions hereinafter made. 30

Balance to be paid over to Con. Rev. Fund.

10. The Harbor Master of each port shall pay over, as soon as possible after the thirty-first day of December in each year, to the Receiver-General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for the payment of expenses in connection with the office of Harbor Master, and for the improvement of the harbor of the port for which he is appointed; all moneys received by him for fees under this Act during such year, after deducting therefrom the sum allowed him as aforesaid for his own remuneration; and if the moneys received by him for fees in any year amount to a less sum than is so allowed him, then such less sum shall be his remuneration for that year. 35 40 45

On what occasions only such fees shall be payable.

11. Such fees as aforesaid shall be payable only once in twelve calendar months, to be reckoned from the day upon which such payment shall be made, on any ship not exceeding one hundred tons, registered tonnage, and not more than twice in any twelve calendar months (to be similarly computed) on any ship exceeding one hundred tons, registered tonnage, that is to say, on any ship of one hundred tons or under, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve 50

calendar months, but not on any subsequent time of her entering the said port within the twelve calendar months immediately following; and on any ship of more than one hundred tons, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve calendar months, and on her second time of entering the same port within twelve calendar months from the date of her first entering the same, but not on any subsequent time of her entering the same port during the same twelve calendar months.

10 / 12. The Harbor Master of each port shall keep a book in which he shall enter from day to day the name of every ship not exempt from the payment of fees under this Act, entering such port, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering, under this Act; and such book shall be at all times, during office hours, open and free for inspection by any person, on demand, without fee or reward.

Book to be kept by Harbor Master.

13. The powers and duties of the Harbor Master of any port appointed under any authority other than this Act, shall cease to be exercised by him, from the time when the Harbor Master appointed under this Act shall come into office at such port, and shall then and thereafter become and be vested in such last-mentioned Harbor Master and his successors in office, in so far and in so far only as they shall not be inconsistent with this Act, or any rule or regulation made under it; and all claims suits, or proceedings, for penalties incurred or offences committed against law, rule or regulation respecting such port, may be continued to judgment and execution as if this Act had not been passed; but all fees and all powers, duties, rules, regulations, or provisions of law inconsistent with this Act, or any rule or regulation made under it, by whatsoever authority they may have been given, imposed, or made, shall cease, and be of no effect by virtue of such appointment under this Act.

Harbor Master under any former law to go out on appointment of one under this Act for the same port.

14. The foregoing provisions of this Act shall apply to the Provinces of Quebec, Ontario, British Columbia, and Prince Edward Island only, and to such ports, and such ports only in either of the said Provinces, as shall, from time to time, be designated for that purpose by Proclamation, under an Order or Orders of the Governor in Council, except only the Ports of Quebec and Montreal, in the Province of Quebec, and of Toronto, in the Province of Ontario, to which the said provisions shall not apply.

To what Provinces and when the foregoing provisions shall apply.

Ports excepted.

No. 143.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to provide for the appointment of
Harbor Masters for certain Ports in the
Provinces of Quebec, Ontario, British
Columbia, and Prince Edward Island.

Received and read, first time, Tuesday, 19th
May, 1874.

Second reading, Wednesday, 20th May, 1874.

Hon. Mr. SMITH
(Westmoreland).

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street]

1874.

An Act to amend the Act twenty-ninth Victoria, chapter fifty-seven, of the Statutes of the Province of Canada,

WHEREAS it is expedient to amend that portion of the Act^{Preamble.} twenty-ninth Victoria, chapter fifty-seven, of the Statutes of^{Can. 29 Vict., c. 57.} the Province of Canada, which prohibits any impediment to the formation of an ice-bridge at and near Quebec; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section seventy-eight of section twenty-nine of the Act^{Section 29, sub-section 78 repealed.} of the Parliament of the late Province of Quebec, intituled "*An Act to amend and consolidate the provisions contained in the*
 10 *Acts and Ordinances relating to the incorporation of and the supply of water to the City of Quebec,*" is hereby repealed, together with any Act or enactment in force in the Province of Quebec, giving the Municipal Corporation of the Town of Lévis powers similar to those given by the said sub-section to the Corporation
 15 of the City of Quebec, or prohibiting or authorizing any cor-^{With all similar enactments.}poration to prohibit any person or persons from preventing the formation of an ice-bridge over the River St. Lawrence, between the City of Quebec and the Town of Lévis.

No. 144.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act, twenty-nine
Victoria, chapter fifty-seven, of the
Statutes of the Province of Canada.

Received and read, first time, Monday, 18th
1874.

Second reading, Tuesday, 19th May, 1874.

Mr. MACKENZIE
(Montreal).

OTTAWA :

Printed by L. B. FAYLEN, 29, 31, and 33, Rideau Street.

1874.

An Act to amend the Act 36 Victoria, chapter 47,
respecting Weights and Measures.

WHEREAS it is expedient to amend the Act thirty-sixth
Victoria, chapter forty-seven, in respect to those provisions
applicable to the sale of grain and other articles by the cental;
Therefore Her Majesty, by and with the advice and consent of
5 the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything continued in the first sub-section
of section five of the Act passed in the thirty-sixth year of Her
Majesty's reign, intituled "*An Act respecting Weights and*
10 *Measures*," it shall be lawful to buy and sell any of the articles
mentioned in that section, by weight expressed in any number of
pounds, or in any way by which the number of pounds intended
can be understood, which may be agreed upon between the
parties; Provided always, that such agreement shall be made at
the time of the purchase and sale.

Preamble.
36 Vict., c. 47.

Section 5
amended.¹
Use of Cental
not obligatory.

Proviso.

No. 145.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to amend the Act 36 Victoria,
chapter 47, respecting Weights and
Measures.

Received and read, first time, Monday, 18th
May, 1874.

Second reading, Tuesday, 19th May, 1874.

Mr. MACKENZIE (Montreal.)

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 32, Rideau Street,

1874.

145 ✓

An Act to incorporate the Great North West Railway Company.

WHEREAS the construction of a Railway from a point on the shore of Lake Superior at Thunder Bay to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport, would be of general benefit to the Dominion: And whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Honorable Marc Amable Girard, of the Province of Manitoba, Senator; Henry S. Howland, William Thompson and John Leys, of the City of Toronto, Esquires; Thomas Marks, of Thunder Bay, Merchant; Adam Oliver and Peter Johnston Brown, of the Town of Ingersoll, Esquires; James King, of the Town of Sarnia, Grain Dealer; Joseph Davidson and John S. Cook, of the City of Toronto, Lumber Merchants; J. L. Williams, of the City of Hamilton, Esquire; Robert Hay and John Gordon, of the City of Toronto, Merchants; together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Great North West Railway Company."

2. The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of such width of gauge as the Company may think fit, from a point at Thunder Bay on the shore of Lake Superior to the City of Winnipeg in the Province of Manitoba, either in a continuous line or with power to utilize the navigable waters along the said route for the purpose of transport.

3. Notwithstanding anything contained in section nine of the *Railway Act*, 1868, the said Company may acquire land and water-lot property at Fort William, Thunder Bay, and the river Kaministiquia, not exceeding fifty acres, and may acquire under the provisions in that behalf of the said *Railway Act*, and hold such width of land on the sides of the railway and its branches at any point as may be needed for the erection of snowdrift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for such lands, as also the powers of the said Company to take possession thereof shall, in case of difference, be ascertained and exercised in the manner provided by the section of the said *Railway Act* respecting lands and their valuation.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted Provisional Directors of the said Company, of whom five shall be a quorum, and shall hold office as such until the first election of Directors under this Act, and shall have power forthwith to 5 open stock books and procure subscriptions of stock for the undertaking; and to receive payment on account of stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to acquire any plans and surveys now existing, 10 and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the Company any grant, loan, bonus or gift made to it, in aid of the undertaking, and to enter into any agreement respecting the 15 conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act*, 1868, are vested in ordinary Directors.

5. The capital stock of the said Company shall be *three million* dollars (with power to increase the same in manner 20 provided by the *Railway Act*, 1868,) to be divided into shares of one hundred dollars each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby 25 authorized, and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act.

6. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount 30 subscribed has been actually paid thereon within one month after subscription.

7. The said Company may receive either from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same in aid of the con- 35 struction, equipment and maintenance of the said railway, bonuses loans or gifts of money or securities for money.

8. When and so soon as shares to the amount of three hundred thousand dollars in the capital stock of the Company have been subscribed and ten per centum thereon has been paid, the Provi- 40 sional Directors shall call a general meeting of the subscribers to the said capital stock at the City of Toronto for the purpose of electing Directors of the said Company, giving at least four weeks' notice by public advertisement, as provided by the eleventh section, of the time, place and purpose of the said meeting. 45

9. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose nine persons to be Directors of the said Company (of whom five shall be a

quorum) and of whom at least five shall be British subjects; and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and the *Railway Act, 1868*.

5 10. No person shall be qualified to be elected as such Director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the Company, and unless he has paid up all calls made thereon.

11. Thereafter the general annual meeting of the shareholders
10 of the said Company shall be held at such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published at the City of
15 Toronto.

12. Special general meetings of the shareholders of the said Company may be held at places in the City of Toronto, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company.

20 13. The Directors of the said Company are hereby authorized to issue bonds under the seal of the said Company signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such manner and at such place or places in Canada or elsewhere, and bearing
25 such rate of interest as the Directors shall think proper; and the Directors shall have power to issue and sell, or pledge all or any of the said bonds at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking; Provided that the amount of
30 such bonds shall not exceed fifteen thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed: Provided also that no such bonds shall be issued until at least five hundred thousand dollars shall have been subscribed to the capital stock and ten per centum paid
35 thereon.

14. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the said Company, and the undertaking, tolls, and income, and real and personal
40 property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bond-holders.

15. If the said Company shall make default in paying the
45 principal or interest of any of the bonds hereby authorized, at the time when the same shall by the terms of the bond become due and payable, then at the next ensuing general annual meeting of the said Company, and all subsequent meetings, all holders of bonds

so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for Directors as would be attached to them as shareholders, if they had held fully paid up shares of the said Company to a corresponding amount : Provided nevertheless, that the right given 5 by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights, shall have been first registered in his name in the same manner as is provided by law for the registration of the shares of the said Company ; and for that purpose the Company 10 shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares : Provided also, that the exercise of the right given by this section, shall not take away, limit, or restrain any other of the rights or remedies 15 to which the holders of the said bonds shall be entitled.

16. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery ; and any holder of any such 20 bonds, debentures, mortgages, or coupons so made payable to bearer, may sue at law thereon in his own name, unless and until registry thereof, in manner provided in the preceding section ; and while so registered they shall be transferable by written transfer registered, in the same manner as in the case of shares, 25 but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

17. All shareholders in the said Company whether British 30 subjects or aliens, or residents of Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office as Directors in the said Company.

18. The said Company shall have power and authority to 35 become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such note or bill made, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and under the authority of a quorum of the Directors, shall be binding on 40 the said Company ; and any such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President, or 45 Vice-President, or Secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein enacted : Provided however, that nothing herein contained shall be construed to authorize the said Company to 50 issue any note or bill payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

19. The Directors may, at any time, call upon the shareholders for such instalments upon each share which they or any of them may hold in the capital stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per centum on the subscribed capital and that thirty days' notice of each call shall be given.

20. The said Company shall have power to make running arrangements with any railway lines in the Dominion of Canada situate on the line hereby authorized to be constructed, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose in accordance with this Act.

21. It shall be lawful for the said Company to enter into any agreement with any other railway company whose line is situate on the line hereby authorized, or whose line can connect therewith, for leasing the said Great North West Railway or any part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either, or both or any part thereof, or touching any service to be rendered by the one Company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy at a special general meeting to be called in accordance with this Act for that purpose; and every such agreement shall be valid and binding, and shall be enforced by Courts of Law according to the terms and tenor thereof, and any company or individual accepting and executing such lease shall be, and is hereby empowered to exercise all the rights and privileges in this charter conferred.

22. Conveyances of land to the said Company for the purposes of this Act may be made in the form set out in the Schedule hereto annexed, or to the like effect; and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of the Province in which the lands may be situate; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from an existing highway, the said Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railways, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient; and may also make use of, for the purpose of the said railways, the water of any stream or water-course over or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness

of such stream or watercourse ; and the compensation to be paid to the owners for such lands, or the use of such water, as also the powers of the said Company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by the section of the *Railway Act 1868*, respecting 5 "lands and their valuation."

24. The Company may also construct an electric telegraph line in connection with the railway, and may also erect and construct across any of such rivers or lakes as are in the preceding section referred to, or which may be in or near the route of the railway, 10 a bridge or bridges when the same shall be necessary for the purposes of the railway ; but this shall not apply to navigable portions of any of the aforesaid waters without the assent of the Governor in Council first obtained.

25. The Company may also build, purchase, acquire, lease or 15 possess, work and operate steam and other vessels in any lakes, rivers, or other navigable waters, as they may deem proper and expedient in connection with their railway, and may do all and such things as are necessary for improving the navigation between any of such lakes and others of them ; and for the purpose of 20 connecting the means of transport between the said waters, may construct a railway of wood, iron or steel, or a tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstructions of any of the said rivers, or may construct a canal or canals to avoid the same wherever 25 requisite.

26. The Railway shall be commenced within three years and completed within five years after the passing of this Act, and in default thereof, the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incom- 30 plete.

27. The foregoing sections and provisions of this Act shall have force and effect upon, from and after the day which may be appointed for that purpose by proclamation issued under an Order of the Governor in Council, and not before. 35

SCHEDULE.

Know all men by these presents that I (or we) (*insert also the name of wife or any other person who may be a party,*) in consideration of _____ dollars to me (*or as the case may be*) by the Great North West Railway Company. I the said _____ do grant, and (or) do bar my dower in (*as the case may be*) all that certain _____ do grant and release

parcel (or) those certain parcels (as the case may be) of land situate (describe the land) the same having been selected by the said Company for the purposes of their railway, to hold, with the appurtenances thereof unto the said Great North West Railway Company, their successors and assigns.

As witness my hand and seal (or our hands and seals) this day of _____ one thousand eight hundred and _____

Signed, sealed and delivered, }
in the presence of }
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A. B.

L. S.

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An Act to amend the Act 27 Victoria, chapter 49,
incorporating "The Lower Canada Investment and
Agency Company (Limited)."

WHEREAS the said Company acting by certain of its Provi-
sional Directors has petitioned for certain amendments to
their Act of Incorporation, and that the name of the said Com-
pany be changed, and it is expedient that the prayer of their said
5 petition be granted; Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. The Honorable Alexander Campbell is hereby added to the
Provisional Directors of the Company; and five of such Provi-
10 sional Directors shall be a sufficient quorum thereof to order the
opening of the books of the Company for the subscription of
shares, and to call a first meeting of shareholders.

2. The name of the Company shall be "The Canada Investment
and Agency Company (Limited)."

15 3. The fifth section of the said Act is hereby amended by sub-
stituting therein the word "dollars" for the word "pounds ster-
ling"; and the amount which the Directors are authorized to call
up in respect of each share at one time shall be five dollars instead
of one pound sterling, as mentioned in the twenty-fourth section
20 of the said Act.

4. It shall be lawful for the said Company in exercising the
powers conferred by the fourth section of the said Act either
on their own behalf or as agents on behalf of others to lend money
on any security, real or personal or both, and to purchase mortgages
25 debentures of municipal or other corporations, the stock of incor-
porated banks, and personal and other securities or evidences of
debt, and the same to re-sell as they may deem advisable, and for
that purpose to execute such assignments or other instruments as
may be necessary for carrying the same into effect.

30 5. In the exercise of any of the powers conferred by this, or
the said Act, the Company may advance all moneys authorized to
be loaned by them for such period as they may deem expedient.

6. Notwithstanding anything in the said Act contained, the
Company may stipulate for and exact any rate of interest or dis-
35 count not exceeding eight *per centum per annum* that may be
lawful for similar companies, in the place where the contract for
the same shall be made or be executory, and shall not in respect
thereof be liable for any loss, penalty or forfeiture, on any account
whatever.

7. The thirteenth section of the said Act is hereby repealed, and in lieu thereof it is enacted that the capital of the Company shall be one million dollars, in shares of fifty dollars each, of which ten per centum shall be paid in before the actual transaction of business is proceeded with ; but it shall be lawful for the said Company, by a resolution passed at the first or any other general meeting of the shareholders, to increase the capital stock from time to time as may be deemed expedient to any sum not exceeding the sum of five millions of dollars : and to raise the amount of the said new stock either by distribution amongst the original shareholders, or by the issue of new shares, or partly in one way, and partly in the other, and the said new stock shall be subject to all such incidents both with reference to the payment of calls and forfeiture, and as to the powers of lending and borrowing, or otherwise as the original stock.

8. The last clause of the twelfth section of the said Act with regard to the rights of members, and others to peruse the register of securities, is hereby repealed.

9. The number of Directors by whom the business of the Company shall be transacted may be increased by by-law to any number not exceeding fifteen, of whom not more than seven shall be residents of the City of Montreal.

10. It shall be lawful for the said Company to receive money on deposit, for such periods and at such rate of interest as may be agreed on : Provided that the aggregate amount of such deposits, together with the amount of the mortgages, bonds and other instruments given by the Company remaining unpaid, shall not at any time exceed the amount of the subscribed capital stock of the Company.

11. So much of the sixteenth section of the said Act as requires the shares of the said Company to be distinguished by numbers is hereby repealed.

12. The twenty-seventh section of the said firstly cited Act is hereby amended by substituting the words "six per cent" for the words "five per cent," in the last clause thereof.

13. The sixth section of the said Act is hereby amended by substituting for the words "one thousand pounds," the words "ten thousand dollars."

14. The seventh, eighth, ninth, tenth, forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sections of the said Act are hereby repealed.

15. It shall be lawful for the Company, instead of requiring from the borrower the payment of the expenses incidental to any loan, at the time the loan is advanced, to give such time for payment of the same as they may be advised, and to add the same to the principal or interest secured by any mortgage or other security securing the loan.

16. At all meetings of the Company, every member shall be entitled to one vote for each share possessed by him, and no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the over-due calls upon
5 all the shares then held by him.

17. The provisions of the said Act, so far as they are applicable to the Province of Canada, are hereby extended to the Dominion of Canada, and the Company shall have power at any general meeting, to appoint a local board or local boards of Directors in
10 each Province, and to establish offices and agencies therein.

18. The seventy-sixth section of the said Act is hereby repealed, and in lieu thereof it is enacted that the Company shall transmit annually to the Minister of Finance, a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting
15 out the capital stock of the Company, and the proportion thereof paid-up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on their own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, the ex-
20 tent and value of the lands held by them, or for which they are acting as agents, and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance.

An Act to authorize the transfer of the Windsor Branch
of the Nova Scotia Railway to the Western Counties
Railway Company.

WHEREAS by resolution of the House of Commons, passed on Preamble.
the twenty-third day of May, in the year eighteen hundred
and seventy-three, it was resolved: That the Government Orders in
Council and
agreements
recommended.
be authorized to enter into negotiations during the Parlia-
mentary Recess with some reliable association or Company
for the transfer of the railway from Windsor to the trunk line
from Halifax to Truro, upon condition that such association or
company extend the railway from Annapolis to Yarmouth, subject
to the approval of Parliament at the next Session; and whereas
10 the Western Counties Railway Company, being a Company
incorporated under the Act of the Legislature of the Province
of Nova Scotia, passed during the Session of the year of Our
Lord eighteen hundred and seventy, having undertaken to
build a railway from Annapolis to Yarmouth, have represented
15 that the work has been undertaken and commenced in
view of the provisions of the hereinbefore recited resolution of
the House of Commons; and whereas the said Company being
desirous of having the said privilege transferred to them, have
proposed for the acceptance of His Excellency the Governor in
20 Council certain terms of transfer to them of the railway from
Windsor to the trunk line from Halifax to Truro; and whereas
such proposal was by Order of the Governor in Council of the
twenty-second October, eighteen hundred and seventy-three,
adopted, subject to the approval of Parliament; and whereas a
25 further proposal in connection with the transfer of the said
railway to the said Company was made by the said Company and
approved by the Governor in Council, by Order in Council
of the thirtieth day of October, in the year eighteen hundred
and seventy-three; and whereas it is expedient to approve
30 of the said agreements so respectively entered into and
adopted as hereinbefore mentioned: Therefore Her Majesty, by
and with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

1. The agreements hereinbefore referred to, and set forth in Agreements
confirmed.
35 the Schedules A and B to this Act, being such as were adopted
by the Order of the Governor in Council of the twenty-second
and thirtieth days of October, eighteen hundred and seventy-
three, and all the matters and things therein contained, are hereby
approved and declared to be as effectual to all intents and
40 purposes as if the said agreements had been entered into in
pursuance of sufficient authority in that behalf, given before the
adoption of such agreements by Act of the Parliament of Canada.

SCHEDULE A.

1416. *Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council, on the twenty-second October, eighteen hundred and seventy-three.*

On a memorandum, dated twenty-first October, eighteen hundred and seventy-three, from the Hon. the Minister of Public Works, submitting the accompanying proposal made by the Western Counties Railway Company, of Nova Scotia, and recommending its adoption.

The Committee advise that the accompanying proposal be adopted as recommended, subject to the approval of Parliament.

Certified.

To the Honorable,
The Minister of Justice,
&c., &c., &c.

(Signed,) W. A. HIMSWORTH
Clerk.

Proposal made to His Excellency the Governor General in Council by the Western Counties Railway Company, incorporated under an Act of the Legislature of Nova Scotia, passed in the year of Our Lord One thousand eight hundred and seventy.

Whereas by a resolution passed by the House of Commons in Parliament assembled on the twenty-third day of May, Anno Domini, eighteen hundred and seventy-three, it was resolved:

That the Government be authorized to enter into negotiations during the Parliamentary Recess with some reliable association or company for the transfer of the railway from Windsor to the trunk line from Halifax to Truro, upon condition that such association or Company extend the railway from Annapolis to Yarmouth, subject to the approval of Parliament at the next Session.

And whereas the said Western Counties Railway Company have undertaken to build a railway from Annapolis to Yarmouth; and

Whereas the said work has been undertaken and commenced in view of the provisions of the above resolution; and

Whereas the said Company are desirous of having the said railway, in the said resolution mentioned, transferred to them;

The said Company therefore propose, for the acceptance of His Excellency the Governor General in Council, the following terms of transfer, viz:—

1st. The said Company will undertake to receive the said railway and appurtenances on the first day of December, Anno Domini, eighteen hundred and seventy-three, and from that date to work it efficiently and keep the same in repair at their own proper costs and charges, collecting, receiving and appropriating to their own use all the tolls and earnings of the same.

2nd. That on the completion of the Western Counties Railway from Yarmouth to Annapolis (now in progress of construction), the said railway and appurtenances from Windsor to the trunk line, shall be and become absolutely the property of the said Western Counties Railway Company.

3rd. That in consideration of the premises, the said Company hereby engage to prosecute the work of building the railway

from Yarmouth to Annapolis, and complete the same with all reasonable despatch.

Dated at Ottawa, D.C., this twentieth day of October, Anno Domini, eighteen hundred and seventy-three.

(Signed)—GEO. B. DOANE, President W. C. R. Cy.
JAS. WENT. BINGAY, Secretary W. C. R. Cy.

SCHEDULE B.

Copy of a Report of a Committee of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the thirtieth October, eighteen hundred and seventy-three.

On a Memo. from the Hon. the Minister of Public Works, dated twenty-ninth October, eighteen hundred and seventy-three, reporting that he has received from the Western Counties Railway Company of Nova Scotia (through Mr. George B. Doane, their President) a proposal to the following effect:—

1st. That the Western Counties Railway Company shall carry free of charge, all passengers holding Government Tickets, on all their passenger trains running between Halifax and Windsor Junction.

2nd. That the said Company or their Agents or Assigns, shall have running powers over the Intercolonial Railway between Halifax and Windsor Junction, with such privileges as have been hitherto granted in the agreement with the Windsor and Annapolis Railway.

The Committee on the recommendation of the Minister of Public Works, respectfully advise that the terms of the above proposal be approved.

Certified.
(Signed,) W. A. HIMSWORTH,
C.E.C.

No. 148.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to authorize the transfer of the
Windsor Branch of the Nova Scotia
Railway to the Western Counties Rail-
way Company.

Received and read, first time, Thursday, 21st
May, 1874.

Second reading, Friday, 22nd May, 1874.

Hon. Mr. MACKENZIE.

OTTAWA:

Printed by L. B. TAYLOR, 29, 31 and 33, Rideau Street,

1874.]

An Act to authorize the purchase of the Pier or Breakwater at Cow Bay, N.S., and to provide for its maintenance.

WHEREAS it is expedient, in the public interest, that the Government of the Dominion should acquire the property of certain works in the Harbor of Cow Bay, Cape Breton, and that certain tonnage dues should be levied on vessels frequenting that Port; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Governor in Council may authorize the acquisition for the Dominion, of the pier or wharf forming the said harbour from the present proprietors, at a value to be ascertained after examination by the engineers of the Department of Public Works. Purchase on valuation by engineers.
2. The Governor in Council may from time to time impose and cause to be levied such tonnage dues, not exceeding ten cents per ton of the registered measurement of each vessel, on all vessels entering the Port, and such tolls on merchandize landed on the pier as he may deem reasonable and necessary. All orders in Council imposing such dues or tolls shall come in force upon their publication in the *Canada Gazette*. Governor in Council may impose harbour dues, &c.
3. The dues and tolls so imposed shall be collected by the Collector of Customs or such other person as may be appointed by the Governor for the purpose, and no vessel shall be entered or cleared without payment of the tonnage dues to which she is liable, which shall be payable once only in each year on all vessels under *one hundred tons*, and twice in each year on all vessels of or over *one hundred tons*: the proceeds of such dues and tolls shall be paid to the Receiver General, and form part of the consolidated revenue fund, towards making good the amount which may be expended in acquiring the property of the Harbor and maintaining the works. How to be collected and appropriated.
4. An account of the moneys expended under this Act and of the income received under it, shall be laid yearly before Parliament at the then next Session thereof. Account to Parliament.

No. 149.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to authorize the purchase of the
Pier or Breakwater at Cow Bay, N. S.,
and to provide for its maintenance.

Received and read, first time, Tuesday, 19th
May, 1874.

Second reading, Wednesday, 20th May, 1874.

Hon. Mr. MACKENZIE.

OTTAWA:

Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.

1874.

An Act to extend certain provisions of "The Seamen's Act, 1873." to vessels employed in navigating the Inland waters of Canada.

WHEREAS "The Seamen's Act, 1873" does not apply to the Preamble.

Province of Ontario; and whereas under the provisions of section twenty-six of the said Act, no master of any ship whatever of less than eighty tons, registered tonnage, and no master of
 5 any ship of that tonnage or upwards trading from any port or place in any Province to which the said Act applies, to any other port or place in the same Province, is required to enter into an agreement with seamen whom he carries as his crew; and whereas it is expedient that masters of certain British ships in Ontario and
 10 elsewhere, not required either by the said section twenty-six or by section twenty-seven of the said Act to enter into any agreement with the seamen whom they carry as part of their crews, should be required to enter into such agreement: Therefore Her Majesty, by and with the advice and consent of the Senate and House of
 15 Commons of Canada, enacts as follows:—

1. This Act may be cited for all purposes as "The Seamen's Short title.
 Agreement Act, 1874."

2. In the construction and for the purposes of this Act, (if not Interpretation
 inconsistent with the context or subject matter) the following
 20 words shall have the respective meanings hereinafter assigned to them, that is to say:—

"Ship" shall include every description of vessel used in navigation not propelled by oars;

"Master" shall include every person (except a pilot) having
 25 command or charge of a ship;

"Seaman" shall include every person (except masters and pilots) employed or engaged in any capacity on board any ship;

"Consular officer" shall include Consul General, Consul and
 30 Vice-Consul, and any person for the time being discharging the duties of Consul General, Consul, or Vice-Consul;

"The Minister" shall mean the Minister of Marine and Fisheries;

"Ship subject to the provisions of this Act" shall include every ship registered in Canada propelled by steam and of more than
 35 *twenty* tons registered tonnage, or propelled otherwise than by steam and of more than *fifty* tons registered tonnage, and employed in navigating the inland waters of Canada above the harbour of Quebec.

3. The master of every ship subject to the provisions of this Act shall enter into an agreement with every seaman whom he carries
 40 as one of his crew, in the manner hereinafter mentioned; and every such agreement shall be in the form of the Schedule A, annexed to this Act, or as near thereto as circumstances admit, and Agreement
 between master and crew,
 Form of.

shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, that is to say :

- 1. The nature and, as far as practicable, the duration of the intended voyage or engagement; 5
- 2. The number and description of the crew, specifying how many are engaged as sailors;
- 3. The time at which each seaman is to be on board or to begin work; 10
- 4. The capacity in which each seaman is to serve;
- 5. The amount of wages which each seaman is to receive;
- 6. Any regulations as to conduct on board, and as to fines, or other lawful punishments for misconduct which the parties agree to adopt. 15

To be so framed as to admit of certain stipulations.

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seamen in each case, as to advances, and may contain any other stipulations which are not contrary to law; and every such agreement must be made and signed in presence of a respectable witness, who shall attest each signature on such agreement. And any seaman who has signed any such agreement may at the termination of his engagement, if the master thinks fit, be discharged before any shipping master or chief officer of Customs in Canada; and at any period during any such engagement, and before its termination, it shall be lawful for the master to discharge any such seaman on payment of his wages and with his consent, and any such discharge may be made, if the master thinks fit, before any shipping master or chief officer of Customs in Canada. 20 25 30

Duration of agreement.

4. In the case of ships subject to the provisions of this Act making short voyages, running agreements with the crew may be made to extend over two or more voyages, or for a specified time, so that no such agreement shall extend beyond *eight months* from the date of such agreement, or the first arrival of the ship at her port of destination after the termination of such agreement, or the discharge of cargo consequent upon such arrival; and every person entering into such agreement, whether engaged upon the first commencement thereof, or otherwise, shall enter into and sign the same in the manner hereinbefore required; and every person engaged thereunder when discharged may be discharged in the manner hereinbefore provided for. 35 40

Penalty for carrying seaman without agreement.

5. If in any case the master of any ship subject to the provisions of this Act, carries any seaman as one of his crew without entering into an agreement with him, in the form and manner and at the place and time in such case required, such master shall for each such offence, incur a penalty not exceeding *twenty dollars*. 45

Erasures, &c., in agreement forbidden.

6. Every erasure, interlineation, or alteration in any such agreement with seamen as is required by this Act, (except additions so made for shipping substitutes or persons engaged subsequently to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all the persons interested in such erasure, interlineation or alteration, by the written attestation (if made in Her Majesty's Dominions), of some shipping master, justice, officer of Customs, or other public 50 55

functionary, or, (if made out of Her Majesty's Dominions) of a British Consular Officer, or where there is no such officer, of two respectable British merchants.

7. Every person who fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, or makes, or assists in making, or procures to be made, any false entry in, or delivers, assists in delivering, or procures to be delivered, a false copy of any agreement under this Act, shall for each such offence be deemed guilty of a misdemeanor. Penalty for fraudulently altering agreement, &c.
8. Any seaman may bring forward evidence to prove the contents of any agreement under this Act, or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof. Proof of agreement.
9. Any seaman who has signed an agreement under this Act and is afterwards discharged before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying such discharge and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage thereby caused to him, not exceeding one month's wages, and may, on adducing such evidence as the court hearing the case deems satisfactory of his having been so improperly discharged as aforesaid, recover such compensation as if it were wages duly earned. Right of seaman discharged without cause before the end of his term of agreement.
10. Whenever any agreement under this Act is signed before any shipping master or a chief officer of customs as a witness thereto, such officer shall append his title of office to his signature as such witness; and the sum of *forty cents* shall be payable to every such officer upon each engagement of a seaman before him, and the sum of *twenty cents* shall be payable to every such officer upon each discharge of a seaman effected before him as hereinbefore mentioned, and any Shipping Master or Chief Officer of Customs may refuse to sign any such engagement or discharge as a witness thereto, unless the fee payable thereon is first paid. Fee to officers attesting agreement or discharge.
11. In cases where the service of any seaman belonging to any ship subject to the provisions of this Act, terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid, by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage, granted as herein mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period. As to seaman whose term of agreement is terminated without his fault.
12. No seaman belonging to any ship subject to the provisions of this Act, shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him. Seaman unlawfully refusing to work, &c.
13. Where a seaman belonging to any ship subject to the provisions of this Act, is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his Seaman disabled by illness caused by his own wilful act.

own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

Seaman not to sue for wages in Court out of Canada, except in certain cases.

14. No seaman belonging to any ship subject to the provisions of this Act, who is engaged for a voyage or engagement which is to terminate in Canada, shall be entitled to sue in any court out of Canada for wages, unless he is discharged with the written consent of the master, or proves such ill-usage on the part of the master, or by his authority as to warrant reasonable apprehension of danger to the life of such seaman if he were to remain on board; but if any seaman on his return to Canada proves that the master or owner has been guilty of any conduct or default which, but for this enactment, would have entitled the seaman to sue for wages before the termination of the voyage or engagement, he shall be entitled to recover, in addition to his wages, such compensation, not exceeding *eighty dollars*, as the court hearing the case thinks reasonable.

Master or owner bound to produce agreement to certain officers

15. The master or owner of every ship subject to the provisions of this Act, shall at all times when required so to do by the Minister, or by any person in that behalf duly authorized by the Minister, or by any inspector of steamboats, or Custom House officer, or officer of river police, produce and exhibit to the Minister, or to such person authorized by him, or to such inspector of steamboats, or Custom House officer, or officer of river police, any agreement then in force and subsisting between the master of such ship and the seamen whom he carries as his crew; and every such owner or master who fails to comply with the requirements of this section shall thereby incur a penalty of *twenty dollars*.

DISCIPLINE.

Misconduct endangering life or limb a misdemeanor. Imp. stat. 17 & 18 Vict., c. 104, s. 239.

16. Any master of, or any seaman belonging to, any ship subject to the provisions of this Act, who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship, or tending immediately to endanger the life or limb of any person belonging to or on board of such ship, or who, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall for every such offence be deemed guilty of a misdemeanor.

Offences of seamen and their punishment. Imp. stat. 17 & 18 Vict., c. 104, s. 243. Desertion.

17. Whenever any seaman, who has been lawfully engaged or bound to any ship subject to the provisions of this Act, and has duly signed an agreement as required by this Act, commits any of the following offences, he shall be liable to be punished summarily, as follows; that is to say:—

1. For desertion, he shall be liable to imprisonment for any period not less than four weeks and not exceeding twelve weeks, with hard labour, and also to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to either

of the Provinces of Ontario or Quebec, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him;

- 5 2. For neglecting or refusing, without reasonable cause, to join his ship, or to proceed on any voyage in his ship, or for absence without leave at any time within twenty-four hours of the ship's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion, or not treated as such by the master, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding the amount of two days' pay, and in addition, 15 for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute;
- 20 3. For quitting the ship without leave after her arrival in her port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;
- 25 4. For wilful disobedience to any lawful command, he shall be liable to imprisonment for any period not less than two weeks, and not exceeding four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;
- 30 5. For continued wilful disobedience to lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for any period not less than four weeks, and not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit, for every twenty-four hours' continuance of such disobedience or neglect, either a sum not exceeding six days' pay, or any expenses which have been properly 35 incurred in hiring a substitute;
6. For assaulting any master or mate, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labor;
- 40 7. For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labour;
- 45 8. For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in value to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not less than six weeks, and not exceeding twelve weeks, with hard labor;
- 50 9. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may 55 be retained in satisfaction or on account of such liability, without prejudice to any further remedy.

Master or
Owner may
apprehend
deserters with-
out warrant.
Imp. Stat.,
17 and 18 Vic
c. 104, s. 246.

18. Whenever, either at the commencement or during the progress of any voyage, any seaman neglects or refuses to proceed in any ship subject to the provisions of this Act, in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband or consignee may, in any place in either of the Provinces of Ontario or Quebec, with or without the assistance of the local police officers or constables, who are hereby directed to give the same if required, apprehend him without first procuring a warrant; and may thereupon in any case, and shall, in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours, or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding *eighty dollars*; but such penalty, if inflicted, shall be a bar to any action for false imprisonment in respect of such apprehension.

Deserters may
be sent on
board in lieu
of being im-
prisoned.
Imp. Stat. 17
and 18 Vic., c.
104, s. 247.

19. Whenever any seaman belonging to any ship subject to the provisions of this Act, is brought before any court in either of the Provinces of Ontario or Quebec, on the ground that of his having neglected or refused to join or proceed in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, instead of committing the offender to prison, cause him to proceed on board for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship, or the owner or his agent, to be by them so conveyed, and may, in such case, order any costs and expenses, properly incurred by or on behalf of the master or owner by reason of the offence, to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned, or which, by virtue of his then existing engagement, he may afterwards earn.

Seamen im-
prisoned for
desertion or
breach of dis-
cipline may be
sent on board
before termi-
nation of sen-
tence. Imp.
Stat., 17 and
18 Vic., c. 104,
sec. 248.

20. If any seaman is imprisoned in either of the said Provinces, on the ground of his having neglected or refused to join or to proceed in any ship subject to the provisions of this Act, in which he is engaged to serve, or of his having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if, during such imprisonment, and before his engagement is at an end, his services are required on board his ship, any Justice may, at the request of the master or of the owner or his agent, cause such seaman to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.

Facilities for
proving deser-
tion, so far as
concerns for-

21. Whenever a question arises in either of the said Provinces whether the wages of any seaman belonging to any ship subject to the provisions of this Act, are forfeited for desertion, it shall be

sufficient for the party insisting on the forfeiture to show that such seaman was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments under the provisions hereinbefore contained, be deemed to be proved, unless the seaman can produce a proper certificate of discharge, or can otherwise show, to the satisfaction of the court, that he had sufficient reasons for leaving his ship.

22. Whenever, in any proceeding in either of the said Provinces relating to seamen's wages, it is shown that any seaman or apprentice belonging to any ship subject to the provisions of this Act, has, in the course of the voyage, been convicted of any offence by any competent tribunal, and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding *twelve dollars*, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction or punishment.

23. Whenever any seaman belonging to any ship subject to the provisions of this Act, contracts for wages by the voyage, or by the run, or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share, as a month or other the period hereinbefore mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

24. All clothes, effects, wages and emoluments which, under the provisions hereinbefore contained, are forfeited for desertion, shall be applied, in the first instance, in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and, in any legal proceeding relating to such wages, the court may order the same to be paid accordingly; and subject to such reimbursement, the same shall be paid to the Receiver General, in such manner as the Minister may direct; to form part of the consolidated revenue fund of Canada, and, in all other cases of forfeiture of wages under the provisions hereinbefore contained, the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

25. Any question concerning the forfeiture of or deductions from the wages of any seaman belonging to any ship subject to the provisions of this Act, may be determined in any proceeding in either of the said Provinces lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

feiture of wages. Imp. Stat., 17 and 18 Vic., c. 104, sec. 250.

Cost of procuring imprisonment may, to the extent of \$12, be deducted from wages. Imp. Stat., 17 and 18 Vic., c. 104, sec. 251.

Amount of forfeiture, how to be ascertained when seamen contract for the voyage. Imp. Stat., 17 and 18 Vic., c. 104, sec. 252.

Application of forfeitures. Imp. Stat., 17 and 18 Vic., c. 104, sec. 253.

Question of forfeiture may be decided in suits for wages. Imp. Stat., 17 and 18 Vic., c. 10, sec. 254.

Penalty for false statement as to name. Imp. Stat., 17 and 18 Vic., c. 104, sec. 255.

26. If any seaman, on or before being engaged in either of the said Provinces, in any ship subject to the provisions of this Act, wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding *twenty dollars*; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act. 5

ENTICING TO DESERT AND HARBORING DESERTERS.

Penalty for enticing to desert or harbouring deserters. Imp. Stat., 17 and 18 Vic., c. 104, s. 257.

27. Every person who, by any means whatever, persuades or attempts to persuade any seaman, belonging to any ship subject to the provisions of this Act, to neglect or refuse to join or to desert from his ship, or to absent himself from his duty, shall, for the first offence in respect of each such seaman, be liable to imprisonment with hard labor for a period not less than one month and not exceeding six months; and for the second or any subsequent offence, in respect to each such seaman, be liable to imprisonment, with hard labor, for a period not less than two months and not exceeding twelve months; and every person who wilfully harbors or secretes any such seaman who has deserted from his ship, or who has wilfully neglected or refused to join his ship, knowing or having reason to believe such seaman to have so done, shall, for every such seaman so harbored or secreted, be liable to imprisonment, with hard labor, for a period not less than one month and not exceeding six months, and for a second, or any subsequent offence, for a period not less than two months and not exceeding twelve months. 10 15 20 25

CHANGE OF MASTER.

On change of Master, documents hereby required to be handed over to Successor. Imp. Stat., 17 and 18 Vic., c. 104, s. 269.

28. If, during the progress of a voyage, the master of any ship subject to the provisions of this Act is superseded in either of the said Provinces, or, for any other reason, quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall, in default, incur a penalty not exceeding *four hundred dollars*. 30

LEGAL PROCEDURE.

Limitation of time in summary proceedings. Imp. Stat. 17 and 18 Vic., c. 104, s. 525.

29. The time for instituting summary proceedings under this Act, shall be limited as follows, that is to say:— 35

No conviction for any offence shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the commission of the offence; or if both or either of the parties to such proceeding happen, during such time, to be out of either of the said Provinces, or not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within either of the said Provinces, or within such jurisdiction. 40 45

No order for the payment of money shall be made in any summary proceeding under this Act, unless such proceeding is commenced within six months after the cause of complaint arises; or if both or either of the parties happen, during such time, to be out of either of the said Provinces, unless the same is commenced within six months after they both first happen to arrive or to be at one time within either of the said Provinces. 50

(A)

SCHEDULE A.

AGREEMENT OR ARTICLES FOR A CANADIAN SHIP.

Name of Ship.	Official Number.	Port of Registry.	Port No. and Date of Register.	Registered Tonnage.	MANAGING OWNER.		MASTER.			Date and Place of first Signature of Agreement, including Name of Shipping Office.
					Name.	Address.	Name.	No. of Certificate.	Address.	

THE several persons whose names are hereto subscribed, and whose descriptions are contained below, hereby agree to serve on board the said Ship, in the several capacities expressed against their respective names on a voyage from¹ (or, which Ship is to be employed²)

¹ Here the voyage is to be described, and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.

And the said Crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said Master, or of any Person who shall lawfully succeed him, and of their Superior Officers, in everything relating to the said Ship and the Stores and Cargo thereof, whether on board, in boats, or on shore; in consideration of which Services to be duly performed, the said Master hereby agrees to pay to the said Crew as Wages the sums against their names respectively expressed, and to supply them with provisions according to the usual custom: And it is hereby agreed, That any Embezzlement or wilful or negligent destruction of any part of the Ship's Cargo or Stores shall be made good to the Owner out of the Wages of the person guilty of the same: And if any person enters himself as qualified for a duty which he proves incompetent to perform, his Wages shall be reduced in proportion to his incompetency: And it is also agreed, That³

² Here state probable nature of Ship's employment, or nature of voyage and period of engagement.

³ Here any other stipulations may be inserted to which the parties agree, and which are not contrary to Law.

In witness whereof the said Parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by _____ Master, on the _____ day of _____ 18____

Signatures of Crew.	Age.	Where Born.	Ship in which he last served, Official Number, and Port she belonged to, or other Employment.	Date and Place of Discharge from such Ship.		Date and Place of joining this Ship.		In what Capacity engaged; and if Mate, No. of his Certificate (if any).	Time at which he is to be on board.	Amount of Wages per Calendar Month, Share, or Voyage.		Shipping Master's or Witness' Signature.
				Date.	Place.	Date.	Place.			\$	cts.	

PLACE FOR SIGNATURES AND DESCRIPTIONS OF SUBSTITUTES.—NOTE.—Here the Entries are to be made as above.

NOTE.—Any Erasure, Interlineation, or Alteration, in this Agreement, except in the case of Substitutes, will be void, unless attested by some Shipping Master, Officer of Customs, Consul, or Vice-Consul, or other respectable witness to be made with the consent of the persons interested.

I declare to the truth of the entries in this Agreement. _____

Master.

30. All penalties imposed by this Act may be recovered, with costs, before any Justice of the Peace, upon the oath of one credible witness other than the informer, and shall be paid over to the Receiver General, to be disposed of as the Governor in Council may direct, (except in the case provided for in the next following section, in which only part of the penalty shall be paid over and disposed of,) and, in case of non-payment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of such Justice of the Peace, directed to a constable or other peace officer, and the over-plus, if any, after deducting the penalty and costs of suit, together with the expenses of the distress and sale, shall be returned to the owner; and for want of sufficient distress, the offender shall be committed by warrant under the hand and seal of the Justice, to the common gaol of the locality, or if there be no common gaol there, then to that common gaol which is nearest to that locality, for any time not exceeding six months; and such Justice shall also award and order the imprisonment (if any) to which the offender is liable for the offence whereby the penalty is incurred.

Recovery of penalties, Con. Stat. Lower Canada, c. 50 s. 12.

31. In all cases of complaints made by or on behalf of any seaman under this Act, the evidence of such seaman shall be received and taken, notwithstanding he be interested in the matter, and such seaman shall in any such case where he has been so examined, receive such part of any penalty to be imposed as the magistrate before whom the case is heard shall adjudge him to receive for any moneys or effects which appear to have been deposited by him with the person on whom such penalty is imposed.

Evidence of seamen concerned to be received, Con. Stat. Lower Canada, c. 55, s. 16, No. 3.

32. There shall be no appeal from any conviction or order adjudged or made under this Act, by or before any judge of the sessions of the peace, stipendiary magistrate, police magistrate, or any two justices of the peace, or magistrate having the powers of two justices of the peace, as to summary convictions and orders, for any offence against this Act; and no conviction under this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's Superior Courts of Record; and no warrant of commitment under this Act, shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

Conviction not to be quashed for want of form or removed by *certiorari*, Con. Stat. Lower Canada c. 55, s. 18.

33. Any one of Her Majesty's Justices of the Peace, at any port or place in either of the said Provinces, on complaint before him by the oath of one or more creditable witness or witnesses, that any seaman under this Act is concealed or secreted in any dwelling-house or out-house, or on board of any ship, or elsewhere, shall grant a warrant under his hand and seal, addressed to a constable or constables there, commanding him or them to make diligent and immediate search, in or about such dwelling-house or out-house, or on board such ship, or such other place or places as shall be specified in the warrant, and to bring before him every such seaman found concealed, whether named in the warrant or not.

Justices may grant warrant to search for seamen unlawfully harbored or secreted, Con. Stat. Lower Canada c. 56, s. 6.

34. Any police officer or constable required under the provisions of this Act to give assistance to the master or any mate, or the owner, ship's husband or consignee of any ship in apprehending, with or without a warrant, any seaman or apprentice duly

Penalty for obstructing.

engaged to serve in such ship, and neglecting or refusing to proceed to sea therein, or being found otherwise absenting himself therefrom without leave, may, at any time, enter into any tavern, inn, ale house, beer house, seamen's boarding-house, or other house or place of entertainment, or into any shop or other place wherein liquors or refreshments are sold or reputed to be sold whether legally or illegally, or into any house of ill-fame; and any person being therein, or having charge thereof, who refuses, or after due summons fails to admit such police officer or constable into the same, or offers any obstruction to his admission thereto, shall incur a penalty of not less than *ten* dollars nor more than *fifty* dollars for every such offence.

No. 150.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL,

An Act to extend certain provisions of
"The Seamen's Act, 1873," to Vessels
employed in Navigating the Inland
Waters of Canada.

Received and read, first time, Tuesday, 19th
May, 1874.

Second reading, Wednesday, 20th May, 1874.

Hon. Mr. SMITH
(Westmoreland).

OTTAWA:

Printed by L. B. Taylor, 29, 31 and 33, Eldon Street.

1874.

BILL.

An Act to amend "An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories.

IN amendment of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled, "An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories," Her Majesty enacts as follows:—

Preamble.

5 **1.** The period limited by the first section of the Act herein above cited is hereby extended, so that the Duties of Customs chargeable by law in Rupert's Land at the time of the passing of the Act referred to in the said section, shall be continued without increase in the Province of Manitoba and the North West Territories,
10 until the first day of July, one thousand eight hundred and seventy four, subject to the exception made in the first sub-section of the said section, and to the exceptions and provisions hereinafter contained.

Period limited by 36 V. c. 39, extended.

15 **2.** From and after the passing of this Act sub-section 2 of the first section of the said Act shall be and is hereby repealed, except as to things done or penalties incurred under it, and the following sub-sections substituted therefor, as part of the said Act:

Subs. 2 of s. 1 of 36 V. c. 39, repealed and new provisions substituted.

20 "2. Spirits, strong waters, spirituous liquors, wines, and fermented and compounded liquors and intoxicating drink of every kind are hereby prohibited to be imported into any part of the North West Territories, nor shall any spirits, strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink of any kind be manufactured or made in the said North West Territories, or brought into the same from any Province of
25 Canada, except by special permission in writing of the Lieutenant Governor of the said Territories; and if any spirits or strong waters, spirituous liquors, wines or fermented or compounded liquors or intoxicating drink are imported or manufactured or made in the said territories or brought into the same, in contravention of this
30 Act, they shall be absolutely forfeited and may be seized by any officer of the Customs or Excise or by any constable wheresoever found; and on complaint made before him, any judge, stipendiary magistrate or justice of the peace, may, on the evidence of one credible witness that this Act has been contravened
35 in respect thereof, order the said spirits, strong waters, spirituous liquors, wines or fermented, or compounded liquors, or intoxicating drink so seized to be forthwith destroyed, or in case of the same not having been seized, then on complaint as aforesaid, such judge, stipendiary magistrate, or
40 justice of the peace, may issue a search warrant, as in cases of stolen goods under the Acts in force respecting the duties of Justices of the Peace out of sessions, in relation to persons charged with indietable offences, and upon the same being found may cause them to be forthwith destroyed."

Importation or making of intoxicating liquors into or in N. W. Territories prohibited.

Seizure and forfeiture for contravention

Penalty. "3. Any person in whose possession or on whose premises such spirits, strong waters, spirituous liquors, wines, or fermented, or compounded liquors, or intoxicating drink of any kind may be or may have been found, shall be liable to a penalty not exceeding *two hundred dollars*, nor less than *fifty dollars*, one half of which shall go to the informer." 5

How recoverable. "4. Any penalty incurred under this Act shall be recoverable with costs of prosecution by summary conviction on the evidence of one credible witness, before any judge, stipendiary magistrate, or justice of the peace having jurisdiction in the North West Territories, who shall, on payment of the same, pay the informer his share thereof; and in case of non payment of the penalty and costs immediately after conviction, the convicting justice may in his discretion levy the same by distress and sale, or commit the person so convicted and making default in payment of the said penalty and costs, to any Common Gaol or House of Correction or Lock-up House within the North West Territories for a period not exceeding six months, unless the said penalty and costs be sooner paid." 15

Imprisonment in default of payment. "5. No seizure, prosecution or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true intent and meaning of this Act." 20

Conviction, &c., not invalid for want of form. "3. This Act shall be construed as one Act within the Act hereby amended." Act to be one with 26 V. c. 39.

No. 151.
1st Session 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to extend the time for imposing certain Customs and Excise duties, and for enacting more stringent restriction on the sale and manufacture of intoxicating liquors in the North West Territories.

Received and read 1st time, Tuesday 19th May, 1874.

Second reading, Wednesday 20th May, 1874.

HON. MR. CARRINGTON.

An Act to amend the Acts respecting the Militia and the defence of the Dominion of Canada, and to extend the same to the Province of Prince Edward Island.

WHEREAS it is expedient to amend and extend the Act passed in the thirty-first year of Her Majesty's reign, intituled, "*An Act respecting the Militia and Defence of the Dominion of Canada,*" and the Acts amending it, as hereinafter mentioned; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
31 V. c. 40.

1. The sixteenth section of the said Act is hereby amended by substituting the words "in every fourth year after the twenty-eighth day of February, in the year 1873," for the words "in each alternate year thereafter"; provided that in case of war or other emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council.

Section 16 amended.

2. The Act mentioned in the Preamble, as amended by the Act passed in the thirty-fourth year of Her Majesty's reign, intituled, "*An Act to extend the Act respecting the Militia and Defence of the Dominion of Canada,*" and by the Act passed in the thirty-sixth year of Her Majesty's reign, intituled, "*An Act to amend an Act respecting the Militia and Defence of the Dominion of Canada,*" and by this Act shall be, and is hereby extended, and shall apply to the Province of Prince Edward Island.

The said Act and 34 V. c. 17 and 36 V. c. 46, extended to P. E. Island.

3. The Province of Prince Edward Island shall form a Military District for the purposes of the Act first herein cited, as if it had been mentioned as such in section twelve of the said Act, and as if the word "twelve" had been used in the said section and elsewhere in the said Act, instead of the word "nine," as the number of military districts, which have since been increased to eleven by the addition of the Provinces of Manitoba and British Columbia.

The said Province to be a military district.

4. This Act and the Acts hereinbefore cited may be cited together as "*The Dominion Militia and Defence Acts,*" which shall be a sufficient citation of all the said Acts, including also the Act passed in the thirty-third year of Her Majesty's reign, intituled, "*An Act to facilitate the signing of Militia Commissions.*"

Short title.
33 V. C. 22.

154 ✓

An Act to give certain additional powers to the Port
Whitby Harbor Company

WHEREAS the Port Whitby Harbor Company, a Company incorporated under the statutes of the Province of Canada, and being the owners of the Whitby Harbor, in the Province of Ontario, have petitioned for an Act to enable them to issue bonds or debentures for improving the said Harbor, and also to enable 5 them to take stock in or grant bonuses to dry-dock and railway companies, or for the purchase of bonds or debentures of such companies, and also for power to amalgamate with any Railway Company, having its terminus at Port Whitby.

Therefore Her Majesty, by and with the advice and consent 10 of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the said Company, upon receiving the authority of the Governor in Council, to issue bonds or debentures 15 not exceeding in the aggregate fifty thousand dollars on the security of the property tolls and undertaking of the Company for improving the said Harbor, in sums of not less than one hundred dollars each, and payable at such times and places as the Directors of the said Company may determine; and also to have 20 and exercise all the other powers mentioned in the preamble hereof: Provided, however, that nothing herein contained shall affect the rights of the Dominion of Canada under the Order in Council under which the said Harbor was transferred to the said Company. 25

2. Any terms or conditions, which may be imposed on granting such authority, shall have the same effect as if they were specified in this Act, and they shall be specially set out or recited in such bonds or debentures, and in any by-law or resolution of the Com- 30 pany having reference to the exercise of such other powers as aforesaid.

3. It shall be lawful for the said Company to extend their Harbor into deep water in Lake Ontario, in front of the premises 35 now owned by the said Company.

IN AID TO THE REVISION OF THE
FEDERAL BUREAU OF INVESTIGATION

1. The first section of the act provides that the
Director of the Federal Bureau of Investigation
shall have the honor and pleasure of the
Department of Justice, and shall be
subject to the supervision and control of
the Attorney General, and shall be
vested with the powers and authority
of a special agent in charge of the
Bureau, and shall be authorized to
employ such persons as he may deem
proper, and to fix their compensation
and to discharge them at will.

2. The second section of the act provides that
the Director of the Federal Bureau of Investigation
shall have the honor and pleasure of the
Department of Justice, and shall be
subject to the supervision and control of
the Attorney General, and shall be
vested with the powers and authority
of a special agent in charge of the
Bureau, and shall be authorized to
employ such persons as he may deem
proper, and to fix their compensation
and to discharge them at will.

3. The third section of the act provides that
the Director of the Federal Bureau of Investigation
shall have the honor and pleasure of the
Department of Justice, and shall be
subject to the supervision and control of
the Attorney General, and shall be
vested with the powers and authority
of a special agent in charge of the
Bureau, and shall be authorized to
employ such persons as he may deem
proper, and to fix their compensation
and to discharge them at will.

157 ✓
An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively the 30th June, 1874, and the 30th June, 1875, and for other purposes relating to the Public Service.

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-four, and the thirtieth day of June, one thousand eight hundred and seventy-five, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole two million four hundred thousand, two hundred and eighty-six dollars and forty-six cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-four, not otherwise provided for, and set forth in Schedule A. to this Act, and also for the other purposes in the said schedule mentioned.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-six million one hundred and sixty-eight thousand, two hundred and forty-four dollars and thirty-eight cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-four, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-five, not otherwise provided for, and set forth in the Schedule B. to this Act, and for other purposes in the said schedule mentioned.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

4. And whereas, of the amount authorized to be raised by loan for the Intercolonial Railway, without the Imperial guarantee, there remains unborrowed the sum of two million four hundred and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents, and whereas, by the Act thirty-sixth Victoria, chapter sixty, a loan was authorized to the extent of one million five hundred thousand dollars for the improvement of the River St. Lawrence, and by the Act thirty-sixth Victoria, chapter sixty-two, a loan was authorized, to the extent of one million two hundred thousand dollars, for the improvement of the Harbor of Quebec, both of which sums remain unborrowed; and whereas in the Public Accounts of 1872-73, page XLII, it is shewn that on the thirtieth day of June, One thousand eight hundred and seventy-three, there remained a further balance of eight million one hundred and fifty-eight thousand three hundred and sixty-five dollars and fifty-six cents arising from the redemption of debentures in the previous years, which there was authority to meet by the issue of other securities: It is therefore declared that the authority to raise by loan the sums hereinbefore mentioned as remaining unborrowed continues to exist, in addition to the authority given by any Act of the present Session, to raise money for any purpose by way of loan.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the financial year ending 30th June, 1874, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Offices of Assistant Receivers-General and Auditors in the several Provinces and Country Savings Banks, additional	8,550 00	
Commission to the Bank of Montreal, for managing the issue of notes and custody of specie at Halifax and St. John, before the organization of the Assistant Receiver-General's Offices	2,500 00	
Commission to the Bank of British Columbia, for managing the receipts and payments in that Province from July, 1871, to September, 1872....	1,500 00	12,550 00
CIVIL GOVERNMENT.		
Contingencies of Departments.....		30,000 00
ADMINISTRATION OF JUSTICE.		
Circuit Allowances to Judges in British Columbia		5,000 00
POLICE.		
Quebec River Police		6,000 00
LEGISLATION.		
Senate, Contingent Expenses of 2nd Session of 2nd Parliament.....	8,648 00	
House of Commons do do	11,457 50	
House of Commons, additional for committees	7,500 00	
Additional for Printing	12,000 00	39,605 50
MARINE HOSPITALS.		
Marine Hospitals		7,000 00
MILITIA.		
Maintenance of Dominion Forces, Manitoba	60,000 00	
Hudson's Bay Company, for rent of Barracks for Dominion Forces in Manitoba, from 1870 to November 1st, 1873	20,000 00	
Mounted Police, North-West.....	200,000 00	280,000 00
PUBLIC WORKS.		
<i>(Chargeable to Capital).</i>		
Intercolonial Railway construction		427,000 00
PUBLIC WORKS.		
<i>(Chargeable to Income).</i>		
Roads and Bridges—Red River route, construction	35,000 00	
do Working expenses	200,000 00	
	235,000 00	
<i>Carried forward</i>	235,000 00	807,155 50

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 235,000 00	\$ cts. 807,155 50
PUBLIC WORKS.—Continued.		
(Chargeable to Income.)		
Public Buildings—London Custom House	4,500 00	
do London Post Office	2,215 91	
do Hamilton do	2,000 00	
do Montreal do	6,500 00	
do Rents, repairs and furniture	50,000 00	
do Heating Buildings, Ottawa	5,000 00	
Lighthouses—Cape Beale, British Columbia	4,000 00	
Slides and Booms—Extension of Gattineau Boom	21,000 00	
Railways—Extension of Intercolonial Railway	80,000 00	
Miscellaneous—Dredging	15,000 00	
		425,215 91
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of Dominion Steamers	15,000 00	
Legal expenses in suit <i>re Queen Victoria</i>	800 00	
To make good deficiency to Montreal Decayed Pilot Fund, caused by embezzlement of E. D. David, late Registrar of Trinity House, Montreal	16,217 85	
For burial of dead bodies from steamer <i>Atlantic</i>	250 00	
		\$2,267 85
LIGHTHOUSE AND COAST SERVICE.		
Maintenance of lights below Quebec	10,000 00	
do do Nova Scotia	5,000 00	
do do New Brunswick	8,917 00	
do do Prince Edward Island	2,408 00	
Lighthouse construction	17,500 00	
		43,825 00
FISHERIES.		
Fisheries, Quebec	2,500 00	
Fish-breeding	3,000 00	
Marine Police	5,500 00	
Schooner <i>La Canadienne</i>	1,000 00	
		12,000 00
INDIANS.		
For purchase of clothing and presents to Indians assembled at North- West Angle under Treaty of October, 1871	5,003 91	
Protection of Indian Timber at St. Peter's Reserve	18 00	
Estimated cost of transport of supplies to North-West Angle	600 00	
Annuities and presents to Indians at North-West Angle	40,500 00	
Payment to Hudson's Bay Company, for provisions supplied through Com- missioner Simpson in 1871	1,263 55	
Payment to Hudson's Bay Company, for advance to Rev. H. Cochran, to enable him to purchase furniture for school-house at St. Peter's	10 00	
Appropriation in aid of the preparation and publication of a Grammar and Dictionary of the Cree language	300 00	
Payment to J. S. Dawson, for services rendered as an Indian Commis- sioner from May, 1871	1,000 00	
<i>Carried forward</i>	48,695 46	1,320,464 26

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 48,695 46	\$ cts. 1,320,464 26
INDIANS.—Continued.		
To cover additional payments of annuity in 1873, under treaties 1 and 2...	3,297 00	
Supplies furnished to Indians assembled to receive annuities under those treaties.....	1,037 85	
Supplies furnished to destitute Indians at Stone Fort.....	1,000 00	
Supplies furnished and to be furnished to Indians of Prince Edward Island.....	625 00	
For Indians of Nova Scotia, to supplement grant, 1873-4.....	1,400 00	
For Indians of New Brunswick, to supplement grant, 1873-4.....	1,400 00	
		57,455 81
MISCELLANEOUS.		
Expenses of Vienna Deputations (whereof \$5,000 authorised by Resolution of the House of Commons).....	8,000 00	
Funeral of Sir Geo. E. Cartier.....	5,937 35	
Cost of Appeals <i>in re</i> New Brunswick School Act (authorised by Resolution of House of Commons).....	5,000 00	
Expenditure in North-West.....	10,000 00	
Expenditure on account of the Fisheries Commission under Washington Treaty.....	10,000 00	
Judge Polette, on account of the Pacific Railway Commission.....	1,625 00	
Unforeseen expenses.....	15,000 00	
Furniture, Rideau Hall.....	10,000 00	
		65,562 35
COLLECTION OF REVENUES.		
CUSTOMS.		
To provide for increases of salaries authorised by Order in Council of October 31, and since carried out.....	\$6,639 75	
To provide for probable appointments and promotions.....	4,000 00	
	40,639 75	
INLAND REVENUE.		
To provide for expenditure under Inspection Act.....	500 00	
POST OFFICE.		
Expenditure—Ontario and Quebec.....	55,000 00	
do Nova Scotia.....	20,000 00	
do New Brunswick.....	5,000 00	
do Unforeseen items.....	5,000 00	
	85,000 00	
PUBLIC WORKS.		
Repairs and working expenses of Public Works.....	40,000 00	
Working expenses, Prince Edward Island Railway.....	20,000 00	
Increase of Salaries in Crown Timber Office.....	2,550 00	
	62,550 00	
DOMINION LANDS.		
Cost of surveys in progress.....	60,000 00	
do additional survey.....	50,000 00	
	110,000 00	
		298,639 75
<i>Carried forward</i>		1,742,171 67

SCHEDULE A.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		1,742,171 67
UNPROVIDED ITEMS.		
For details, see Public Accounts, II., p. 293.....		177,832 37
BALANCES CARRIED FORWARD.		
Penitentiaries	37,782 62	
Immigration and Quarantine	40,423 56	
Militia—Ammunition.....	56,213 88	
do Clothing	43,217 26	
do Military Stores	82,140 47	
do Contingencies.....	24,943 57	
do Improved Fire Arms.....	11,008 02	
do Ordnance	18,249 55	
	235,772 73	
Public Works—Capital	38,181 50	
do Income—London Custom House.....	7,168 52	
do do Custom House, &c., Three Rivers.....	2,000 00	
do do do Pictou.....	12,000 00	
do do do Chatham	3,900 00	
do do Immigration Stations, London	1,987 20	
	27,055 72	
Ocean and River Service—Steam Service between San Francisco and Victoria, British Columbia.....	9,000 00	
do Wreck of <i>Atlantic</i>	3,000 00	
	12,000 00	
Lighthouse and Coast Service—Construction of Lighthouses.....	62,055 72	
Fisheries—Marine Police.....	11,205 10	
Miscellaneous—Determination of Boundary between Ontario and the Dominion Lands..	12,122 40	
do do Longitude of Fort Garry...	2,559 00	
do Insurrection Losses, North-West.....	1,124 05	
	15,805 45	
		480,282 42
Total.		2,400,286 46

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the financial year ending 30th June, 1875, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver-General, Toronto	7,000 00	
do do Montreal	5,500 00	
do Auditor and do Halifax, N.S.	12,000 00	
do do St. John, N.B.	9,000 00	
do do Fort Garry	4,000 00	
do do Victoria, B.C.	9,000 00	
do do Charlottetown, P.E.I.	3,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia	10,000 00	
Seigniorial Tenure and Commission	6,000 00	
		68,100 00
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	6,350 00	
Aide-de-camp to His Excellency	1,800 00	
The Department of the Queen's Privy Council for Canada	12,800 00	
do Justice	13,300 00	
do Militia and Defence	32,250 00	
do Secretary of State	26,700 00	
do The Minister of the Interior	36,270 00	
do Receiver General	20,560 00	
do Finance	47,230 00	
do Customs	27,280 00	
do Inland Revenue	21,300 00	
do Public Works	48,680 00	
Post Office Department	70,920 00	
Department of Agriculture	33,560 00	
do Marine and Fisheries	20,900 00	
Treasury Board Office	3,200 00	
Marine and Fisheries Department, Agencies	14,900 00	
Dominion Lands Office, Manitoba	14,615 00	
Public Works Department, British Columbia	4,000 00	
Departmental Contingencies	175,000 00	
Stationery Office, for Stationery	15,000 00	
Stationery Office, additional	5,000 00	
Readjustment of Salaries	70,000 00	
		721,615 00
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
Circuit Allowances, British Columbia	10,000 00	
do Manitoba	3,000 00	
		23,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	13,395 00	
River Police, Quebec	24,500 00	
		62,895 00
<i>Carried forward</i>		875,610 00

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>		875,610 00
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	100,075 28	
Rockwood Asylum do	83,073 50	
Penitentiary, Halifax, N. S.	25,448 05	
do St. John, N. B.	42,072 62	
do of St. Vincent de Paul, Quebec	69,986 46	
Maintenance of Prisoners, Manitoba, British Columbia and Prince Edward Island	10,000 00	
Directors of Penitentiaries	10,500 00	
		341,155 91
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	46,868 00	
HOUSE OF COMMONS.		
Salaries and Contingencies per Clerk's Estimate	85,440 00	
Salaries and Contingencies per Sergeant-at-Arms' Estimate	33,570 00	
MISCELLANEOUS.		
Grant to Parliamentary Library	7,000 00	
Printing, Binding and Distributing the Laws	12,500 00	
Printing, Printing Paper and Bookbinding	40,000 00	
Contingencies of the Clerk of the Crown in Chancery ..	1,200 00	
Miscellaneous Printing	2,000 00	
Maps for Railway Committee	1,695 00	
		230,275 00
ARTS, AGRICULTURE AND STATISTICS.		
Salaries and Contingent Expenses of Statistical Office, Halifax.....	4,100 00	
Salary of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns	1,880 00	
To meet Expenses in connection with the care of Archives.	4,000 00	
To meet Expenses in connection with the organization of the Patent Record.	4,000 00	
To meet the possible amount required in the Fiscal Year for the Census, i.e., the unexpended balance of the year 1872-73, which is to be carried forward and which is estimated at \$130,000; (amount actually carried forward).....	80,000 00	
		93,980 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés.	23,450 00	
do do Travelling Agents	12,000 00	
Medical Inspection of the Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,900 00	
do St. John, N.B.	3,400 00	
do Miramichi, N.B.; Pictou, N.S.	2,000 00	
do Sydney and Yarmouth, N.S.	2,000 00	
<i>Carried forward</i>	58,350 00	1,541,018 91

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	58,350 00	1,541,018 91
<i>IMMIGRATION AND QUARANTINE.—Continued.</i>		
Quarantine, Halifax, N.S.	5,260 00	
do Charlottetown, P.E.I.	1,000 00	
To meet expenses of further precautionary measures for the Public Health..	20,000 00	
Contingencies of Canadian and other regular Agencies	14,000 00	
Travelling expenses of Travelling Agents	14,000 00	
Towards assisting Immigration and meeting Immigration expenses and aid to Menonites.	245,000 00	
		357,610 00
<i>PENSIONS.</i>		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright do do	80 00	
Mrs. Antrobus	800 00	
<i>NEW MILITIA PENSIONS.</i>		
Mrs. Caroline McEachern and four children	265 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey and two children	336 00	
Mary Morrison	80 00	
Louise Prud'homme and two children	110 00	
Virginie Charron and four children	150 00	
Paul M. Robins	146 00	
Charles T. Bell	73 00	
Alex. Oliphant	109 50	
Charles Lugsden	91 25	
Thomas Charters	91 25	
Charles T. Robertson	110 00	
Percy G. Routh	400 00	
Richard S. King	400 00	
George A. McKenzie	73 00	
Edward Hilder	146 00	
Fergus Scholfield	73 00	
John Bradley	109 50	
Richard Penticost	91 25	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary Connor	110 00	
Mary Hodgins and three children	191 00	
John Martin	110 00	
A. W. Stevenson	110 00	
Mrs. J. Thorburn	150 00	
Mrs. P. T. Worthington and children	378 00	
Mrs. J. H. Elliott and children	130 00	
Ellen Kirkpatrick and three children	266 00	
Mrs. George Prentice and children	400 00	
Ensign Fahey	200 00	
Mary Hannah Temple and child	298 00	
<i>Carried forward</i>	7,178 25	1,898,628 91

SCHEDULE B.—Continued.

SERVICE.		Amount.	Total.
		\$ cts.	\$ cts.
<i>Brought forward</i>		7,178 25	1,898,628 91
PENSIONS.—Continued.			
COMPENSATION TO PENSIONERS.			
In lieu of land.....		8,000 00	15,178 25
MILITIA.			
ORDINARY.			
Salaries of Militia Branch and District Staff		35,000 00	
Salaries of Brigadier Majors		23,500 00	
Allowances for Drill Instruction		40,000 00	
Military College, including three Ordinary Schools under District Staff ..		40,000 00	
Ammunition		40,000 00	
Clothing		25,000 00	
Military Stores		25,000 00	
Public Armouries and Care of Arms, including the pay of Storekeepers and Caretakers, Storemen, and the rents, fuel and the light of public armouries.....		52,000 00	
Drill Pay and all other incidental expenses connected with the Drill and Training of the Militia.....		375,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and Bands of Efficient Corps.....		63,000 00	
Targets (Revote)		5,000 00	
Drill Sheds and Rifle Ranges		10,000 00	
EXTRAORDINARY.			
Gunboats		5,000 00	
Maintenance of Fortifications and Buildings connected with Military Grounds.....		50,000 00	
For Improved Firearms ("Snider" Rifles and "Henry-Martini" Rifles) ..		40,000 00	
Ordnance and Equipment of Field Batteries of Artillery		20,000 00	
Pay, Maintenance and Equipment of "A" and "B" Batteries, Garrison Artillery and Schools of Gunnery including salaries and allowances of the Inspector of Artillery and Warlike Stores and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, &c., for the Province of Quebec		100,000 00	
DOMINION FORCES, MANITOBA.			
Pay and Maintenance of Dominion Forces in Manitoba, viz.: 343 Officers, Non-commissioned Officers and Men, including the expense of providing Barrack accommodation and contingencies		175,000 00	
MOUNTED POLICE, MANITOBA.			
Pay and contingencies estimated at		185,000 00	1,313,500 00
<i>Carried forward</i>			3,227,307 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$	cts.
<i>Brought forward</i>		3,227,307 16
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
Intercolonial Railway (under Commissioners)	2,570,000 00	
do Construction, Snow Sheds, Rolling Stock, Offices, &c.	230,000 00	
do Branch Line, Father Point	250,000 00	
do Extension into Halifax	230,000 00	
do Increased accommodation at St. John	120,000 00	
Prince Edward Island Railway	33,000 00	
Fort Garry and Pembina Railway	650,000 00	
Pacific Railway Survey	500,000 00	
Pacific Railway, Construction; and Improvements on navigable waters in interior in connection therewith	1,500,000 00	
CANALS.		
Lachine Canal	1,500,000 00	
St. Lawrence Canals	1,000,000 00	
Welland Canal	2,000,000 00	
St. Anne's Lock	200,000 00	
Carillon and Châte à Blondeau	484,000 00	
Grenville Canal	454,000 00	
Rideau Canal	18,000 00	
Lock at Culbute Rapids	140,000 00	
Chambly Canal	22,000 00	
St. Peter's Canal	75,000 00	
Baie Verte Canal	500,000 00	
Miscellaneous Works on Canals	15,000 00	
PUBLIC BUILDINGS, OTTAWA.		
Library	140,000 00	
Tower	12,000 00	
Grounds	75,000 00	
Retaining Walls	20,000 00	
Workshops	40,000 00	
Extension, West Block	60,000 00	
Improvement of Ventilation, Parliament Buildings	7,125 00	
Fire Walls, Water Service, Attics, and other Works inside Buildings	95,000 00	
	449,125 00	
ROADS AND BRIDGES, NORTH WEST.		
Bridge over Red River (Fort Garry)	50,000 00	
Lake Superior and Red River Route, Construction	67,500 00	
	117,500 00	
Total chargeable to capital		13,107,625 00
PUBLIC WORKS AND BUILDINGS.		
<i>(Chargeable to Income.)</i>		
IMPROVEMENT OF RIVERS.		
Improvement of Rivers	10,000 00	
Ste. Croix River, N.B.	24,000 00	
<i>Carried forward</i>	34,000 00	16,334,932 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	34,000 00	16,334,932 16
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>IMPROVEMENT OF RIVERS.—Continued.</i>		
St. John River, N.B.	14,000 00	
St. Lawrence River. Removal of chains and anchors.....	15,000 00	
Richelieu River. Removal of rocks.....	21,000 00	
Red River Navigation, Manitoba	2,500 00	
Fraser River. Removal of rocks	4,000 00	
River John, Nova Scotia.....	2,000 00	
St. Lawrence. Removal of chains and anchors.....	10,000 00	
	102,500 00	
ROADS AND BRIDGES.		
<i>Lake Superior and Red River Route :—</i>		
Plant and Working Expenses	196,500 00	
Roads and bridges	4,000 00	
	200,500 00	
PUBLIC BUILDINGS.		
<i>Ontario.</i>		
London, Post Office.....	3,600 00	
Immigration Station	2,000 00	
Hamilton, Post Office.....	6,000 00	
Immigration Station	2,000 00	
Toronto, Custom House.....	100,000 00	
Savings Bank and Inland Revenue Office	15,000 00	
Examining Warehouses	60,000 00	
Post Office	6,000 00	
Immigration Station	1,200 00	
Ottawa, Post Office, Custom House, &c.	100,000 00	
<i>Quebec.</i>		
Grosse Isle, Quarantine Station	12,000 00	
Lévis, Immigrant Depot	5,000 00	
Quebec, Post Office	9,000 00	
Marine Hospital.....	6,000 00	
Rebuilding Observatory.....	2,000 00	
Culler's Office	800 00	
Three Rivers, Custom House	10,500 00	
Montreal, Immigrant Depot	7,300 00	
Post Office	215,000 00	
Custom House	3,500 00	
Examining Warehouse	50,000 00	
<i>New Brunswick.</i>		
St. John, Post Office.....	70,000 00	
Custom House.....	3,000 00	
Examining Warehouse.....	6,500 00	
St. Andrew's Marine Hospital	1,300 00	
Westmoreland do	5,500 00	
Dalhousie do	4,800 00	
<i>Carried forward</i>	708,000 00	16,334,932 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	708,000 00	\$ cts. 16,334,932 16
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>New Brunswick.—Continued.</i>		
Chatham and Newcastle, Custom House	1,100 00	
St. John or Partridge Island, Quarantine Station	1,000 00	
Miramichi or Middle Island, Quarantine Station	800 00	
<i>Nova Scotia.</i>		
Pictou, Custom House	10,000 00	
do Quarantine Station	1,000 00	
Halifax do	3,000 00	
Sydney do	3,000 00	
Yarmouth do	5,000 00	
Pictou, Marine Hospital	12,000 00	
Sydney do	16,000 00	
Yarmouth do	8,000 00	
<i>Manitoba.</i>		
Custom House, Post Office, &c.....	72,200 00	
Immigrant Depot	1,000 00	
Penitentiary, not including boundary walls, yards and out-buildings	30,000 00	
<i>British Columbia.</i>		
Custom House, Inland Revenue, and Marine and Fisheries....	50,000 00	
Post Office, Savings Bank, and Public Works' Offices	7,000 00	
Marine Hospital	16,000 00	
Penitentiary, not including boundary walls, yards and out-buildings	50,000 00	
Public Buildings generally	40,000 00	
	1,035,100 00	
FURTHER FOR PUBLIC BUILDINGS.		
Public Buildings, Manitoba	12,000 00	
Removal of snow, Ottawa	2,000 00	
Gas for Senate and Departmental Buildings (omitted).....	8,000 00	
Fuel and light, Rideau Hall	5,000 00	
Custom House, Pictou, to complete	12,000 00	
Marine Hospital, Prince Edward Island	2,500 00	
Post Office, London	2,400 00	
do St. John, New Brunswick	10,000 00	
Quarantine Station, Yarmouth, N.S.	1,000 00	
Post Office, Ottawa, for ground	7,000 00	
Observatory, Quebec	2,000 00	
Rents and repairs	10,000 00	
	73,900 00	
RENTS, REPAIRS, &C.		
Rents, repairs, furniture, &c.....	150,000 00	
Heating	40,000 00	
	190,000 00	
<i>Carried forward</i>	1,602,000 00	16,334,932 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	1,602,000 00	16,334,932 16
PUBLIC WORKS AND BUILDINGS.—Continued.		
HARBOURS AND PIERS.		
<i>Ontario.</i>		
Collingwood Harbour, Lake Huron	20,000 00	
Meaford do	12,000 00	
Owen's Sound do	10,500 00	
Inverhuron Harbour do	5,000 00	
Kincardine do do	7,500 00	
Port Albert do do	6,000 00	
Bayfield do do	36,000 00	
Goderich do do Municipality furnishing equal amount.....	20,000 00	
Goderich Harbour, Lake Huron	150,000 00	
Chantry Island Breakwater, Lake Huron	100,000 00	
Rondeau Harbour, Lake Erie	42,500 00	
Port Stanley, Lighthouse and Pier, Lake Erie	7,000 00	
Port Hope, Lake Ontario	20,000 00	
Cobourg Harbour, Lake Ontario	40,000 00	
Shannonville Harbour, Lake Ontario	3,000 00	
Presqu' Ile do do	10,000 00	
Kingston do do	6,000 00	
Pictou do do	6,000 00	
Toronto and St. John, N.B., surveys	4,500 00	
<i>Quebec.</i>		
House Harbour	4,000 00	
Saguenay River Pier.....	4,000 00	
Baie St. Paul Pier	8,500 00	
Rivière du Loup (en haut)—local authorities furnishing same amount.....	3,000 00	
Coteau Pier Extension	2,300 00	
<i>New Brunswick.</i>		
Bathurst	4,000 00	
Miramichi	15,000 00	
Richibucto Harbour	20,000 00	
Pointe du Chêne	17,000 00	
Hillsboro'	1,500 00	
Dipper Harbour	12,000 00	
St. John Harbour	40,000 00	
<i>Nova Scotia.</i>		
Pictou Landing	25,000 00	
McNair's Cove	5,000 00	
Tracadie	6,500 00	
Port Medway	4,500 00	
Liverpool	20,000 00	
Jordan Bay	28,000 00	
Sissiboo River	2,500 00	
Oak Point	20,000 00	
Maitland	1,000 00	
<i>Carried forward</i>	749,800 00	1,602,000 00 16,334,932 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	749,800 00	16,334,932 16
PUBLIC WORKS AND BUILDINGS.—Continued.		
<i>Cape Breton.</i>		
Mabou Harbour	15,000 00	
Ingonish, South	40,000 00	
Big Pond	500 00	
	<u>805,300 00</u>	
FURTHER FOR HARBOURS AND PIERS.		
Removal of obstructions, Victoria Harbour, B. C.	16,000 00	
Dredging and tug steamer do	15,600 00	
Petitcodiac, New Brunswick	1,200 00	
Tynemouth do	2,500 00	
Shippegan Breakwater, New Brunswick	10,000 00	
Herring Cove do	10,000 00	
Grand Manan Harbour, N. B. (tonnage dues to be collected by the Government—revote, \$2,000)	5,000 00	
Fort George, Nova Scotia	5,000 00	
Cow Bay do	25,000 00	
Metighan Cove do	5,000 00	
Yarmouth do	1,000 00	
Plympton do	1,200 00	
Tignish, Prince Edward Island	6,000 00	
Souris and New London, Prince Edward Island	4,000 00	
For preservation of navigation and approach to railway wharf, Sackville	500 00	
	<u>108,000 00</u>	
SLIDES AND BOOMS.		
River Trent District	600 00	
Ottawa River District	28,500 00	
River des Prairies	4,000 00	
St. Maurice River District	20,000 00	
Saguenay River District	3,200 00	
	<u>56,300 00</u>	
MISCELLANEOUS.		
Dredge Vessels	112,600 00	
Dredging	75,000 00	
	<u>187,600 00</u>	
Lighthouse, Cape Beale, British Columbia	4,000 00	
Miscellaneous Works not otherwise provided for	10,000 00	
Surveys and Inspections	45,000 00	
Arbitrations and awards	10,000 00	
Telegraph lines, British Columbia	13,000 00	
Dredging, general, additional	12,000 00	
	<u>216,600 00</u>	
Total chargeable to Income		<u>2,853,200 00</u>
OCEAN AND RIVER SERVICE.		
DOMINION STEAMERS.		
Maintenance and repairs of steamers <i>Napoleon III.</i> , <i>Druid</i> , <i>Lady Head</i> , and <i>Sir James Douglas</i>	96,000 00	
	<u>96,000 00</u>	
<i>Carried forward</i>	96,000 00	19,188,132 16

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	96,000 00	19,188,132 16
OCEAN AND RIVER SERVICE.—Continued.		
MAIL SUBSIDIES.		
Moiety payable to Allan Line between Halifax and Cork	39,541 67	
Steam Communication between Quebec and the Maritime Provinces	10,000 00	
Steam Communication between Halifax and St. John, via Yarmouth	10,000 00	
Steam Communication on Lakes Huron and Superior	12,500 00	
Steam Communication from St. John, New Brunswick, to Ports in Basin of Minas	4,000 00	
Steam Service between San Francisco and Victoria, British Columbia	54,000 00	
TUG SERVICE.		
Between Montreal and Kingston	12,000 00	
do Richibucto and Miramichi	4,500 00	
Trinity House, Quebec	8,222 00	
To provide for the examination of Masters and Mates	7,000 00	
For purchase of life boats, life preservers, and rewards for saving life	6,000 00	
To provide for investigation into wrecks and casualties and collection of information relating to disasters to shipping	2,500 00	
Expenses in connection with Canadian register and classification of shipping	6,000 00	
To provide for salary of Secretary for Pilotage Commissioners at the Port of St. John, N.B.	\$800 00	
To provide for salary of Secretary for Pilotage Commissioners at Port of Halifax, N.S.	800 00	
	1,600 00	
Steam communication, Lake Superior, and other services (omitted)	12,000 00	
Removal of obstructions in navigable waters ..	5,000 00	
Schooner packet service, Prince Edward Island, to and from small ports around the coast and to adjoining Provinces	1,000 00	
For raising and repairing steamer <i>Napoleon III.</i> , and repairing steamer <i>Druid</i> , damaged by the ice-bridge at Quebec	20,000 00	
		311,863 67
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances of lighthouse keepers	142,330 00	
Maintenance and repairs	262,600 00	
<i>Construction of New Lighthouses, as follows:—</i>		
ONTARIO.		
To rebuild lighthouses (2) at Port Colborne	\$3,000 00	
Lighthouse, Point A'Cadieux, below Ottawa	1,200 00	
Lighthouses, Lake Superior	4,000 00	
Lighthouse, Gloucester Bay, Georgian Bay	3,000 00	
Fog bells, Ontario	3,000 00	
		19,200 00
QUEBEC.		
<i>Below Quebec.</i>		
Pier and Beacon, Algernon Rock near Pillow Light	2,500 00	
Lighthouse between Cap Chatte and the Magdalen River	6,000 00	
<i>Carried forward</i>	8,500 00	424,130 00 19,499,995 83

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	8,500 00	\$ cts. 424,130 00
		\$ cts. 19,499,995 83
LIGHTHOUSE AND COAST SERVICE.—Continued.		
QUEBEC.—Continued.		
<i>Below Quebec—(Continued).</i>		
Lighthouse at St. Denis' Wharf, River Ouelle.....	1,000 00	
Lighthouse, Seven Islands, to replace the Lighthouse burned down in 1872.....	5,000 00	
Lights (2) at the mouth of the River Saguenay—Range Lights.	1,000 00	
Fog Whistle (water power) Belle Isle.....	2,000 00	
<i>Between Quebec and Montreal.</i>		
Lighthouse, Ashe Island, River Richelieu.....	1,750 00	
Lighthouse, Bloody Island, River Richelieu.....	1,750 00	
		21,000 00
NOVA SCOTIA.		
Towards pier and lighthouse, Wessex Ledge.....	5,000 00	
Dwelling for engineer of St. Paul's Island fog whistle.....	1,500 00	
Towards fog whistle and buildings, entrance of Halifax Harbour	10,000 00	
Dwelling for keeper of McKenzie's Point lighthouse, Bras d'Or Lake, C.B.....	600 00	
Beacon light, Kidstone Island, near Baddeck, C.B.....	1,200 00	
Towards fog whistle and buildings, Cape Sable.....	10,000 00	
Towards lighthouse on Guion Island, south coast of Cape Breton	2,000 00	
Bell buoy, south-west point of John's Island, Pubnico.....	1,500 00	
Beacon light on Metigon River Wharf, Digby County.....	400 00	
Lighthouse for Bay Point, Guysboro' County.....	2,000 00	
Beacon light, George's Island, Halifax County.....	300 00	
Towards lighthouse, Betty's Island, county of Halifax.....	3,000 00	
Spindle with cage or beacon on south-east breaker, Country Harbour.....	500 00	
		38,000 00
NEW BRUNSWICK.		
Lighthouse, Entrance of Beaver Harbor, Charlotte County, N.B.	2,000 00	
Beacon light, Entrance to the Washadamoak Lake, Queen's County, N.B.....	600 00	
Beacon lights, Mark's and Spencer's Points, St. Croix River, Charlotte County.....	1,200 00	
Beacon lights, Pokeshundie Island, near Shippegan.....	1,200 00	
		5,000 00
BRITISH COLUMBIA.		
Lighthouse, Victoria Harbor.....	2,000 00	
do. Entry Island, Nanaimo Harbor.....	6,000 00	
		8,000 00
PRINCE EDWARD ISLAND.		
Lighthouse, Wood Island, Indian Rocks, Straits of Northumberland.....	6,000 00	
Lighthouse, West Cape.....	5,000 00	
Repairs and new apparatus, Cape North Light.....	5,000 00	
		16,000 00
<i>Carried forward</i>		512,130 00
		19,499,995 83

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 512,130 00	\$ cts. 19,499,995 83
LIGHTHOUSE AND COAST SERVICE.—Continued.		
New buoys and beacons and minor piers and beacons for the entire Dominion	12,800 00	524,930 00
FISHERIES.		
Salaries and Disbursements of Fishery Overseers and Wardens :—		
Ontario	7,850 00	
Quebec	9,000 00	
Nova Scotia	12,755 00	
New Brunswick	7,580 00	
	37,185 00	
Maintenance and repairs of <i>La Canadienne</i>	10,000 00	
Fish-breeding, Fishways, and Oyster Beds	15,000 00	
Fisheries service, Prince Edward Island and Manitoba	750 00	
Maintenance of a Government schooner employed in the protection of the Gulf Fisheries	10,000 00	
		72,935 00
GEOLOGICAL SURVEY AND OBSERVATORIES.		
OBSERVATORIES.		
Observatory, Quebec	2,400 00	
do Toronto	4,800 00	
do Kingston	500 00	
do Montreal	500 00	
do Halifax (Revote)	1,500 00	
do New Brunswick	850 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather warnings	37,000 00	
		47,550 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
MARINE HOSPITALS.		
Marine and Immigrant Hospital, Quebec	22,000 00	
Montreal General Hospital	\$3,000 00	
Other Ports in Quebec	2,000 00	
	5,000 00	
St. Catherine's Hospital, Ontario	\$500 00	
Kingston Hospital	500 00	
	1,000 00	
Halifax General Hospital	\$4,000 00	
Other Ports in Nova Scotia	10,000 00	
	14,000 00	
Hospital of St. John	\$5,000 00	
Other Ports in New Brunswick	6,000 00	
	11,000 00	
Ports in British Columbia	3,000 00	
Ports in Prince Edward Island	1,500 00	
To provide for a building to be used as a hospital at Arichat, C.B. (revote)	1,000 00	
Aid towards the extension of the hospital at St. Catherine's	2,000 00	
		60,500 00
<i>Carried forward</i>	60,500 00	20,145,410 83

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	60,500 00	20,145,410 83
SICK AND DISTRESSED SEAMEN.—Continued.		
EXPENSES OF SHIPWRECKED AND DISABLED SEAMEN.		
Province of Quebec	1,000 00	
do Nova Scotia	3,500 00	
do New Brunswick	2,000 00	
do British Columbia	500 00	
do Prince Edward Island	500 00	
To reimburse Board of Trade, London, for expenses incurred in connection with Shipwrecked and Distressed Seamen of the Dominion	10,000 00	
		78,000 00
STEAMBOAT INSPECTION.		
Salary of Chairman of the Board and Inspector for West Ontario and Huron District	1,800 00	
do Deputy Chairman and Inspector for New Brunswick and Nova Scotia	1,400 00	
do Inspector, Toronto District	1,200 00	
do do Three Rivers District	1,000 00	
do do Quebec District	1,000 00	
do do East Ontario District	1,000 00	
do do Montreal District	1,200 00	
Travelling expenses of Chairman and expenses in connection with the Board of Inspection	1,100 00	
Clerk to do	300 00	
Travelling and incidental expenses of Inspector for New Brunswick and Nova Scotia and contingencies of office	865 00	
Travelling expenses of Inspector, Toronto District, and contingencies of office	600 00	
Travelling expenses of Inspector, Three Rivers	200 00	
do do Quebec	250 00	
do do East Ontario	330 00	
do do Montreal	405 00	
To provide for expenses, inspecting Prince Edward Island steamer	500 00	
For purchase of instruments and test gauges, &c., &c.	550 00	
To provide travelling expenses of Inspector, British Columbia	500 00	
		14,200 00
INDIANS.		
For Indians, Quebec	1,250 00	
Purchase of blankets for aged and infirm Indians of Ontario and Quebec	1,600 00	
Indians, Nova Scotia	4,500 00	
Indians, New Brunswick	4,500 00	
Payment of annuities under Treaty No. 1	\$14,425 00	
do do No. 2	4,355 00	
Agricultural implements and farming stock to be furnished Indians under Treaties 1 and 2	16,000 00	
		34,780 00
Payment of annuities under Treaty No. 3	19,360 00	
Agricultural implements do	10,000 00	
Ammunition and twine do	1,500 00	
		30,860 00
Provisions for Indians assembled to receive above annuities	13,000 00	
		20,237,610 83
<i>Carried forward</i>	90,490 00	

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought forward</i>	90,490 00	20,237,610 83
INDIANS.—Continued.		
For probable expense in connection with Indians of the Saskatchewan	6,000 00	
To meet the expenses attending the making of any treaties which may be concluded during the year with the Indians of the Saskatchewan		
Salaries and office expenses.	34,000 00	
Probable expenses in connection with Indians in British Columbia.	22,610 00	
Probable expenses in connection with Indians in Prince Edward Island.	25,000 00	
Miscellaneous expenses.	2,000 00	
	3,000 00	183,100 00
BOUNDARY SURVEYS.		
To provide one half of the British share of the expenditure on survey of the boundary line between Canada and the United States		119,198 80
MISCELLANEOUS.		
Canada Gazette.	3,900 00	
Miscellaneous printing	5,000 00	
Expenses connected with the Noon Gun at Ottawa.	400 00	
Unforeseen Expenses; Expenditure thereof to be under Order in Council, and a detailed Statement to be laid before Parliament during the first fifteen days of the next Session	50,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy.	10,000 00	
Salaries and Expenses of the Council for the North West Territories	5,000 00	
Miscellaneous expenses in the North West not otherwise provided for.	5,000 00	79,300 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several Ports, viz. :—		
In Province of Ontario.	209,628 00	
do Quebec	190,216 00	
do New Brunswick.	88,046 00	
do Nova Scotia.	107,659 75	
do Manitoba and North West Territory.	9,950 00	
do British Columbia.	21,940 00	
do Prince Edward's Island.	22,500 00	
Salaries and travelling expenses of Inspectors of Ports	11,000 00	
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several Ports of Entry	15,000 00	
To cover appointments and promotions, &c.	10,000 00	
	685,939 75	
EXCISE.		
Salaries of Officers and Inspectors of Excise.	168,350 00	
<i>Carried forward</i>	168,350 00	20,619,209 63

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	168,350 00	
	\$ cts.	\$ cts.
	685,939 75	20,619,209 63
COLLECTION OF REVENUES. <i>Continued.</i>		
EXCISE.— <i>Continued.</i>		
Travelling expenses, rent, fuel, stationery, &c.	42,500 00	
Preventive Service.....	4,000 00	
To provide for payment of additional salary to special class of Excisemen.....	4,000 00	
To provide for additions to Outside Service.....	6,400 00	
To pay Collectors of Customs allowance on Duties collected by them.....	2,700 00	
	227,950 00	
CULLING TIMBER.		
<i>Quebec Office.</i>		
Supervisor	2,000 00	
Deputy Supervisor and Book-keeper.....	1,600 00	
Cashier.....	1,200 00	
Specification Clerks.....	1,300 00	
Messenger	400 00	
8 Months. { Specification Clerks:—		
{ 2 @ 500 5 @ 600.....	5,900 00	
{ 2 @ 700 1 @ 1,000.....		
Pay of Cullers.....	57,000 00	
Contingencies	3,000 00	
<i>Montreal and Sorel Offices.</i>		
Deputy Supervisor	1,100 00	
Book-keeper.....	300 00	
Specification Clerks.....	500 00	
Pay of Cullers	4,200 00	
Contingencies	300 00	
	78,800 00	
WEIGHTS AND MEASURES.		
To pay for Standards of Weights and Measures, and Salaries of Officers of the Department of Inland Revenue engaged in connection with the inspection of Weights and Measures.....	50,000 00	
Procuring standards of weights and measures (revote)	20,000 00	
INSPECTION OF STAPLES.		
For the purchase and distribution of standards of flour, &c., and for other expenditure under the Act	3,000 00	
PUBLIC WORKS.		
<i>Maintenance and Repairs.</i>		
Salaries and contingencies of Canal Officers.....	34,020 00	
Collection of Slide and Boom Dues.....	16,925 00	
<i>Carried forward</i>	50,945 00	
	1,065,689 75	20,619,209 63

SCHEDULE B.—*Concluded.*

SERVICE.	Amount.	Total.
<i>Brought forward</i>	50,945 00	
	\$ cts.	\$ cts.
	1,065,689 75	20,619,209 63
COLLECTION OF REVENUES.—Continued.		
PUBLIC WORKS.—Continued.		
<i>Maintenance and Repairs.—Continued.</i>		
Repairs and working expenses of above	532,400 00	
Intercolonial and other Government Railways in Nova Scotia and New Brunswick	2,055,000 00	
Intercolonial and other Government Railways in Prince Edward Island	202,500 00	
Telegraph Lines, British Columbia	27,000 00	
	2,867,845 00	
POST OFFICE.		
For Ontario and Quebec	1,052,000 00	
New Brunswick	128,000 00	
Nova Scotia	172,000 00	
Manitoba	26,000 00	
British Columbia	78,000 00	
Prince Edward Island	49,500 00	
	1,505,500 00	
DOMINION LANDS.		
Surveys of Land, North West		100,000 00
MINOR REVENUES.		
To defray expenses connected with minor revenues		10,000 00
		5,519,034 75
Total		26,168,244 38

An Act to continue for a limited time the Acts therein mentioned.

WHEREAS it is expedient to continue for a limited time the Preamble.
Acts hereinafter mentioned, which would otherwise expire
at the end of the present Session: Therefore Her Majesty, by and
with the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

1. The second and third sections of the Act passed by the Par- 36 Vict., c. 40,
liament of Canada in the Session thereof held in the thirty-sixth ss. 2 and 3,
year of Her Majesty's reign, intituled "*An Act respecting the and 36 Vict.,
admission of the Colony of Prince Edward Island as a Province c. 42 con-
of the Dominion,*" and the Act passed by the same Parliament in tinned.
- 10 the same Session thereof, intituled "*An Act to continue for a limited time 'The Insolvent Act, 1869,' and the Acts amending the same,*" are hereby severally continued and shall be in force until the first day of January, one thousand eight hundred and
- 15 seventy-five, and from thence until the end of the next ensuing Session of the Parliament of Canada and no longer.
2. Nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent or continuing to any further period than that
- 20 herein appointed, the Acts hereinbefore mentioned and continued; or shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session, or in any previous ones.

Effect of Acts
of present
Session not
interfered with

No. 156.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to continue for a limited time the
Acts therein mentioned.

Received and read, first time, Friday, 22nd
May, 1874.

Second reading, Friday, 22nd May, 1874.

Mr. PRÉVOST.

OTTAWA

Printed by I. B. TAYLOR, 29, 31, and 33, Rideau Street,

1874.

An Act to extend certain Acts for the improvement of Harbours and Channels to all Ports where such improvements are required.

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

1. The Governor may from time to time by proclamation published in the *Canada Gazette*, under Orders in Council in that behalf, extend the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, and intituled "*An Act to provide means for improving the Harbours and Channels at certain Ports in the Provinces of the Dominion*"—
- 5 as amended by the Act passed in the thirty-third year of Her Majesty's Reign, intituled "*An Act to amend and extend the Act to provide means for improving the Harbours and Channels at certain Ports in the Provinces of the Dominion*," to any port or ports, harbour or harbours, in Canada, in which he shall be of
- 10 opinion that such improvements as are therein intended should be made; and upon, from and after the day named for the purpose, with respect to any such port or ports, harbour or harbours, in any Order in Council so published, the said Acts shall extend and
- 15 apply to such port or ports, harbour or harbours, as fully in all respects and as to the ports and harbours mentioned in the said Acts.
- Acts 32, 33
Vict., chap.
40, may be
extended by
the Governor
in Council to
any port in
Canada.
- Effect of such
Order in
Council.

No. 157.

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL.

An Act to extend certain Acts for the improvement of Harbours and Channels to all Ports where such improvements are required.

Received and read, first time, Friday, 22nd
May, 1874.

Second reading, Saturday, May 23rd, 1874.

Hon. Mr. SMITH.
(Westmoreland).

OTTAWA :

Printed by I. B. TAYLOR, 29, 31 and 33 Rideau Street.

1874.

An Act to extend certain Acts therein mentioned to the Province of Prince Edward Island.

WHEREAS it is expedient to extend certain Acts hereinafter mentioned to the Province of Prince Edward Island: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

- 5 1. Subject to the exceptions and limitations in the following sections of this Act, such of the enactments and provisions contained in the several Acts mentioned in the Schedule A. hereunto annexed, as apply equally to all the Provinces to which the said Acts respectively extend at the time of the passing of this Act, and are not limited to any one or more of the said Provinces in particular, or to any Territorial Division in any one of more of them, shall upon, from and after the first day of July next after the passing of this Act extend and apply to, and shall have the same force and effect in and in relation to the Province of Prince Edward Island as they then have respectively in and in relation to the other Provinces to which they now extend and apply; and as if the said Province of Prince Edward Island were expressly named or referred to in said Acts wherever such other Provinces are mentioned or referred to therein.
- 10
- 15
- 20 2. Provided always,
1. That the Acts mentioned under the Number 1, in the said schedule, (thirty-one Victoria, chapter sixty-four, and thirty-three Victoria, chapter nineteen,) shall be held to have extended and applied to the said Province upon and from the first day of July, 1873, and the duties collected under them on or after that day, to have lawfully demanded and paid.
- 25
2. The sixth and seventh sections of the Act mentioned under the number five in the said Schedule A (thirty-three Victoria, chapter seventeen) shall not apply to ships sailing from the said Province before the first day of October, 1874, but all the provisions thereof with respect to the appointment of examiners, and to examinations and certificates, shall come into force therein on the said first day of July, 1874.
- 30
3. The Acts of the General Assembly of Prince Edward Island, mentioned in Schedule B, thereunto annexed, shall be repealed upon, from and after the said first day of July next after the passing of this Act, as shall also all other Acts or laws in force in the said Province, which are inconsistent with this Act, or make any provision in any matter provided for by the Acts extended to that Province by this Act, subject to the provisions hereinafter made, and except as to rights required or penalties incurred under them, with respect to which they shall remain in force.
- 35
- 40

Acts mentioned in Schedule A extended to Prince Edward Island.

Proviso, as to 31 Vic., c. 64, and 33 Vic., c. 19.

As to 33 V., c. 17.

Certain Acts of General Assembly of P. E. Island repealed. Schedule B.

Proviso,
certain powers
given to
Governor in
Council as to
the said Acts.

3. Provided always, that the Governor may, by Order in Council published in the *Canada Gazette*, postpone or suspend the coming into force of any Act mentioned in Schedule A, or of any provision thereof, and may postpone or suspend the repeal of any Act mentioned in Schedule B, or of any part thereof until such 5 time later than the first day of July, in the year 1874, as he may deem expedient, and the said postponement or repeal shall take effect as if made in this Act.

Amendments
made in this
session to
apply.

4. The extension of the Acts mentioned in Schedule A to the said Province, shall be understood to be subject to any amend- 10 ment of the said Acts, made in this present session of Parliament.

SCHEDULE A.

Acts of the Parliament of Canada extended to the Province of Prince Edward Island.

1.—31 Victoria, chapter 64, intituled "An Act respecting the treatment and relief of sick and distressed mariners:" as amended by 33 Victoria, chapter 19, intituled "An Act to amend the Act respecting the treatment and relief of sick and distressed mariners."

2.—31 Victoria, chapter 65, intituled "An Act respecting the Inspection of Steamboats, and for the greater safety of passengers by them:" as amended by 32-33 Victoria, chapter 39, intituled "An Act to amend the Act respecting the Inspection of Steamboats and for the greater safety of passengers by them:" as amended by 36 Victoria, chapter 53, intituled "An Act to amend the Acts respecting the Inspection of Steamboats:" and by any Act passed in the present Session.

3.—32-33 Victoria, chapter 38, intituled "An Act respecting inquiries and investigations into Shipwrecks, and other matters."

4.—33 Victoria, chapter 14, intituled "An Act respecting the coasting trade of Canada."

5.—33 Victoria, chapter 17, intituled "An Act respecting Certificates to Masters and Mates of Ships."

6.—33 Victoria, chapter 16, intituled "An Act to make provision for discipline on board of Canadian Government Vessels."

7.—36 Victoria, chapter 8, intituled "An Act with respect to the carriage of dangerous goods in ships."

8.—36 Victoria, chapter 54, intituled "An Act respecting Pilotage."

9.—36 Victoria, chapter 55, intituled "An Act respecting Wreck and Salvage."

10.—36 Victoria, chapter 56, intituled "An Act respecting Deck Loads."

11.—36 Victoria, chapter 57, intituled "An Act to provide for keeping order on board Passenger Steamers."

12.—36 Victoria, chapter 128, intituled "An Act relating to Shipping, and for the registration, inspection and classification thereof."

13.—36 Victoria, chapter 129, intituled "An Act respecting the shipping of Seamen."

SCHEDULE B.

Acts of the General Assembly of Prince Edward Island to be repealed under the foregoing Act.

1.—26 Victoria, chapter 3, intituled "An Act relating to Steam Navigation in this Island."

2.—7 William IV., chapter 19, intituled "An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose."

3.—11 Victoria, chapter 18, intituled "An Act to extend the provisions of the Act relating to Pilots."

4.—33 Victoria, chapter 13, intituled "An Act to amend certain Acts therein mentioned, relating to Pilots."

5.— 18 Victoria, chapter 16, intituled "An Act relating to the offices of Controller of Customs and Navigation Laws for Charlotte-town, and Collector of Excise and Registrar, and his Assistant and Surveyor of Shipping."

6.—28 Victoria, chapter 18, intituled "An Act to make provisions for the regulation of seamen shipped on board of any ship or vessel owned in or belonging to Prince Edward Island, while such ship or vessel shall be within the precincts of the said Island."

1st Session, 3rd Parliament, 37 Victoria, 1874.

BILL

An Act to extend certain Acts therein mentioned to the Province of Prince Edward Island.

Received and read, first time, Saturday, 23rd
May, 1874.

Second reading, Monday, 25th May, 1874.

Hon. Mr. SMITH, (Westmoreland.)

OTTAWA:
Printed by I. B. TAYLOR, 29, 31 and 33, Rideau Street.
1874.

159 ✓
An Act further to amend the Patent Act of 1872.

WHEREAS the Supreme Court in the Province of New Brunswick was by error named the Court of Queen's Bench in the Province of New Brunswick in the twenty-ninth section of the Patent Act of 1872, and it is expedient that the error should
5 be corrected ; 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. The Court in New Brunswick intended to have been named in the said section of the said Act was and is the Supreme Court
10 in that Province, and the words "Supreme Court in the Province of New Brunswick" shall be substituted for the words "Court of Queen's Bench in the Province of New Brunswick" in the reading and construing of the said section of the said Act, which shall be
15 had at the time of the passing of the said Act formed part of the same, in the place of the words for which they are hereby substituted ; and the said section of the said Act, and everything contained therein shall take and have effect accordingly.

An Act further to amend the Patent Act of 1872.

WHEREAS the Supreme Court in the Province of New Brunswick was by error named the Court of Queen's Bench in the Province of New Brunswick in the twenty-ninth section of the Patent Act of 1872 and it is expedient that the same should be corrected: Therefore Her Majesty the Queen doth hereby enact and declare that the said section of the said Act shall be amended as follows:

1. The Court in New Brunswick referred to by the name in the said section of the said Act was and is the Supreme Court in that Province, and the words "Supreme Court in the Province of New Brunswick" shall be deleted for the words "Court of Queen's Bench in the Province of New Brunswick" in the reading and meaning of the said section of the said Act which shall be read and construed accordingly and the words "and every other court" at the time of the passing of the said Act shall be deleted from the said section in which they are hereby repealed: and the said section of the said Act and everything contained therein shall have effect accordingly.

✓

An Act to incorporate the Hopewell Shipbuilding
Company.

WHEREAS James Carnwath, James Nelson, Hon. A. R. McClelan, Hon. A. J. Smith, Alexander Rogers, James Ryan and P. R. Moore, all of the Province of New Brunswick, in the Dominion of Canada, have petitioned the Parliament of
5 Canada, praying that they may be incorporated with such other persons as shall become associated with them as a Company, under the name and style of the "Hopewell Shipbuilding Company," for the purpose, among other things, of building and sailing steam or other vessels between this country and the British West India
10 Islands or the Island of Cuba, or to other islands in the possession of foreign countries, in the West Indies, or to ports in the United States, and for such other purposes of steam navigation as to the said Company may seem expedient; and it is expedient to grant the prayer of the said petitioners as hereinafter provided: There-
15 fore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said James Carnwath, James Nelson, Hon. A. R. McClelan, Hon. A. J. Smith, Alexander Rogers, James Ryan and P. R. Moore, together with such person or persons as shall be and
20 become stockholders of the Company, and their respective heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, by the said name of the "Hopewell Shipbuilding Company," with all and every the incidents and privileges to such Corporation belonging.

25 2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam or other vessels for the carrying and conveyance of goods and passengers or other traffic, between the ports of the Dominion of Canada within the same, and between the said ports and elsewhere out of Canada, and to, from
30 and between any ports out of Canada, and steam or other vessels, for all business and purposes connected therewith, and the profitable prosecution thereof, with power to sell or dispose of the said vessels or any of them, or grant and consent to bottomry or other bonds on the same, or mortgage the stock of the Company,
35 or any part thereof, when and as they may deem expedient, and to make contracts and agreements with any person or corporation whatsoever for the purposes aforesaid, or otherwise for the benefit of the said Company.

3. It shall be lawful for the said Company to purchase, rent,
40 take, hold and enjoy, to them and their successors, as well in Canada as in such other places where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company or in the name of the Trustees for the

said Company, such lands, wharves, docks, warehouses, offices, and other buildings as they may find necessary and convenient for the purposes of the said Company, but not for any other purpose, and to sell, mortgage or dispose of the same, when not wanted for the purposes of the said Company, and others to purchase and acquire in their stead: Provided always, that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings within the Dominion, at the time when the said Company shall enter into possession thereof, shall not exceed at the time of taking possession in the whole the sum of five thousand dollars. 5 10

4. The capital stock of the said Company to be raised amongst the shareholders shall be one hundred thousand dollars currency, in one thousand shares of one hundred dollars each, with power at any annual general meeting of the Company to increase the same to five thousand shares, or five hundred thousand dollars 15 currency: Provided always that the said Company shall have paid up the sum of ten thousand dollars currency, before receiving any passengers or freight.

5. The Directors of the said Company may call in the capital stock of the same in such sums as they may see fit: Provided no 20 larger sum than twenty per cent. of the amount subscribed is payable at one time, and that at least three months shall elapse between each payment.

6. The business and affairs of the said Company shall be conducted and managed, and its powers exercised, by not less than 25 five nor more than seven Directors, to be annually elected by the shareholders, and who shall be severally shareholders to an amount of one thousand dollars of the said stock, and who shall be elected at the annual meetings of the Company by the shareholders then present, or by proxy, as hereinafter provided. 30

7. Until the election of Directors as hereinbefore mentioned, the said James Carnwath, James Nelson, the Hon. A. R. McClelan, Alexander Rogers, and P. R. Moore shall be the Provisional Directors of the said Company, with power to open books for the subscription of stock therein, and generally to exercise the usual 35 functions of Provisional Directors until such first election; and such first election of Directors shall be made at a general meeting of the stockholders of the said Company to be held for that purpose, at Riverside in the County of Albert, and the Province of New Brunswick, so soon as one-half of the capital stock of the 40 said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for special general meetings of stockholders in the said Company; and at such meeting not less than five nor more than seven Directors shall be elected to hold office until the first Wednesday in 45 the month of October then next; and after such first election, the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by such Directors, to be annually elected by the stockholders, at a meeting of stockholders to be held for that purpose on the first Wednesday in the month 50

of October in each year; notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be a Director of the said Company, unless he be the proprietor of at least ten shares of stock therein.

5 8. Special general meetings of the stockholders may be convened on the requisition of any three Directors, or of a stockholder or stockholders possessing fifty shares of the stock of the said Company, and notice of such meeting and of the annual meetings of the said Company shall be held to be validly given, if
10 inserted four times as an advertisement in any newspaper published in the said County of Albert or the adjoining County, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

9. It shall be lawful for the Company, at an annual meeting or
15 special general meeting convened for the purpose, to make by-laws, rules and regulations, for the conduct and management of the business, affairs, real estate, vessels, stock, property, and effects of the Company; and the same to amend, alter, repeal and re-enact, as shall be deemed needful and proper; and the said by-laws,
20 rules and regulations, shall, among other things, particularly apply to affect the following matters:—

1. The calling up and payment, from time to time, of the capital stock of the said Company, and of the increase thereof, and of the calls thereon, as hereinbefore provided, and the conversion of
25 the shares thereof into stock;

2. The issue of certificates to the respective shareholders of the said Company of their shares or stock therein, and the registration thereof, and of the addresses of the shareholders for the purposes of the Company;

30 3. The forfeiture or sale of shares or stock for non-payment of calls or other liability of the shareholders: Provided always, that such forfeiture shall not be held to be conclusive against such liable shareholder until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the pay-
35 ment of the calls in arrear, as the case may be;

4. The set off of all debts due to the said Company from the shareholders, against such shares or stock, and dividends or payments to which they may be entitled;

5. The transfer of shares or stock, and the approval and control
40 by the Directors, of such transfer and of the proposed transferees, and as to the remedy against transferees;

6. The declaration and payment of profits of the said Company and dividends in respect thereof, or the re-investment of the same;

7. The formation and maintenance of a sinking or reserve fund;

45 8. The removal and remuneration of the Directors, and of all such managers, agents, officers, clerks or servants of the Company as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be taken from such parties respectively for the performance of their respective duties,
50 and also the indemnity of such parties;

9. The calling of general, special, or other meetings of the Company and Directors, in this Dominion or elsewhere, and the

quorum and the business to be transacted thereat, respectively, and the number of votes which shareholders shall have in respect of shares held by them, and the mode of taking votes and regulating proxies of Directors and shareholders;

10. The making and entering into deeds, bills, notes, agreements, 5 contracts, charter-parties, and other documents and engagements, to bind the Company, and whether under the seal of the Company or not, and whether by the Directors, or their agents, as may be deemed expedient;

11. The borrowing or advancing of money for promoting the 10 purposes and interests of the Company, and the securities to be given by or to the said Company for the same;

12. The keeping of minutes of the proceedings, and the accounts of the said Company, and making the same conclusive and binding on the shareholders, and rectifying any errors which 15 may be made therein;

13. The audit of accounts and appointment of auditors;

14. The giving of notices by or to the Company;

15. The recovery of damages and penalties;

16. The imposing of penalties against shareholders, officers and 20 servants of the Company, to an amount not exceeding twenty dollars for each offence;

17. Provided the said by-laws, rules and regulations are not contrary to the present Act, nor to the laws of the Dominion; and provided that a register of all such by-laws shall be kept, 25 and shall be open to public inspection at reasonable times at the office of the Company.

10. The Directors of the Company shall, from time to time, issue to each of the shareholders, respectively, certificates under the Seal of the Company, of the number of the shares to which 30 he is entitled, and he shall then be legal owner of such shares and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares, and each person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknow- 35 ledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

11. In case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment, than 40 to forfeit or sell the said shares therefor, it shall and may be lawful for the Company to sue for and recover the same from such shareholder, with interest thereon, in an action in any court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant 45 is the holder of one or more shares (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount; and to maintain such action it shall be sufficient that the signature of the defendant to such acknowledgment as hereinbefore mentioned shall be proved, and that the calls 50 in arrear have been made; and a certificate under the seal of the Company, or signed by any one or more of the Directors, shall be

sufficient evidence of the calls having been duly made, and being in arrear and the amount due in respect thereof: Provided that nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any shareholder for non-
5 payment of calls or subscriptions, whether after or before such a judgment for recovery thereof.

12. The capital stock and increase thereof of the said Company, is hereby directed and appointed to be laid out and applied, in the first place, for and towards the payment, discharge and satisfac-
10 tion of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money for and towards carrying out the objects of this under-
15 taking and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

13. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the
20 Company, shall from time to time be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have had notice of such trust; and, the Company shall not be bound to see
25 to the application of the money paid upon such receipt.

14. When any share shall have become transmitted in consequence of the bankruptcy or insolvency of any shareholder, the assignee of such shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female shareholder, the executors or administrators, tutors, curators
30 or husband, as the case may be, of such shareholder, shall not, except so far as may be otherwise provided by by-laws, be entitled to receive any profits of the Company, or to vote in respect of such share as the holder thereof; but, nevertheless, after the production of such declaration or other evidence of such transmission
35 as may be required in that behalf, by any by-law of the Company, such assignees, executors or administrators, tutors, curators or husband, as the case may be, shall have power to transfer the share or shares so transmitted, in the same manner and subject to the same regulations as any other transfer is to be made.

40 15. At all meetings of the said Directors, and of those hereafter elected by the shareholders, three shall be a quorum, and capable of exercising all the powers of the said Directors.

16. The annual general meeting of the said Company shall be held in the office of the Company, at Riverside, in the County of
45 Albert aforesaid, in the Province aforesaid, on the first Wednesday in October in each year, for the purpose of electing Directors and for transacting the general business of the Company: at this meeting, the President of the Company, or in his absence, the Vice-

President, and in the absence of both, then one of the Directors, shall take the chair; and shareholders may appear in person or by proxy, provided the holder of such proxy be a shareholder in the Company; and each share in the Company shall give one vote; and if on any question there be an equality of votes, the Chairman shall have the casting vote. 5

17. The Directors elected at the annual meeting aforesaid shall assemble within one week of their election, and shall then elect from amongst themselves, by a majority of votes of those present, a President and a Vice-President; the President, or in his absence, the Vice-President may call meetings of the Directors as often as occasion may require. 10

18. The Directors of the said Company, who shall serve without salary, may act as Directors in Canada, and may appoint one or more agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient; and the Directors may by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves, any thing in this Act to the contrary notwithstanding. 20 25

19. The Directors aforesaid shall have power, if they think fit to receive, and take into the stock of the said Company such vessels as may have already been built, or in course of construction, or acquired by individual shareholders for the purposes of the Company. 30

20. The Directors of the Company shall take the said vessels or property at their cost, or at such valuation as shall be put upon them by persons mutually chosen to decide the same, and such valuation shall be credited to the shareholders as payment made on account of their stock, but no shareholder shall be entitled to claim from the Directors any money payment for such vessels or property unless by special agreement. 35

21. All acts done by any person or persons acting as Directors, shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed, and was qualified to be a Director. 40

22. Every contract, agreement, engagement or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every promissory note, made or endorsed, and every bill of exchange drawn, accepted or endorsed by such Director or Directors, on 45

- behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to, and conferred on them respectively, under the said by-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws, nor shall the party entering into, making or doing the same as Director or agent, be thereby subjected individually to any liability whatsoever; Provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or on any promissory note intended to be circulated as money or as notes of a Bank.
- 15 **23.** The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to, or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the sum, if any, remaining due to complete the amount of the unpaid
- 20 up portion of the shares subscribed for or held by them in the stock of the Company.
- 24.** The shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such.
- 25.** Suits at law and in equity may be prosecuted and maintained between the said Company and any Shareholder thereof, and no shareholder of the Company, not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit.
- 26.** Aliens shall have the same right as British subjects to take
- 30 and hold stock and shares in the Company, and to vote either as principals or proxies: Provided always, that the President, Vice-President and a majority of the Directors shall reside in Canada and be subjects of Her Majesty.

167
An Act to extend to the Province of British Columbia certain of the Criminal Laws now in force in other Provinces of the Dominion.

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

1. The Statutes of the Parliament of Canada, passed in the Session held respectively in the thirty-first, and in the 5 thirty-second and thirty-third, and in the thirty-third years of the Reign of Her Most Gracious Majesty, and mentioned in the Schedule to this Act, are and each of them is hereby extended to, and shall have the force and effect of Law within the Province of British Columbia, save and except 10 in so far only as any provision of any such Statute may therein be declared to be applicable to one or more only of the Provinces composing the Dominion at the time of the passing of such Statute and mentioned therein.

2. In case any of the said Acts, or any enactment or pro- 15 vision therein has force or effect in relation to one of the Provinces composing the Dominion at the time of its passing, in a sense peculiar to that Province, and different from the sense in which it has force and effect in relation to all the said Provinces as a whole, such Act, enactment or pro- 20 vision shall have force and effect within and in relation to the Province of British Columbia, in the last mentioned sense only.

3. Nothing in this Act shall be construed as a declaration that any of the said Acts, or any part thereof had not or has 25 not or would not have without the passing of this Act, force or effect in and in relation to the Province of British Columbia.

4. Nothing in this Act shall be construed to give a retro- active effect to any of the Acts hereby extended, or to any 30 enactment or provision therein, so as to make any act done before it comes into force a crime or offence if it would not be so without this Act, or to alter the punishment for any crime or offence committed before it comes into force, but such crime or offence shall be tried, and all procedure re- 35 specting it after the said time shall be had, under the provisions of the said Act.

5. The Supreme Court of British Columbia, and any Court to be hereafter constituted by the Legislature of the said Province, and having the powers now exercised by the 40 said Court, shall have power to hear, try and determine in due course of law, all treasons, felonies, and indictable offences whatsoever mentioned in any of the said Acts, which may be committed in any part of the said Province.

6. In the absence of any Penitentiary Building, any Common Gaol or other place of confinement in the Province of British Columbia shall be held to be a Penitentiary for the confinement and reformation of persons male and female, lawfully convicted of crime before the Courts of British Columbia, and sentenced to confinement for a term of not less than two years; and whenever any offender is punishable by imprisonment, such imprisonment, whether it be for life or two years, or for any longer term, shall be in any such common gaol, or other place of confinement, according to the judgment of the Court.

7. So much of every law in force in the Province of British Columbia at the time of the passing of this Act, as is inconsistent with or repugnant to any of the enactments or provisions of any Act of the Parliament of Canada mentioned in the schedule to this Act, or makes any provision for any matter provided for by any of the said enactments or provisions, is hereby repealed: but this repeal shall not affect the past operation of any such law, or the validity of anything already done, or any right, title, obligation or liability already accrued or any penalty or forfeiture already incurred thereunder.

8. This Act shall commence and take effect on, from and after the first day of January next after the passing thereof.

SCHEDULE A.

Acts of the Parliament of Canada referred to in the first section of this Act.

Chapter.	TITLE.
<i>Acts passed in the First Session, 3rd Victoria, 1867, 1868.</i>	
14	An Act to protect the inhabitants of Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
69	An Act for the better security of the Crown and of the Government. <i>Act amended by 32 33 Vict., cap. 17.</i>
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
94	An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders. <i>As amended by 33 Vict., cap. 25.</i>

SCHEDULE A.—Continued.

Acts passed in the Second Session, 32-33 Victoria, 1869.

- 17 An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.
- 18 An Act respecting offences relating to the Coin.
- 19 An Act respecting Forgery.
- 20 An Act respecting offences against the Person. *As amended by 36 Vic. chap. 50.*
- 21 An Act respecting Larceny and other similar offences. *As amended by 35 Vic., chaps. 33 and 35.*
- 22 An Act respecting Malicious Injuries to Property. *As amended by 35 Vict., cap. 31.*
- 23 An Act respecting Perjury. *As amended by 33 Vict., cap. 26.*
- 24 An Act for the better preservation of the Peace in the vicinity Public Works. *As amended by 33 Vict., cap. 28.*
- 25 An Act respecting certain offences relative to Her Majesty's Army and Navy.
- 26 An Act for the better protection of Her Majesty's Military and Naval Stores.
- 27 An Act respecting Cruelty to Animals. *As amended by 33 Vict., cap. 29.*
- 28 An Act respecting Vagrants.
- 29 An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law. *As amended by 36 Vict., chaps. 3 and 51.*
- 30 An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences.
- 31 An Act respecting the duties of the Justices of the Peace out of Sessions in relation to summary convictions and orders.
- 32 An Act respecting the prompt and summary administration and criminal justice in certain cases. *In applying this Act to British Columbia, the expression "competent magistrate" shall be construed as meaning any two Justices of the Peace sitting together, as well as any functionary or tribunal having the powers of two Justices of the Peace, and the jurisdiction shall be absolute without the consent of the parties charged.*
- 33 An Act respecting the trial and punishment of juvenile offenders. *In applying this Act to British Columbia, the expression "any two or more justices shall be construed as including any magistrate having the powers of two Justices of the Peace. This Act shall not apply to any offence punishable by imprisonment for two years and upwards, and it shall not be necessary that recognizance be transmitted to any Clerk of the Peace.*

Acts passed in the Third Session, 33rd Victoria, 1870.

- 25 An Act to amend the Act respecting the extradition of certain offenders to the United States of America.
- 26 An Act to amend the Act respecting Perjury.
- 27 An Act to amend the Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.
- 28 An Act to amend an Act for the better preservation of the Peace in the vicinity of public works.
- 29 An Act to amend an Act respecting Cruelty to Animals.
- 31 An Act for the better protection of the Clothing and Property of Seamen in Her Majesty's Navy.

Acts passed in the present Session, 37 Victoria 1874. Any Act amending any of the Acts in this Schedule.

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An Act further to continue for a limited time "The Insolvent Act of 1869," and the Acts amending the same.

WHEREAS it is expedient further to continue for a limited time, as hereinafter mentioned, "*The Insolvent Act of 1869*," and all Acts amending the same, which would otherwise expire at the end of the present session; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Act passed by the Parliament of Canada in the session thereof held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered sixteen, and intituled "*An Act respecting Insolvency*," and all Acts heretofore passed in amendment thereof, shall be and are hereby continued and shall remain in force until the first day of January, one thousand eight hundred and seventy-five, and from thence until the end of the then next ensuing session of Parliament and no longer; and the said Acts shall have effect as if originally passed to continue in force until the period to which they are hereby continued.

2. Nothing herein contained shall prevent the effect of any Act passed during the present session repealing, amending, rendering permanent or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued, or shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present session or in any previous session.

3. The provisions of the "*Act respecting Insolvency*," applied by Schedule A., No. 16, of the Act thirty-fourth Victoria, chapter thirteen, to insolvents resident in the Province of Manitoba shall continue to apply to such insolvents until the said first day of January, one thousand eight hundred and seventy-five, and from thence until the end of the then next session of Parliament and no longer, in the case of composition and discharge mentioned in sections ninety-four to one hundred and eight, both inclusive, in which "the court" shall mean the Court of Queen's Bench of Manitoba, and "the judge" shall mean the Chief Justice or one of the Puisne Judges of that court.

4. And whereas the Acts of the General Assembly of Prince Edward Island, hereinafter mentioned or referred to, were enacted to continue in force until the end of the now last session of the said General Assembly, when by reason of the previous admission of the said Province into the Dominion of Canada, the said General Assembly had, under the provisions of the "*British North America Act, 1867*," no power to deal with the subject of bankruptcy and insolvency, which was by the said Act placed under the exclusive

authority of the Parliament of Canada; and whereas it is expedient that the said Acts should be and continue in force in the said Island, until other provision is made by Parliament in the matters therein provided for, and that all doubts arising from the facts aforesaid should be removed; it is therefore hereby enacted that the Act passed by the General Assembly of Prince Edward Island, in the thirty-first year of Her Majesty's reign, chapter fifteen, intituled: "*An Act for the relief of unfortunate debtors,*" and the several Acts amending and continuing the same, which were in force in the said Province of Prince Edward Island up to the end of the last session of the General Assembly of the said Province, are hereby revived and continued, and all proceedings under the said Acts which were then pending before the Courts or Judges of the said Province when the General Assembly of the said Province was prorogued are also hereby revived; and it is hereby provided that the said proceedings may be continued and prosecuted to final termination before the said Courts or Judge, as if such proceedings had never lapsed, and the time between the last day of the said now last session of the said General Assembly and the fifteenth day of June next, after the coming into force of this Act, shall not be reckoned in computing the delay allowed by the said Acts for taking the next step in any such proceeding, and the said Acts shall remain in force in the said Province until the first day of January, one thousand eight hundred and seventy-six, and from thence until the end of the then next session of the Parliament of Canada.

