



CHAPTER 106

An Act to amend the charter of Sherbrooke Trust Company.

[Assented to, the 4th of April, 1929] •

WHEREAS Sherbrooke Trust Company, a body politic and corporate, has, by its petition, represented: Preamble.

That it is in the interest of the company and of the better administration of its affairs that its charter, the act 49-50 Victoria, chapter 66, as amended by the act 58 Victoria, chapter 76, and as amended by the act 5 George V, chapter 123, and as amended by the act 16 George V, chapter 92, be further amended by permitting the company to relinquish the rights it has under its charter to the privileges of a permanent building society;

That certain additional powers inherent to its maintenance be granted to it; and

Whereas the said company has, by its petition, prayed for the passing of an act to amend its said charter; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the act 49-50 Victoria, chapter 66, as amended by the act 16 George V, chapter 92, is repealed. 49-50 Vict.,
c. 66, s. 2,
repealed.

2. Section 7 of the act 49-50 Victoria, chapter 66, as amended by the act 16 George V, chapter 92, is replaced by the following: Id., s. 7, re-
placed.

“7. Sherbrooke Trust Company may lend money upon such terms as are deemed expedient, with power to take security for the same or any other indebtedness owing to the company, upon real estate, ground rents, Dominion, Power to
lend money.

Provincial, British, foreign or other public securities, or upon the stocks, shares, bonds, debentures or other securities of any municipal or other corporation, or upon goods warehoused or pledged with the company, or upon such other securities or guarantees as are deemed expedient, and to acquire, by purchase or otherwise, any of the aforesaid property or assets, which may have been pledged with the company, as security for such loan or indebtedness, and to re-sell the same. However, it cannot lend upon the security of bills of exchange or promissory notes.”

49-50 Vict.,
c. 66, s. 8,
replaced.

3. Section 8 of the act 49-50 Victoria, chapter 66, as amended by the act 16 George V, chapter 92, is replaced by the following:

Power to
buy, sell and
invest, etc.

“**8.** Sherbrooke Trust Company may buy and sell and invest in mortgages upon real estate, the stock, bonds, debentures or obligations of municipal or other corporations, whether secured by mortgage or otherwise, or in Dominion, Provincial, British, foreign or other public securities, and stocks of incorporated bodies or companies, and it may re-sell all such securities as to it shall seem advisable; and for that purpose it may execute such assignments or other instruments as may be necessary for carrying the same into effect; it may also make advances to any person, or persons, or body corporate, upon the same securities, at such rates of discount or interest as may be agreed upon.”

49-50 Vict.,
c. 66, s. 9,
replaced.

4. Section 9 of the act 49-50 Victoria, chapter 66, as replaced by the act 5 George V, chapter 123, and as amended by the act 16 George V, chapter 92, is again replaced by the following:

Power to act
as agency
and trust
company.

“**9. a.** The company may act as an agency and trust company, and may hold, invest and deal in or with, in its own name or otherwise, such real estate, moneys, mortgages, hypothecs, securities or evidences of debt, debentures or obligations of municipal or other corporations, Dominion, Provincial, British, foreign or other stocks or securities and stocks of incorporated bodies or companies, as shall, from time to time, be transferred to the company upon trust or as agent, and may exercise all the rights which the parties so transferring or delivering the same might or could exercise.

Power to
accept, etc.,
trusts.

b. The company may accept, fulfil and execute all such trusts as may be committed to the company by any person or persons, or by any corporation, or by any court

of law, on such terms as may be agreed upon, or as the court shall, in case of disability, approve, and which are not contrary to the provisions of the Civil Code, and may take, receive, hold and convey all estates and property, both real and personal, which may be granted, committed or conveyed to the company with its assent upon any such trust or trusts.

c. The company may generally act as agents or attorneys for the transaction of all kinds of business, the management of estates and investment and collection of moneys, rents, interest, dividends, mortgages, bonds, bills, notes and other securities; may act as agents for the purpose of registering, issuing and countersigning the transfers and certificates of stocks, bonds, debentures or other obligations of the Dominion of Canada, or of any Province thereof, or of any corporation, association or municipality, and may receive and manage any sinking-fund therefor, on such terms as may be agreed upon.

Power to act as agent or attorney for transactions.

d. The company may construct, maintain and operate or lease suitable buildings and structures for the reception and storage of personal property of every nature and kind; may act as agents, consignees and bailees thereof, and may take all kinds of personal property for deposit and safe-keeping, on such terms as may be agreed upon; and may make loans on the same.

Power to construct, etc.

e. The company may act as an agency or association for or on behalf of others who entrust it with money for loan or investment, and also may secure the repayment of the principal or the payment of the interest, or both, of any moneys entrusted with the company for investment, and for the purpose of securing the company against loss, upon any guarantee or obligation, or any advance made by the company, may receive and dispose of any description of asset or security, which is conveyed, pledged, mortgaged or assigned to, or warehoused with the company, in connection with such guarantee, obligation, advance or investment.

Power to act as agency for persons who entrust it with money for loan, etc.

f. The company may act as trustee in respect of any debenture, bond, mortgage, hypothec or other securities, issued according to law by any municipal or other corporation, incorporated in the Province of Quebec or elsewhere, or by any Province of Canada, or by the Dominion of Canada.

Power to act as trustee.

g. The company may hold property mortgaged, hypothecated or pledged to it to secure the payment of debentures or other indebtedness, and may deal with such property in accordance with and for the purposes set forth

Power to hold property mortgaged, etc.

in the instrument creating such mortgage, hypothec, pledge or obligation.

Power to accept and hold office of receiver, etc.

h. The company may accept and hold the office and perform all the duties of receiver, trustee, assignee, trustee for the benefit of creditors, liquidator, executor, administrator, curator to insolvent estates, guardian to the person or property, judicial sequestrator, when appointed thereto in the same manner as individuals are appointed to fill such offices, but the company shall not be obliged to take the oath of office in cases where the same would otherwise be required, the whole notwithstanding the provisions of articles 364, 365, 366 and 367 of the Civil Code, preventing a corporation from acting in any of the above capacities, which articles shall in no wise affect the present company.

Power to guarantee title, etc.

i. The company may guarantee the title to or quiet enjoyment of property, either absolutely or subject to any qualifications and conditions, and may guarantee any person interested or about to become interested in or owning or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency, or imperfection or deficiency of title, or in respect of any encumbrances, burdens or outstanding rights; and also may guarantee any person or persons against any loss or damage, by reason of the failure on the part of any person or persons to make due payment of the whole or any part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon, and to issue its guarantee certificates or policies in such form as it may determine, and for such remuneration as it may fix.

Power to guarantee investment.

j. The company may guarantee any investment made by the company as agent or otherwise.

Power to give bonds.

k. The company may give bonds for the faithful performance of any contract entered into with any person or corporation, by any person or corporation.

Power to act as surety upon bonds, etc.

l. The company may be and act as surety upon any bond required in any judicial proceedings, and, subject to the discretion of the court, judge or official receiving such bond, the surety of the company shall suffice in all cases where two sureties are now required; the company may arrange for, receive and recover, if necessary, such remuneration as may be agreed upon for being such surety; the company may execute the surety bond by the manager or secretary, or any officer authorized for the purpose by resolution of the board of directors, and attaching the company's seal thereto; a complete record of all such

bonds shall be kept at the head office of the company, and shall be at all regular business hours open for the inspection thereof by any duly authorized person or official.

m. The company may borrow money at such rates of interest as may be agreed upon, with full power to secure such loans by any mortgages, hypothecs, stocks, bonds or other securities belonging to the company. Power to borrow.

n. The company may examine, report upon and audit the books, accounts, condition and standing of corporations, partnerships and individuals, when requested or authorized so to do by such corporations, partnerships and individuals, and also when required by an order of a court of competent jurisdiction. Power to examine, etc., books, etc.

o. The company may sell, pledge, mortgage or hypothecate any mortgage or other security or any other real or personal property held by the company from time to time. Power to sell, etc.

p. The company may charge for, collect and receive for all or any of the past or future services, duties, trusts or things rendered, observed, executed or done in pursuance of any of the powers of the company, all agreed or reasonable remuneration, besides legal costs, usual and customary charges and expenses, even when the company is acting as guardian, executor, administrator, trustee, mandatary or in any other capacity where the services are by law or usually gratuitous. Power to charge for services.

5. The first paragraph of section 10 of the act 49-50 Victoria, chapter 66, as replaced by the act 58 Victoria, chapter 76, and as amended by the act 16 George V, chapter 92, is again replaced by the following paragraph: 49-50 Vict., c. 66, s. 10, am.

“10. It shall be lawful for Sherbrooke Trust Company to receive money on deposit, and to allow interest on the same, and also for the board of directors of the company to issue debentures of the company for such sums, not being less than fifty dollars, and in such currency as they may deem advisable, payable in Canada or elsewhere, not less than one year from the issue thereof, and bearing such rate of interest as they may deem advisable; provided, always, that the amount for which debentures may issue and remain at any time unpaid shall not exceed an amount equal to three times the amount of the actual paid-up capital of the company and double the amount of the reserve funds of the company.” Power to receive money on deposit.

6. This act shall come into force on the day of its sanction. Coming into force.