

C A P. L X X X I.

An Act respecting "The Equitable Savings, Loan and Building Association."

[Assented to 9th January, 1897.]

WHEREAS the Equitable Savings, Loan and Building Association has, by its petition, represented that it is a corporation, duly incorporated under the provisions of chapter 169 of the Revised Statutes of Ontario, 1887, as a building society, for raising, by monthly or other periodical subscriptions of the several members of the association, in shares not exceeding the value of four hundred dollars for each share (and in subscriptions not exceeding four dollars per month for each share), a stock or fund to enable each member to receive, out of the funds of the association, the amount or value of his share therein, for the purpose of erecting or purchasing one or more dwelling house or houses or other freehold or leasehold estate, or for any other purpose whatsoever, the amount or value of the shares to be secured to the association, by mortgage or otherwise, on real estate belonging to the member at the time of his borrowing money from the association, or any other real estate acquired by such member, until the amount or value of his shares, with interest thereon, has been fully paid, together with all fines or liabilities incurred in respect thereof;

Whereas it is desirous of extending its business into the Province of Quebec, and prays to be incorporated for that purpose;

And whereas it is expedient to grant the prayer of such petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Equitable Savings, Loan and Building Association may extend its business in the Province of Quebec, as a corporation duly incorporated within the said Province, for raising, by monthly or other periodical subscriptions of the several members of the association, in shares not exceeding the value of four hundred dollars for each share (and in subscriptions not exceeding four dollars per month for each share), a stock or fund to enable each member to receive out of the funds of the association, the amount or value of his share therein, for the purpose of erecting or purchasing one or more dwelling house or houses or other freehold or leasehold estate, or for any other purpose whatsoever, and the amount or value of the shares shall be secured to the association, by mortgage or otherwise, on real estate belonging

Preamble.

Association may extend business to the province as an incorporated company.

Objects of company.

to the member at the time of his borrowing money from the association, or on other real estate acquired by such member, until the amount or value of his shares, with the interest thereon, has been fully paid, together with all fines or liabilities incurred in respect thereof.

Corporate powers.

2. The said association may, in its corporate name, take all proceedings permitted by the laws of the Province of Quebec for the recovery or realization of the money secured by any mortgages or securities upon real estate in the said Province, held by the said association, and generally may, in its corporate name, exercise the same powers and use and take the same remedies and proceedings to enforce payment of any debt or demand, whether for principal, interest, damages, costs or otherwise, as any person may, by law, use or take for the like purposes.

Head office and branches.

3. The said association shall have a head office, for the Province of Quebec, in the city of Montreal, with branch offices in such places as the board of directors may determine.

Local boards, &c., power to make by-laws, &c.

4. The association may appoint one or more local boards of directors within the Province of Quebec, and shall have power to make such rules as are not repugnant to the provisions of this act, or any law in force in the Province of Quebec, and may impose and inflict such reasonable fines, penalties and forfeitures on the several members of the association in the Province infringing such rules as they shall think fit, and may, from time to time, amend or rescind such rules and make rules in lieu thereof.

Registration of by-laws.

Such rules shall be recorded in a book or books to be opened at all reasonable times to inspection of the members.

Rules binding on members and officers.

5. The rules, as recorded, shall be binding on the several members and officers of the association and the several contributors thereto, and their representatives, and they shall be deemed to have full notice thereof by such record.

Proof of rules.

6. The entry of the rules in the books of the association, or a true copy of the same examined with the original and proved to be a true copy, shall be received as evidence thereof.

Issue of debenture stock.

7. The association may issue debenture stock; which debenture stock shall be treated and considered as a part of the regular debenture debts of the association, and may be issued in such amounts and manner, on such terms and bearing such rate of interest and in such currency as the

directors, from time to time, think proper and convenient, but subject to the limitations as to borrowing hereinafter provided, so that the amount received as money deposits, and borrowed on the security of debentures or debenture stock shall not, in the whole, exceed the aggregate amounts fixed by the next following section.

8. So soon as the said association has a paid-up capital of not less than one hundred thousand dollars, in fixed and permanent stock, not liable to be withdrawn therefrom, debentures may be issued to such an amount as, with all the other liabilities of the association, shall be equal to double the amount of the paid-up, unimpaired, fixed and permanent capital or shares not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount unpaid on the subscribed, fixed and permanent capital, on which not less than twenty per cent. has been paid; provided that, in no case, shall the total liabilities to the public exceed three times the amount paid upon fixed and permanent shares in the association.

When it may be issued.

2. The total liabilities of the association shall not, at any time, exceed the amount of the principal remaining unpaid on the mortgages at such time held by the association, and, in estimating the liabilities of the association, the amount of cash, actually in the hands of the association or deposited in any chartered bank, shall be deducted therefrom; and, in ascertaining the principal remaining unpaid on the mortgages held by the association, it shall be incumbent on the association to compute or discount such mortgages at rates of interest at least equal to the rates which they respectively bear, or were originally calculated to yield.

Liabilities of association not to exceed certain sum.

3. All loans or advances by the association to its shareholders, upon the security of their stock, shall be deducted from the amount of paid-up capital upon which the association is authorized to borrow.

Loans to be deducted from amount.

4. In this section the words: "liabilities of the association," or "total liabilities of the association," shall be taken to mean, and are hereby declared to mean only the liabilities of the association to the public, and shall not include the liabilities of the association to its shareholders, as such, in respect of its capital stock or otherwise.

Interpretation of words.

5. In all computations of liabilities, capital, debentures, amounts on mortgages, cash on hand and in bank, and in all other computations for the purpose of this section, reference shall be had to the aggregate business of the association, and not merely its business transacted in this province.

Aggregate business to be taken into account in computations of liabilities.

9. The association may take and hold any real estate or securities thereon, *bond fide* mortgage or assignment, as-

Power to hold real estate, &c.

Recourse of
association.

Power to sell
real estate,
&c.

signed to it, either to secure the payment of any of the shares subscribed for by its members or to secure the payment of loans or advances made by, or debts due to the association, and may proceed on such mortgage, assignment, or other security for the recovery of the money thereby secured; and, generally, may pursue the same course, exercise the same powers, and take and use the same remedies to enforce the payment of any debt or demand due to the association, as any person or body corporate may, by law, take or use for a like purpose.

10. The association incorporated under this act shall have power to sell, dispose of and assign mortgages given or made directly to it, in like manner as such association may, under the provisions of this act, sell and assign mortgages purchased by it; and the assignee of any such mortgage shall stand in the place of and be entitled to and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities under, upon or in respect to such mortgage as the association would have been entitled to have had or been subject to, if the assignment thereof had not been made.

Power to purchase mortgages, &c.

11. The association may purchase mortgages upon real estate, debentures of any society or company incorporated under this act or any act incorporated therewith, or debentures of municipal corporations or public school corporations, or Dominion or Provincial stock or securities, and may resell any such securities as to it may seem advisable, and, for that purpose, may execute such assignments or other instruments as may be necessary for carrying the same into effect; and the association may also, in conformity with the laws of Canada, make advances to any person or persons or body corporate upon any of the above-mentioned securities at such lawful rates of discount or interest as may be agreed upon.

Forfeiture of
shares.

Expulsion of
members.

12. The association may declare forfeited to the association the shares of a member who is in default, or who neglects to pay the number of instalments or monthly subscriptions fixed by any stipulation or by-law, and may expel such member from the association, and the secretary shall make a minute of the forfeiture and expulsion in the books of the association; or, instead of such forfeiture and expulsion, the association may recover the arrears by action.

Sale of real estate assigned to association.

13. When the association has received from the shareholder an assignment, mortgage or transfer of any real estate, to secure the payment of any advances, containing an authority to the association to sell the real estate, in case

of non-payment of any stipulated number of instalments or sums of money, and to apply the proceeds of the sale to the payment of the advances, interest or other charges due to the association,—such stipulations and agreements shall be valid and binding, and the association may cause the same to be enforced by an action or proceeding in the Superior Court, and in such action the *chef-lieu* of the district in which the lands (or some of them, if they be in more than one district.) lie, shall be the place where the action shall be instituted and the trial had, and the action may be brought in the corporate name of the association.

14. The directors may use and affix, or cause to be used and affixed, the seal of the association to any document or paper which, in their judgment, may require the same; they may make and enforce the calls upon shares of the respective shareholders, and they may declare the forfeiture of all the shares on which such calls are not paid; they may make any payments and advances of money which they may deem expedient which are authorized to be made by or on behalf of the association, and enter into all contracts for the execution of the purposes of the association, 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 association for the time being in such manner as they may deem expedient and conducive to the benefit of the association, 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.

Certain powers of board of directors.

15. The debentures to be issued under the authority of this act may be in the form of the schedule hereto.

Form of debentures.

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

Coming into force.

SCHEDULE.

FORM OF DEBENTURE.

The Equitable Savings, Loan and Building Association.

Debenture No. Transferable \$

under the authority of the Statutes of the Province of Quebec, 60 Victoria, chapter 81.

The president and directors of the Equitable Savings, Loan and Building Association promise to pay to (or bearer), the sum of \$ _____ on the day of _____ in the year of Our Lord, 18 _____, at the Treasurer's office, in the city of Toronto, in the Province of Ontario, with interest at the rate of _____ per cent. per annum, to be paid half-yearly on the presentation of the proper coupon for the same, as hereunto annexed, say on the day of _____ and the day of _____ in each and every year, at the office of the Treasurer, in the said city of Toronto.

Dated at _____ the _____ day of _____ for the president and directors of the Equitable Savings, Loan and Building Association.

Secretary (*or* Manager).

COUPON.

No. _____, \$ _____ Half-yearly dividend due _____ of 18 _____, on debenture No. _____, issued by this Association, on the _____ day of 18 _____, for \$ _____, at _____ per cent. per annum, payable at the office of the Treasurer in the city of Toronto, in the Province of Ontario.

For the president and directors.

Secretary (*or* Manager.)

CAP. LXXXII.

An Act authorizing the Trustees, Executors and Securities Insurance Corporation, Limited, to do business in the Province of Quebec.

[Assented to 9th January, 1897.]

Preamble.

WHEREAS the Trustees, Executors and Securities Insurance Corporation, Limited, has, by its petition, prayed for the passing of an act authorizing it to do business in this Province, and for that purpose conferring upon it certain powers and ratifying two certain trust deeds ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :