
A
 PROVINCIAL STATUTE
 OF
 LOWER-CANADA.

Anno Regni Primo GEORGII IV.

HIS EXCELLENCY

GEORGE, EARL OF DALHOUSIE, G. C. B.

GOVERNOR IN CHIEF

“ **A**T the Provincial Parliament begun and holden at *Quebec*, the Fourteenth day of December *Anno Domini*, one thousand eight hundred and twenty, in the first year of the Reign of Our Sovereign Lord, GEORGE the Fourth, by the Grace of GOD, of the United Kingdom of *Great Britain and Ireland* KING, Defender of the Faith, &c.

“ Being the first Session of the Eleventh Provincial Parliament of Lower Canada.”

C A P. XXV.

AN ACT for incorporating certain persons therein-named, under the name of “ President, Directors and Company of the Bank of Montreal ”

17th March, 1821. Presented for His Majesty's Assent, and reserved “ for the signification of His Majesty's pleasure thereon.”

18th May, 1822. Assented to by His Majesty, in His Privy Council.

22d July, 1822. The Royal Assent signified by Proclamation of His Excellency the Governor in Chief.

Preamble.

WHEREAS the establishment of a Bank at the City of Montreal, by Legislative authority, would be conducive to the advancement of Agriculture and Commerce, and promote the prosperity of this Province ; and whereas divers loyal subjects

subjects of His Majesty in this Province, by their humble petition in this behalf, have represented, that an association has been formed in which they have become Subscribers and Stockholders for the purpose of establishing a Bank at the said City of Montreal, under certain articles of agreement, by which the Capital Stock of the said association is limited to Two Hundred and Fifty Thousand Pounds, current money of this Province, divided into five thousand shares of fifty pounds each, and provisions made for the conduct and management of the said Bank; that the said Capital Stock has been subscribed, is in part paid, and is held by them; and that the said Bank is now engaged in carrying on the business for which it was instituted, and have prayed that for the better effecting of the purposes of their association, they, their successors and assigns, may be incorporated under regulations and provisions as nearly corresponding with the terms of their original association as may be; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North America*;" and to make further Provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that Samuel Gerrard, James Leslie, F. A. Larocque, W. P. Ord, Joseph LaRocque, Peter Guerout, Charles Stewart, Thomas Porteous, David David, John Johnson, Frederick William Ermatinger, C. C. Ermatinger, Margaret Gray, John Macnaught, Peter Burnet, Donald Taylor, Donald Fraser, C. G. Leslie, C. W. Bordwine, H. Mackenzie, Simon MacGillivray, Charles Carvall, Henry Cary, Laura E. Brevoort, Henry Brevoort, Junior, John Inglis, Edward Ellice, J. B. Inglis, James Inglis, John Forsyth, Peter Smith, William Allan, David Ross, Charlotte David, Charles Brooke, Samuel Gale, Thomas Torrance, James Millar, M. Appleton, Abel Bellows, William Cochran, Edward Dwight, Charles Bancroft, Nathaniel Jones, Junior, Daniel Hinfdale, J. Hinfdale, A. Lanfear, H. G. Rice, David Wagstaff, Horatio Gates, N. Prime, S. Ward, Joseph Lands, Cornelius Peck, Maria Peck, Jean Bouthillier, A. Webster, Henry Joseph, Thomas Thain, William Walker, J. Bleakley, Kenneth Walker, John Jameison, Joseph Donigany, Richard McCall, C. Stuart, Touffaint Pothier, Emily McTavish, Sara King, Maria Mitchell, John Macdonald, Alexander Macdougall, Alexander Mackenzie, Mary MacGillivray, David Thompson, John Torrance, F. J. Weeks, Alexander Auldjo, William Maitland, William Maitland, Junior, Roderick Mathison, George Auldjo, George Moffat, Thomas Dickson, Paul Glasford, James Gordon, Samuel Hatt, William Porteous, Thomas Busby, Joseph Henshaw, John Try,

Jean

Bank of Montreal established by this Act.

Jean Baptiste Raymond, John Leeds, W. J. Holt, James Logan, Hart Logan, G. J. Holt, Alexander Allison, S. Romilly, W. D. Selby, John Gray, Peter McCutcheon, Keneth Dowie, Robert Froste, W. M. Porter, Robert Kennedy, Thomas Wilson, Robert Gillespie, William Mackay, M. J. Hays, Benjamin Holmes, J. T. Bouthillier, Charles Grant, Joseph Levis, Senior, William Hallowell, George Selby, L. Leroux, Margaret Barrett, John Purple, John Seybold, James Milne, William Yule, John Sheridan, James Buchanan, Robert Griffin, Daniel Sutherland, Joseph Jones, Thomas White, Noah Freer, William Finlay, Charles Dixie Shekleton, Benjamin Tremain, Hammond Gowen, Matthew Bell, David Monro, John Stewart, Robert Hamilton, George Symes, James Ross, Andrew Moir, Andrew Patterson, Peter Patterson, James Heath, and William Bachelor Coltman, their several and respective heirs, executors, curators, administrators, successors and assigns, shall be, and are hereby ordained, constituted and declared, to be a Corporation, Body Corporate and Politic, by the name of "The President, Directors and Company of the Bank of Montreal," and shall so continue and have succession till the first day of June, which will be in the year of our Lord one thousand eight hundred and thirty-one, and shall and may by the said name be persons able and capable in Law to sue, be sued, implead, and be impleaded, answer and be answered, defend and be defended, in all Courts and places whatsoever: and shall also be able and capable in Law to purchase, acquire, hold and enjoy, and retain to them, and their successors, lands and tenements, real or immoveable estate, for the convenient conduct and management of the business of the said Bank, not exceeding the yearly value of one thousand pounds, current money of this Province, and for no other purpose; and may sell, alienate, and dispose of such lands, tenements, real or immoveable estate, and purchase and acquire others in their stead, for the same purpose, not exceeding the yearly value aforesaid, and may have a common seal, and may change and alter the same at their pleasure; and may also ordain, establish and put in execution such bye laws, ordinances and regulations, (the same not being contrary to the present Act or any Laws in force in this Province) as may appear to them necessary or expedient for the management of the said Bank; which bye-laws, ordinances and regulations shall be made by the Directors already appointed or who may hereafter be appointed, which bye-laws, ordinances and regulations shall be submitted to the Stockholders in the said Bank for their approval and confirmation, at a general meeting called for that purpose, to be held in the manner herein-after mentioned; and shall and may do and execute by the name aforesaid, all and singular other the matters and things touching the management of the business of the said Corporation, which to them shall or may appertain to do, subject nevertheless to the rules, regulations, limitations and provisions herein-after prescribed and established.

Created a body
corporate and po-
litic.

Capital Stock
not to exceed
£250,000.

II. And be it further enacted by the authority aforesaid, that the capital stock of the said Montreal Bank, hereby incorporated and established, shall not exceed the said sum of two hundred and fifty thousand pounds, current money aforesaid, divided into five thousand shares of fifty pounds each; which shares shall be, and the same are hereby vested in the said several persons herein-before named, their successors and assigns, according to the shares and interest which they may respectively have subscribed, purchased, or acquired, and may now have in the same; and that such part of the capital sum of two hundred and fifty thousand pounds, as may not yet have been paid in, shall be paid by the Stock-holders respectively, by whom the same is due, by instalments not exceeding ten per centum on the capital stock of each Stock-holder, at such time and times and place as the Directors of the said Montreal Bank shall appoint, after notice of not less than thirty days in this behalf to be previously given, in one or more of the public Newspapers published at the said city of Montreal. Provided always, that the whole of the said capital stock shall be called in and paid by the said Stock-holders in manner aforesaid, within nine years from and after the passing of this Act; and all executors, curators and administrators, who shall pay up the Instalments due by the estate or succession which they respectively represent in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby respectively indemnified.

The Capital
Stock to be paid
in within a given
time.

Directors to be
annually chosen.

III. And be it further enacted by the authority aforesaid, that for the management of the affairs of the said Corporation, there shall be thirteen Directors who shall be annually elected by the Proprietors of the capital stock of the said Bank, at a general meeting of them to be annually held on the first Monday of June; at which annual meeting, the said Stock-holders shall vote according to the rule herein after established, as to the manner of voting at General Meetings; and the Directors so chosen by a majority, in conformity to such rule, shall be capable of serving as Directors for the then next ensuing twelve months; (unless removed for mal-administration before that period, by the Stock-holders, at a General Meeting to be held by them, or unless suspended as herein-after provided) and at their first Meeting after such election, shall choose out of their number a President, and Vice-President, who shall hold their offices respectively during the same period, for which the said Directors shall have been elected, as aforesaid; and it shall be lawful for the said Directors, from time to time, in case of the death, resignation, absence from the Province, or removal of the persons so chosen to be President and Vice-President, or either of them, to choose in their or his stead, from among them the said Directors, another person or persons to be President and Vice-President respectively; and in case of the death, resignation, absence from the Province for three months at a time, or the removal of a Director by the Stock-holders as aforesaid

said, his place, in case of such removal, shall be filled up by the said Stock-holders at any one of their General Meetings, and in the other cases last mentioned by the remaining Directors, or a majority of them; and the person so appointed, in the place and stead of such Director, shall serve till the next General Meeting for the election of Directors.

Stock-holders not being natural born subjects of His Majesty, &c. not allowed to vote for the election of a Director.

IV. Provided, and it is hereby expressly enacted, that no Stock-holder who shall not be a natural born subject of His Majesty or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty by the effect of the conquest and cession of this Province, or being a subject of any Foreign Prince or State, shall either in person or by proxy vote for the election of any Director to be elected in the manner herein-before directed, nor shall vote at any Meeting of the said Stock-holders, for the purpose of ordaining, establishing or putting in execution, any by-laws, ordinances or regulations to be made under the authority of this Act, or shall assist in the calling of any meeting of such Stock-holders, or shall vote for any other purpose or purposes whatsoever, herein-before authorized, any thing herein-before contained to the contrary notwithstanding.

The Directors, President and Vice President of the association to be continued until the first Monday of June next, but may be removed from their offices, in certain cases.

V. And be it further enacted by the authority aforesaid, that the persons who have been elected Directors, President and Vice-President of the said association, under the said articles of agreement, and shall be Directors, President and Vice-President respectively of the said association, at the time of passing this Act, shall be and continue Directors, President and Vice-President of the said Corporation, until the first Monday of June next, being the day herein-before appointed for the annual Election of Directors of the said Corporation; Provided always, that any of the said Directors in the mean time may be removed by the said Stock-holders at a general meeting for mal-administration; and that in case of death, resignation, absence from the Province, or removal of any of the said Directors so appointed to continue in office as aforesaid, it shall be lawful for the said Stock-holders at a general meeting, to fill up the vacancy or vacancies, in case of removal, and in the other cases by the remaining Directors or a majority of them; and the said Director or Directors so appointed to be and continue in office, until the first Monday in June next, shall have the same power as to the appointment of a President and Vice-President, in the case of the death, resignation, absence from the Province or removal of the President or Vice-President before that period, that is herein-before given to the Directors to be chosen at the period fixed for the annual meeting as aforesaid. Provided always that the said Directors shall not, during the period of their services as Directors of the said Bank, act as private Bankers.

Directors not to act as Private Bankers during the period of their service.

Though the Election of Directors may not have taken effect, when it ought to be made, Corporation not to be dissolved.

VI. And be it further enacted by the authority aforesaid, that if, at any time, it shall happen that an Election of Directors shall not be made or take effect on the day when, in pursuance of this Act, it ought to be made and take effect, the said Corporation shall not be deemed or taken to be dissolved, but it shall be lawful, at any other time, to make such Election at a general meeting of the Stockholders, to be called in the manner herein-after prescribed.

Directors to appoint the necessary officers.

VII. And be it further enacted by the authority aforesaid, that the Directors for the time being, shall have power to appoint such Officers, Clerks and Servants under them as shall be necessary for conducting the business of the said Corporation, and to allow them such compensation for their services respectively, as shall be reasonable and proper, and the said Directors shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the Bye-Laws, Ordinances and Regulations of the said Corporation.

In suits at Law against the Bank, process to be served on the President, or at the office of the Bank -- and suits on behalf of the Bank, against any persons, to be prosecuted by the President and Directors, in the name of the Bank.

VIII. And be it further enacted by the authority aforesaid, that in and every Suit or Suits at Law, which, at any time hereafter, may be instituted by or on the part and behalf of any person or persons against the said Bank, service of Process upon the President or Vice-President of the same, for the time being, or at the Office of the said Bank, shall, to all intents and purposes, be sufficient to compel the said Bank or Corporation to appear and to plead to such Suit or Suits at Law, any law, usage or custom to the contrary in any wise notwithstanding; and all and every Suit or Suits at Law, which, at any time, may be instituted by or on the behalf of the said Bank, against any person or persons, body or bodies politic or corporate, shall be instituted and prosecuted by the President and Directors of the said Bank for the time being, for and in the name of the said Bank.

Votes of the Stockholders to be taken according to certain proportions.

The proportions.

IX. And be it further enacted by the authority aforesaid, that the following Rules, restrictions, and provisions, shall form and be deemed and held to be fundamental Articles of the said Corporation, that is to say, First, The number of votes to which each Stock holder or Stockholders, Co-partnership, Body Politic, or Corporate, holding Stock in the said Corporation shall be entitled on every occasion, when in conformity, to the provisions of this Act, the votes of the Members of the said Corporation are to be given, shall be in the proportions following, that is to say, for one share, and not more than two, one vote; for every two shares above

above two and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares, but no person or persons, Co-partnership, Body Politic or Corporate, being a Member or Members of the said Corporation, shall be entitled to a greater number than twenty votes; and all Stock-holders resident within the Province or elsewhere may vote by Proxy, if he, she or they shall see fit; Provided, that such Proxy be a Stockholder and do produce an authority from his constituent or constituents for so representing and voting for him, her or them, according to the form A. annexed to this Act; and provided also, that after the first Election of Directors, to be made after the passing of this Act, no share or shares of the Capital Stock of the said Corporation shall confer a right of voting either in person or by proxy which shall not have been held during three Calendar months at the least, prior to the day of Election, or of the general meeting when the votes of the Stock-holders are to be given; and where two or more persons are the joint owners of any part of the said Stock, it shall be lawful that one person only be empowered by letter of attorney from the other owners or a majority of them, to represent the said Stock, and to vote accordingly. SECOND—No person other than a Stock-holder actually resident in the city of Montreal, and holding at least ten shares of the capital stock of the said Corporation, and being a natural born subject of His Majesty, or a subject of His Majesty naturalized, by Act of the British Parliament, or a subject of His Majesty, by the effect of the conquest and cession of this Province; or who shall have resided seven years in this Province—and in any of the above cases, who shall have resided three years in the city of Montreal, shall be capable of being elected or chosen a Director of the said Corporation, or shall serve as such. THIRD—Nine of the Directors in office at the period of each annual election, shall be re-elected for the next succeeding twelve months; and the President and Vice-President shall always be two, of the number to be re-elected. FOURTH—No Director shall be entitled to any salary or emolument, unless the same shall have been allowed to him by a General Meeting of the Stock-holders; but the Stock-holders may make such compensation to the President or Vice-President, for their extraordinary attendance at the Bank, or other services, as shall appear to them to be reasonable and proper. FIFTH—Not less than five Directors shall constitute a Board for the transaction of Business, of which number the President or Vice-President shall always be one, except in case of sickness, and necessary absence; in which case, their places may be supplied by any other Director whom the President or Vice-President shall respectively by writing under his hand, appoint for that purpose.

Stockholders may vote by proxy.

After the first election of Directors, after the passing of this Act, no share to confer a right of voting, unless held three months prior to the day of election or general meeting.

Certain qualifications necessary to enable a Stockholder to be chosen a Director.

Nine Directors to be re-elected for the next succeeding twelve months, of whom the President and Vice-President always to be two of the number.

No Director entitled to a salary, —President and Vice-President may receive a compensation for their services.

Five Directors to constitute a Board.

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The President and Vice-President shall vote at the Board as Directors; and in any case of there being an equal number of votes for and against any question before them, the President, and in his absence the Vice-President, shall have a casting vote. **SIXTH**—Any number of Stock-holders, not less than fifty, who together, shall be Proprietors of two hundred and fifty shares of the capital stock of the said Corporation, shall have power at any time, by themselves or their proxies to call a General Meeting of the Stock-holders, for purposes relating to the said Corporation, giving at least six week's notice thereof, in at least one of the Newspapers published in the city of Montreal; and specifying in such Notice, the time and place of such Meetings with the object, or the objects thereof. And the Directors of the said Corporation, for the time being, or any seven of them, shall have the like power at any time (upon their observing the like formalities) to call a General Meeting, as above-said; and if the object of such Meeting to be called by the Stock-holders, or Directors as aforesaid, shall be to consider of the proposed removal of the President or Vice-President, or a Director or Directors for maladministration, then, and in such case, the person or persons whom it shall be so proposed to remove, shall, from the day from which such Notice shall be first published, be suspended from the execution of the duties of his or their office; and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his place shall be filled up by the remaining Directors, who shall appoint a Director to serve as such President or Vice-President, during the time such suspension shall continue. **SEVENTH**—Every Cashier and Clerk of the Bank, before he enters upon the duties of his office, shall give Bond, with two or more Sureties, to the satisfaction of the Directors: that is to say, every Cashier in a sum not less than five thousand pounds; and every Clerk in such sum as the Directors shall consider adequate to the trust to be reposed in him, with condition for his good and faithful behaviour. **EIGHTH**—The Lands and Tenements which it shall be lawful for the said Corporation to hold, shall be such only as are herein-before permitted to be held by it: Provided always, that the said Corporation may take and hold Mortgages, *hypothèques* on real property, according to the Law of this Province, by way of additional security for Debts contracted to the said Corporation in the course of its dealings; but on no account shall money be lent on Mortgage, *hypothèque*, or upon Land, or other fixed Property; nor shall such be purchased by the Corporation, upon any pretext, except as above-mentioned. **NINTH**—The total amount of the Debts which the said Corporation shall at any time owe, whether by Bond, Bill or Note, or other Contract whatsoever, shall not exceed treble the amount of the capital stock actually paid in (over and above a sum equal in amount to such money as may be deposited in the Bank for safe keeping) and in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities

How general Meetings may be called.

Cashier and Clerks to give security.

Corporation may hold mortgages as additional security, but not to lend money on mortgages.

Bank not to owe more than treble the amount of their capital actually paid in.

capacities; as well to the Stock-holders as to holders of Bank Notes, and an action in this behalf may be brought against them, or any of them, their, or any of their Heirs, Executors, Administrators and Curators, and be prosecuted to judgment and execution, according to the Laws of this Province; but this shall not exempt the said Corporation, or the lands, tenements, goods or chattels thereof, from being also liable for such excess. Provided always, that such Directors, as shall have been absent when the said excess was contracted or incurred, or shall have entered their Protest against it upon the book, or books of the said Corporation, may respectively exonerate and discharge themselves therefrom, by publishing such protest in the public papers, within eight days. TENTH—The Stock of the said Corporation shall be assignable and transferable according to the form B. annexed to this Act; but no assignment or transfer shall be valid or effectual, unless such transfer or assignment be entered or registered in a book or books to be kept by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them, to the said Corporation, which may exceed in amount the remaining Stock belonging to such person or persons; and in no case shall any fractional part of a share or shares, or other than a complete share or shares, be assignable or transferable. ELEVENTH—Bank Obligations, Bank Bonds, Bank Bills, obligatory, and of credit, under the common seal of the said Corporation, signed by the President or Vice-President, and countersigned by a Cashier, which shall be made to any person or persons, shall be assignable by indorsements thereupon, without signification thereof, any law or usage to the contrary notwithstanding; and Bank Bills or Bank Notes, which shall be issued by order of the said Corporation, signed and countersigned as aforesaid, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said Corporation, shall be binding and obligatory upon the same, and shall be assignable and negotiable by blank or other indorsement or otherwise, in like manner as if they were made and issued by private persons; that is to say: those which shall be payable to any person or persons, his, her or their order, shall be assignable by blank or other indorsement, in like manner, and with the like effect as foreign Bills of Exchange now are; and those which shall be payable to bearer, shall be negotiable by delivery only. TWELFTH—The Books, Papers, Correspondence, and Funds of the said Corporation shall at all times be subject to the inspection of the Directors; but no Stock-holder, not being a Director, shall inspect the account of any individual or individuals, with the said Corporation. THIRTEENTH—Half-yearly Dividends shall be made of so much of the profits of the said Corporation as shall appear to the Directors for the time being, adviseable, and shall be payable at such place or places as the said Directors shall appoint,

of

Proviso.

Stock assignable and transferable.

Bank obligations, &c. how transferable.

Books to be subject to the inspection of the Directors.

No Stockholder, unless he be a Director, entitled to inspect the accounts of any individual, with the Corporation.

Half-yearly dividends to be paid.

of which they shall give public notice thirty days previously, in at least two Newspapers, published at the said city of Montreal, which Dividends shall not in any manner whatsoever lessen or impair the Capital Stock of the said Corporation; and the said Directors shall every year at the General Meeting held for the election of Directors, lay before the Stock-holders for their information, an exact and particular statement of the amount of the Debts due to, and by the said Corporation, specifying the amount of the Bank Notes then in circulation, and the amount of such Debts as in their opinion are bad or doubtful; also stating the surplus or profit (if any remaining) after deduction of losses, and provision for dividends. Provided, that the making and rendering of such statements shall not give, or be construed to give any right to the Stock-holders, not being Directors, to inspect the Account of any individual or individuals, with the said Corporation. **FOURTEENTH—**

Penalty on persons, &c. not paying up the amount of their instalment.

If there shall be a failure by, or on the part of any person or persons, copartnership, body politic or corporate, to pay the amount of any instalment, required to be paid on account of his, her, or their shares, in the said capital stock of the said Corporation, the person or persons failing to pay the amount of such instalment, shall incur a forfeiture to and for the use of the said Corporation of five per centum on the amount of his or their shares in the said Corporation, and of the dividends due to him, her or them, at the time appointed for the payment of such instalments, and also of all dividends which may afterwards accrue, and become due to him, her or them, until the payment of the amount of such instalment. **FIFTEENTH—**

Bank not to deal in any thing except Bills of Exchange, &c.

The said Corporation shall not directly or indirectly deal in any thing except Bills of Exchange, Discounting on Notes of hand or promissory Notes, and to receive the Discount at the time of negotiating; gold or silver bullion, or in the sale of stock pledged for money lent, and not redeemed; which said stock so pledged, and not redeemed, shall be sold by the said Corporation at public sale, at any time not less than ten days after the period for redemption, without any judgment first obtained, and without any previous suit or proceedings at law—any law, usage, or custom to the contrary notwithstanding. And if upon the sale of such stock, there shall be a surplus, after deducting the expences of sale, over and above the money lent, such surplus shall be paid to the Proprietors of such stock respectively.

Notes of the Corporation payable in gold or silver coin.

Corporation not to demand any interest, exceeding the lawful interest of the Province.

X. And be it further enacted by the authority aforesaid, that the Notes of the Corporation shall be payable in gold or silver coin, current by the laws of this Province. And that the said Corporation shall not demand, receive and require upon its loans or discounts, or upon any other pretext whatsoever, any interest exceeding the lawful interest of six per centum per Annum, as fixed by the Laws of this Province.

Shares &c. considered and adjudged as personal property.

XI. And be it further enacted by the authority aforesaid, that the share and shares, and dividends of the Stock-holders in the said Corporation, shall be held, considered and adjudged to be personal property, and as such be liable to *bona fide* creditors for debts, and may be attached and sold under Writs of Attachment and Execution, issued out of His Majesty's Courts of this Province, in like manner as other personal property may be attached and sold under such Writs of Attachment and Execution. And in cases where an Attachment may issue for attaching the said share and shares, and dividends, the same shall be served on the Cashier of the said Corporation, who shall be held to appear in Court, and answer upon such Writ of Attachment according to the Laws of this Province, and to declare the number of shares of stock, and the amount of dividends belonging and due to the person or persons against whom such Attachment shall have been obtained; and that when the said share or shares may have been sold, under a Writ or Writs of Execution, the Sheriff by whom such Writ or Writs shall be executed, shall within thirty days after such sale, leave with the Cashier of the said Corporation, an attested copy of the said Writ or Writs of Execution, with the Certificate of such Sheriff indorsed thereon, certifying to whom the sale of the said share or shares, under the said Writ or Writs of Execution, has been by him made; and the person or persons who shall have purchased such share or shares, so sold under such Writ or Writs of Execution, shall be held and considered as Stock-holder, or Stock-holders of the said share or shares, and have the same rights, and be under the same obligations as if he or they had purchased the said share or shares from the Proprietor or Proprietors thereof.

Stockholders not answerable for the debts of the Corporation except Directors, who are made liable in certain cases.

XII. And be it further enacted by the authority aforesaid, that no Stock-holder or Stock-holders, shall be answerable in his, her, or their private or natural capacity or capacities for the debts of the said Corporation, excepting Directors, who may be liable as herein-before mentioned, in cases where the total amount of debts contracted by the said Corporation, shall, during their administration, exceed the limitation by this Act prescribed.

Governor &c. may require a statement of the amount of the capital stock of the

XIII. And for the better security of the public, be it further enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or the person administering

Corporation, and of the debts &c. but not to disclose the private account of any individual.

administering the Government of this Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the President, Vice-President and Directors of the said Corporation, Statements of the amount of the Capital Stock of the said Corporation, and of the debts due to the same, of the monies deposited in the Bank, of the Notes in circulation, and of the Cash in hand, which Statements the said President, Vice-President and Directors shall be bound to furnish, when required as aforesaid, under oath. Provided always, that nothing herein contained, shall extend to compel or authorize the said President, Vice-President and Directors in such Statements, to particularize the private account of any person or persons with the said Corporation.

Penalty on officers, defrauding the Bank, or secreting and running away, with money, bond, &c.

XIV. And be it further enacted by the authority aforesaid, that if any Officer, Cashier, Clerk or Servant of the said Corporation, entrusted with any Bond, Obligation, Bill obligatory, or of credit, or of any other bill or note, or any security, money or effects belonging to the said Corporation, or having any bond, obligation, or bill obligatory, or of credit, or any other bill or note, or any security, money, or effects of any other person or persons, lodged or deposited with the said Corporation, or with him, as an Officer, Cashier, Clerk or Servant of the said Corporation, shall secrete, embezzle, or run away with any such bill, bond, obligation, bill obligatory, or of credit, or any such other bill or note, security, money or effects, or any of them, or any part of them, every such Officer, Cashier, Clerk or Servant so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of the clergy.

Penalty on persons forging the common Seal of the Bank.

XV. And be it further enacted by the authority aforesaid, that if any person or persons shall forge or counterfeit the common Seal of the said Bank, or shall forge or counterfeit, or alter any bond, obligation, bill obligatory, or of credit, or any other bill or note of the said Corporation, or any indorsement or indorsements thereon, with an intention to defraud the said Corporation, or any person or persons whomsoever: or shall alter or pass any forged, counterfeit, or altered Bond, Obligation, Bill obligatory, or of credit, or any other bill or note of the said Corporation, or indorsement or indorsements thereon; or shall demand the money therein mentioned and contained, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof, in due form of Law, for the first offence, shall be deemed and adjudged to be guilty of a misdemeanor, and on being lawfully convicted thereof, shall be liable for such offence to be imprisoned for a time, which shall not be less than six months, nor more than

fix

six years, and to be kept at hard labour, or be publicly whipped, or to stand in the pillory, or undergo one or more of the said punishments, at the discretion of the Court before which such conviction shall take place; and shall for a second offence, be deemed and adjudged to be guilty of felony.

Penalty on persons engraving or making any Plates &c. designed for forging Bills of Exchange.

XVI. And be it further enacted by the authority aforesaid, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling press, or other tool, instrument or material devised, adapted and designed for stamping, forging, or making any false and counterfeit Bill of Exchange, Promissory Note, undertaking or order, for the payment of money, purporting to be the Bill of Exchange, Promissory Note, undertaking or order of the said Corporation, or of any of the officers or persons engaged in the management of the concerns of the said Corporation, in the name and on the behalf of the said Corporation; or shall have in his possession any such plate or plates engraven in any part, or any paper, rolling-press, or other tool, instrument, or material devised, adapted or designed as aforesaid, with the intent to use and employ the same, or to cause or permit the same to be used and employed in forging and making any such false and counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and being thereof convicted, shall suffer death as a felon, without benefit of clergy.

Search Warrants may be issued against persons concerned in making false bills of Exchange.

XVII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to, and for any one Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons, is or are, or hath or have been concerned in making or counterfeiting any such false Bills of Exchange, promissory Notes, undertakings, or orders as aforesaid, by Warrant under the hand of such Justice, to cause the dwelling-house, room, workshop, out-house, or other buildings, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, or counterfeiting, to be searched for any such false Bills of Exchange, Promissory Notes, undertakings or orders; and if any such false Bills of Exchange, Promissory Notes, Undertakings or orders, or any such plates, rolling-presses, or other tools, instruments, or materials shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever discovering the same, to seize, and he and they are hereby authorized and required to seize such false or counterfeit Bills of Exchange, Promissory Notes, undertakings or orders, and such plates, rolling-presses, or other tools, instruments or materials, and to carry the same

same forthwith before a Justice of the Peace of the county or district in which the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any the offences aforesaid, in some Court of Justice proper for the determination thereof; and the same after being so produced in evidence, shall by order of the Court before which such offender or offenders shall be tried, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Not to affect King's or the rights of any other bodies, politic or corporate.

XVIII. And be it further enacted by the authority aforesaid, that nothing in the present Act contained, shall affect or be construed to affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, or of any person or persons, or of any Bodies Politic or Corporate, such only excepted as are herein mentioned.

Public Act.

XIX. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without specially pleading the same.

Corporation not to loan money to any foreign state.

XX. And be it further enacted by the authority aforesaid, that it shall not be lawful for the said Corporation, at any time whatever, directly or indirectly, to advance or lend to, or for the use or on account of any foreign Prince or State, any sum or sums of money whatever, and if any such unlawful advance or loan be made, then and from thenceforth, the said Corporation shall be dissolved, and also the powers, authorities, rights and advantages hereby granted to the said Corporation, shall from thenceforth cease and determine, any thing in the present Act contained to the contrary thereof in any wise notwithstanding. And provided also, that the said Corporation shall not raise loans of money, nor increase its capital.

Nor shall the Corporation raise loans of money, nor increase its capital.

Continuance of this Act.

Proviso.

XXI. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force till the first day of June, in the year of our Lord one thousand eight hundred and thirty-one, and no longer. Provided that if before the expiration of that period, it shall at any time be found expedient to establish a Provincial Bank in this Province, and that the same be so established by an Act of the Legislature thereof, then and in that case the said Corporation hereby created under the name of the President, Directors and Company of the Bank of Montreal, shall from and after the expiration of seven years from the passing of such Act, be dissolved, and all and every the powers, rights, privileges and benefits hereby given and granted to the said Corporation, shall from thenceforth wholly and utterly cease and determine, any thing in the present Act contained to the contrary in any wise notwithstanding.

FORM

Form A.

MONTREAL BANK STOCK,

ACCEPTANCE, DIVIDENDS, SALE AND TO VOTE.

Form A.

KNOW all men by these presents, that I _____ of _____ do make, constitute and appoint _____ of _____ my true and lawful Attorney for me, in my name and on my behalf to accept all such transfers as are or may here-after be made unto me of my interest or share in the Capital or Joint Stock in the Montreal Bank, also to receive and give receipts for all Dividends that are now due and that shall hereafter become due and payable for the same for the time being—Likewise to sell, assign and transfer all or any part of my said Stock, to receive the consideration money, and give a receipt or receipts for the same, and to vote at all Elections, and to do all lawful Acts requisite for effecting the premises; hereby ratifying and confirming all that my said Attorney shall do therein by virtue hereof. In witness whereof I have hereunto set my hand and seal at _____ this _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____

Signed and Sealed in the presence of

Form B.

Form B.

FOR value received _____ of _____ hereby assign and transfer unto _____ of _____ and assign _____ shares on each which has been paid _____ pounds, _____ shillings, currency, amounting to the sum of _____ pounds, _____ shillings, in the Capital Stock of the Montreal Bank, subject to the Rules and Regulations contained in the Articles of Association of the said Bank. Witness _____ hand at the Bank aforesaid, this _____ day of _____ one thousand eight hundred and _____

Witness

I do hereby accept the foregoing assignment of _____ shares in the Montreal Bank, assigned to _____ as above-mentioned at the Bank, this _____ day of _____ one thousand eight hundred and _____