

C A P . L X X X V I I I .

An Act to authorize the Judges of the Superior Court for Lower Canada to appoint Commissioners for taking Affidavits in Upper Canada.

[Assented to 1st July, 1856.]

**W**HEREAS it is desirable that the Judges of the Superior Court for Lower Canada, should have power to appoint Commissioners for taking Affidavits in Upper Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

I. It shall be lawful for the Chief Justice and any one of the Justices of the Superior Court for Lower Canada for the time being, or in the event of the death or absence from the Province of the Chief Justice for the time being, for any two of the Justices of the said Court for the time being, by one or more commission or commissions under the seal of the said Court, from time to time to empower as many persons as they shall think fit and necessary in Upper Canada, to take and receive all and every such affidavit or affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be had in the said Court, or in any other Court of Law of Record in Lower Canada ; which said affidavits taken as aforesaid shall be filed in the Office of the said Courts respectively, in the District or Circuit to which the subject matter of such affidavit may relate and be made use of in the said Courts respectively, to all intents and purposes as other affidavits taken in the said Courts respectively ought to be ; and every affidavit taken as aforesaid, shall be of the same force as an affidavit taken in the said Courts respectively shall and may be.

Certain Judges in L. C., may appoint Commissioners to take affidavits in U. C., to be used in the Courts in L. C.

Filing and effect of such affidavits.

II. Proof of the execution of any deed, will or probate thereof or memorial of the same in Upper Canada, may, for purposes of registration in Lower Canada, be made before any of the Commissioners to be appointed under the authority of this Act, in the same manner as such proof may now by law be made in Lower Canada.

Such Commissioners may receive proof of execution of Deed, &c., to be used in L. C.

C A P . L X X X I X .

An Act providing for the payment of dividends by Insurance Companies.

[Assented to 1st July, 1856.]

**W**HEREAS it is expedient for the security of persons effecting Assurance with, and of the Subscribers to the Stock

Preamble.

Stock

Stock of, the various Fire, Life, Marine, and other Insurance Companies already chartered, or that may hereafter be chartered by the Provincial Legislature, that no dividend or bonus be declared or paid, unless from the surplus earnings or profits arising or made from the business of such Companies over and above the paid up Capital thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Liability of Managers, &c., paying dividends of such Companies which shall impair their Capital Stock.

I. If the Managers, Directors or Trustees, of any Fire, Life, Marine, or other Assurance Company, incorporated by the Legislature of Canada, or of Upper Canada or Lower Canada, shall knowingly and wilfully declare and pay any dividend or bonus, out of the paid up capital of said Company, or when the Company is insolvent, or which would render it insolvent, or which would diminish the amount of its Capital Stock, such Managers, Directors or Trustees who may be present when such dividend or bonus shall have been declared and which said dividend shall be paid, shall be jointly and severally liable for all the debts of the Company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office; Provided always that if any of such Managers, Directors or Trustees, shall object to the declaration of such dividend or bonus, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, file a written Statement of such objection in the Office of the Company, and also in the Registry Office of the City, Town or County where such Company is situated, such Managers, Directors or Trustees shall be exempt from such liability.

Proviso: how only such Managers may free themselves from such liability.

### C A P . X C .

An Act to simplify and expedite the proceedings in the County Courts in Upper Canada, and to alter and amend the law in relation to these Courts.

[Assented to 1st July, 1856.]

Preamble.

**W**HEREAS it is expedient to simplify and expedite the proceedings in the several County Courts in Upper Canada, and to alter and amend the law in relation to these Courts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain sections of the Acts,  
S V. c. 13,—

I. From the time when this Act shall commence and take effect, the tenth, eleventh, twelfth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-second, twenty-third, twenty-fourth, twenty-eighth, thirty-first, thirty-second, thirty-fifth, thirty-ninth, forty-first, forty-fifth and forty-sixth sections of an Act of the Parliament of this Province passed in the eighth year of Her Majesty's Reign, intituled: *An Act to amend, consolidate and reduce into one Act, the several laws*