

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbshire & George Desbarats, 1849.

12 Victoria – Chapter 23

An Act to provide for the Seizure and Sale of Shares in the Capital Stock of Incorporated Companies. 30th May, 1849.

Whereas it is expedient to make better provision for the Seizure and Sale of Shares and Dividends of the Stockholders of all Incorporated Companies: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all Shares and Dividends of Stockholders in Incorporated Companies shall be held, considered and adjudged to be personal property, and shall be liable as such to *bonâ fide* creditors for debts, and may be attached, seized and sold under Writs of Execution issued out of any of Her Majesty's Courts in this Province, in like manner as other personal property may be sold under execution; and that whenever any such shares shall have been sold under a Writ of Execution, the Sheriff, by whom such Writ shall have been executed, shall, within ten days after such sale, serve upon such Incorporated Company, at some place where service of process upon such Company may be made, an Attested Copy of such Writ of Execution, with his Certificate endorsed thereon, certifying to whom the sale of the said Shares under the said Writ 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 of Execution; and the person or persons so purchasing shall thereafter be held and considered as Stockholder or Stockholders of the said Shares, and shall have the same rights, and be under the same obligations as if he or they had purchased the said Shares from the proprietors thereof, in such form as may be by law provided for the transfer of Stock in such Company; and it shall be the duty of the proper Officer of the Company to enter such sale as a transfer in the manner by law provided.

II. And be it enacted, That it shall be the duty of the Sheriff to whom any such Writ of Execution, as aforesaid, shall be addressed, on being informed on behalf of the Plaintiff that the Defendant has Stock in any Incorporated Company, and that such Sheriff is required to seize such Stock, forthwith to serve a copy of such Writ on such Company, with a notice that all the Shares which the Defendant may have in the Stock of such Company are seized accordingly; and from the time of such service no transfer of such Stock by the Defendant shall be valid, unless or until the said seizure shall be discharged; and every such seizure, and any sale made under the same, shall include all Dividends, Premiums, Bonuses, or other pecuniary profits upon the Shares seized, which shall not after such notice as aforesaid, be paid by such Company to any party, except the party to whom the Shares shall be sold by the Sheriff, unless and until the seizure be discharged, on pain of paying the same twice.

III. Provided always, and be it enacted, That if the Company shall have more than one place where service of process may legally be made upon them, and there be some place where transfers of Stock may be notified to and entered by the Company so as to be valid as regards the Company, or where any Dividends or Profits as aforesaid, on Stock may be paid, other than the place where service of such notice shall have been made, such notice shall not affect any transfer or payment of Dividends or Profits duly made and entered at any such other place, so as to subject the Company to pay twice, or to affect the rights of any *bonâ fide* purchaser, until after the expiration of a period from the time of service sufficient for the transmission of notice of such service by Post from the place where it was made to such other place, which notice it shall be the business of the Company to transmit by Post to such other place.

IV. And be it enacted, That the Shares in the Stock of any Company shall be held to be personal property, found by the Sheriff in the place where notice of the seizure thereof shall be made as aforesaid.

V. And be it enacted, That nothing in this Act shall be construed to weaken the effect of any remedy which such Plaintiff, as aforesaid, might, without this Act, have had against any Shares of such Stock as aforesaid, by *saisie arrêt* attachment or otherwise, but on the contrary, the provisions of the three next preceding sections shall apply to such remedy in so far as they can be applied thereto.

VI. And be it enacted, That all Corporations, established for purposes of trade or profit, or for the construction of any work, or for any purpose from which revenue is intended to be derived, shall be deemed Incorporated Companies for the purposes of this Act, although they be not called Companies in the Act or Charter incorporating them.