BRITISH COLUMBIA.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

* *

NO. 5.

An Ordinance to amend the Law relating to Joint Stock Companies.

[*8th March*, 1866.]

WHEREAS it is expedient that the Laws relating to the Incorporation, Regulation, and Winding up of Trading Companies and other Associations should be consolidated and amended; Preamble.

Be it therefore enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:

I. The "British Columbia Joint Stock Companies' Act," and the "Mining Joint Stock Companies' Ordinance, 1864," are hereby repealed. Repeal of British Columbia Joint Stock Co's Act, and Mining Joint Stock Ordinance, 1864.

II. An Act of the Imperial Parliament, passed in the Session of Parliament, holden in the 25th and 26th years of the Reign of Her Majesty Queen Victoria, chapter 89, intituled "The Companies' Act, 1862," shall, from and after the passing of this Ordinance be and have, as far as practicable, and save as hereinafter altered and modified, the force of Law in this Colony. Imperial Act. The Companies, Act, 1862, in force.

III. The expression "the Court" as used therein shall, instead of the interpretation given thereto in Clause 81 of such Act, mean the Supreme Court of Civil Justice of British Columbia, and any Judge of such last mentioned Court shall have and exercise all the powers in and by the said Act conferred upon the Lord Chancellor and Vice Chancellor. The expression "the Court" shall mean the Supreme Court of Civil Justice of British Columbia. Judge thereof to have powers of Lord Chancellor.

IV. The power given to Companies to empower any person as their Attorney to execute deeds on their behalf, in any place not situate in the United Kingdom, shall apply to the execution of deeds in this Colony, and such authority shall include a power to Companies in this Colony to empower an Attorney to execute deeds on their behalf in the United Kingdom. Power to execute deeds out of the United Kingdom.

V. All Fees payable under this Ordinance shall be the same as those payable under "The Companies' Act, 1862;" provided however that such shall be collected in the ordinary way and not by Stamps, and be paid into the Treasury of this Colony to the use of Her Majesty, Her Heirs and Successors. Fees payable the same as those in England.

VI. Until some other person or persons shall be appointed in that behalf by the Governor, the Colonial Secretary of British Columbia shall have and exercise all the powers and duties of the Board of Trade in the said Act mentioned. The Official Liquidator therein mentioned shall be appointed by the said Supreme Court of Civil Justice. Colonial Secretary to be substituted for Board of Trade.

VII. Notices by the said Act required to be published in the Gazettes Public notices, how given.

Gazettes and Newspapers therein mentioned, shall, instead thereof, be published in the *Government Gazette* and in such other newspapers as may be ordered.

Mining Companies formed here, may be incorporated by obtaining Certificate of Registration from a Gold Commissioner.

VIII. When Companies are formed in this Colony for Mining purposes, all papers and documents required to be registered under the said Act with the Registrar of Joint Stock Companies may, instead thereof, be registered with any Gold Commissioner or Assistant Gold Commissioner; provided, that in such cases every such document shall be delivered to him in duplicate, and upon receipt of the same and of the Fees for Registration, and upon the requirements of the Act being fulfilled, such Company shall receive from the said Gold Commissioner the usual Certificate of Registration, and upon such Certificate being granted the Company shall be deemed to be duly incorporated, and the duplicate of all such documents above mentioned and of the Certificate of Registration, shall be forthwith transmitted by such Gold Commissioner to the Registrar of Joint Stock Companies, and such Certificate of Registration shall have the same force and effect as if it had been granted by such Registrar, and shall be received in any Court as evidence, in like manner as the Certificate of Registration of such Registrar.

Requirements as to Registration of Companies' Act, 1862, and Part IX. shall apply to all incorporated Companies.

IX. All the requirements of the said Act as to Registration thereunder of Companies already registered, shall apply as well to Mining Companies now formed in this Colony under the "Mining Joint Stock Companies' Ordinance, 1864," as to all other Joint Stock Companies formed under the Joint Stock Companies' Acts hereby repealed; and all the provisions of Part IX. of the said Act, save as hereinbefore altered, shall apply to all Mining Companies heretofore or hereafter incorporated.

Except to Companies registered under the Gold Mining Ordinance, 1865.

X. Nothing herein contained shall in any way be construed to interfere with the provisions of the "Gold Mining Ordinance, 1865," but all the provisions for winding up Companies under this Ordinance shall be extended and applied to Mining Companies registered under the provisions of Part VII. of the said "Gold Mining Ordinance, 1865."

General Orders and Rules of 25th November, 1862, in force here.

XI. The General Orders and Rules for regulating the practice and mode of procedure under this Ordinance in this Colony, shall be those of the High Court of Chancery of England, bearing date the 25th day of November, 1862; provided, that it shall be lawful for the Judge of the Supreme Court of Civil Justice of British Columbia, with the sanction of the Governor, to modify or alter the same when expedient.

Short Title.

XII. This Ordinance shall be cited as "The Companies' Ordinance, 1866."

Passed the Legislative Council the 22nd day of February, A.D. 1866.

CHARLES GOOD,
Clerk of the Council.

H. M. BALL,
Presiding Member.

Assented to, in Her Majesty's name, this 8th day of March, 1866.

ARTHUR N. BIRCH,
Administering the Government.

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