



CHAPTER 86.

An Act in relation to the Colonial Trust Company, Limited.

[1st March, 1913.]

WHIEREAS a petition has been presented by the Colonial Trust Company, Limited, for an Act confirming to the Company certain rights, powers, and privileges now held and enjoyed by it under the certificate of incorporation issued to it by the Registrar of Joint-stock Companies for the Province of British Columbia, dated the seventh day of December, 1909, and empowering any Court of law or equity to appoint the Company, without security, to exercise the office of executor or administrator, or trustee or guardian of the estate of any minor, or committee of the estate of any lunatic, or liquidator of any company or corporation, or receiver or assignee for the benefit of creditors, or official administrator under the "Administration Act" for any one or more counties in the said Province, and giving the Company the right to be appointed a sole trustee notwithstanding that but for such Act it would be necessary to appoint more than one trustee, and enabling the said Court to direct that moneys brought or paid into Court shall be deposited with the Company, and giving the Company power to guarantee by means of policies of insurance or otherwise the payment of moneys secured by or payable under or in respect of debenture bonds, debenture stock, contracts, mortgages, charges, obligations, and securities of any company or of any authority (supreme, municipal, local, or otherwise), or of any persons whomsoever, whether corporate or unincorporate:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

**Powers and
objects.**

1. Without restricting the rights, powers, and privileges now lawfully held and enjoyed by the Colonial Trust Company, Limited, under the certificate of incorporation issued to it by the Registrar of Joint-stock Companies for the Province of British Columbia, dated the seventh day of December, 1909, the Company shall be deemed to be constituted with and to have the following objects and powers:—

- (1.) To carry on business as financiers, concessionaires, and merchants, and to undertake and carry on and execute all kinds of financial, commercial, trading, and other operations, and to purchase or otherwise acquire, sell, dispose of, and deal in real and personal property of all kinds, and in particular, but so as not to restrict the generality of the foregoing words, land, buildings, hereditaments, business concerns and undertakings, mortgages, charges, annuities, patents, licences, shares, stocks, debentures, debenture stock, book debts, choses in action, and other claims, and any interest in real or personal property, and any claims against such property or against any persons or company, and to carry on any business concern or undertaking so acquired, or any other business which may seem to be capable of being conveniently carried on with any of these objects, or calculated, directly or indirectly, to enhance the value of, or facilitate the realization of, or render profitable any of the Company's property or lands;
- (2.) To advance, deposit, or lend money, securities, and property to or with such persons and on such terms as may seem expedient; to discount, buy, sell, and deal in bills, notes, warrants, coupons, and other negotiable or transferable securities or documents;
- (3.) To issue on commission, subscribe for, take, acquire, and hold, sell, exchange, and deal in shares, stocks, bonds, or securities of any Government, authority, or company;
- (4.) To carry on all kinds of promotion business; to form, promote, subsidize, float, assist, and control companies, syndicates, and partnerships for the purpose of acquiring the property and liabilities of this Company, or for any other purpose which may seem, directly or indirectly, calculated to benefit this Company;
- (5.) To invest and deal with the moneys of the Company not immediately required upon such securities and in such manner as may from time to time be deemed expedient;
- (6.) To lend money to such persons and on such terms as may seem expedient, and particularly to customers and others having dealings with the Company, and to guarantee the performance of contracts by any such person;
- (7.) To borrow or raise or secure the payment of money in such manner as the Company shall think fit, and in particular

by the issue of debentures or debenture stock, perpetual or otherwise, chargeable upon the Company's property, both present and future, including its uncalled capital, and to redeem and pay off such securities:

- (8.) To draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading, notes, or other negotiable or transferable instruments:
- (9.) To enter into any arrangements with any authorities (supreme, municipal, local, or otherwise) as may seem conducive to the Company's objects or any of them, and to obtain from any such authority any rights, privileges, and concessions which the Company may deem advisable to obtain, and to carry out, exercise, and comply with any such arrangements, rights, privileges, and concessions:
- (10.) To sell, improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the Company:
- (11.) To amalgamate with any other company having objects altogether or in part similar to those of this Company:
- (12.) To distribute any of the property of the Company in specie among the members, and to stipulate and obtain for the members, or any of them, any property, rights, privileges, or options:
- (13.) To accumulate funds and to admit any person or persons to participate in the profits or assets of the Company:
- (14.) To remunerate any person or company for services rendered or to be rendered in placing or assisting to place, or guaranteeing the placing of, any of the shares in the Company's capital or any debentures or other securities of the Company, or in or about the formation or promotion of the Company or the conduct of its business:
- (15.) To enter into partnership or into any arrangement for sharing profits, union of interests, co-operation, joint adventure, reciprocal concession, or otherwise with any person or company carrying on or engaged in, or about to carry on or engage in, any business or transaction capable of being conducted so as, directly or indirectly, to benefit this Company; and to lend money to, guarantee the contracts of, or otherwise assist any such person or company, and to take or otherwise acquire shares and securities of any such company, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same:
- (16.) To take or otherwise acquire and hold shares in any other company having objects altogether or in part similar to those of this Company, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit this Company:

- (17.) To guarantee the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers, and agents of their respective duties and obligations:
- (18.) To guarantee the payment of money secured by or payable under or in respect of debenture bonds, debenture stocks, contracts, mortgages, charges, obligations, and securities of any company, or of any authority (supreme, municipal, local, or otherwise), or of any persons whomsoever, whether corporate or unincorporate:
- (19.) To guarantee persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent, or other person, or from the insufficiency, imperfection, or deficiency in any security, or from any bankruptcy, insolvency, fraud, or tortious act on the part of any other persons or from any error of judgment or misfortune:
- (20.) To guarantee the title to or quiet enjoyment of property, either absolutely or subject to any qualifications or conditions, and to guarantee persons interested or about to become interested in any property against any loss, actions, proceedings, claims, or demands in respect of any insufficiency or imperfection or deficiency of title, or in respect of any encumbrances, burdens, or outstanding rights:
- (21.) To guarantee or become liable for the payment of money or the performance of any obligation, and generally to carry on and transact every kind of indemnity business, and every kind of counter-guarantee and counter-indemnity business, and generally every kind of guarantee and reinsurance business of the like kind:
- (22.) To contract with leaseholders, borrowers, lenders, annuitants, and others for the establishment, accumulation, provision, and payment of sinking funds, redemption funds, depreciation funds, renewal funds, endowment funds, and any other special funds, and that either in consideration of a lump sum or of an annual premium or otherwise, and generally on such terms and conditions as may be arranged:
- (23.) To undertake the office of trustee, receiver, and liquidator, whether official or otherwise, executor, administrator, committee, manager, attorney, delegate, substitute, treasurer, or any other offices or situations of trust or confidence, and to perform and discharge the duties and functions incident thereto, and generally to transact all kinds of trust and agency business, either gratuitously or otherwise:

- (24.) To furnish and provide deposits and guarantee funds required in relation to any tender or application for any contract, concession, decree, enactment, property, or privilege, or in relation to the carrying-out of any contract, concession, decree, or enactment:
- (25.) To receive money, securities, and valuables of all kinds on deposit at interest, or for custody, and generally to carry on the business of a safe-deposit company:
- (26.) To lend, deposit, or advance money, securities, and property to or with such persons and on such terms as may seem expedient:
- (27.) To enter into contracts for or in respect of the matters aforesaid on such terms and conditions as may be arranged, and, if deemed expedient, to contract thereby for the payment or provision of money or money's worth, either by way of liquidated damages or agreed compensation:
- (28.) To accumulate capital for any of the purposes of the Company, and to appropriate any of the Company's assets to specific purposes, either conditionally or unconditionally, and to admit any class or section of those who have any dealings with the Company to any share in the profits thereof, or in the profits of any particular branch of the Company's business, or to any other special rights, privileges, advantages, or benefits:
- (29.) To pay, satisfy, or compromise any claims made against the Company which it may seem expedient to pay, satisfy, or compromise, notwithstanding that the same may not be valid in law:
- (30.) To sell or dispose of the undertakings of the Company or any part thereof for such consideration as the Company may think fit, and in particular for shares, debentures, or securities of any other company having objects altogether or in part similar to those of this Company:
- (31.) To obtain any provisional order or Act of Parliament for enabling the Company to carry any of its objects into effect, or for effecting any modification of the Company's constitution, or for any other purpose which may seem expedient, and to oppose any proceedings or applications which may seem expedient, and to oppose any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the Company's interests:
- (32.) To do all or any of the above things as principals, agents, contractors, trustees, or otherwise, and by and through trustees, agents, or otherwise, and either alone or in conjunction with others:

(33.) To do all such other things as the Company may think incidental or conducive to the attainment of the above objects or any of them.

Company may be
a sole trustee.

2. The Company may be appointed a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee, and may also be appointed trustee jointly with another person. Such appointment may be made whether the trustee is required under the provisions of any deed, will, or document creating a trust, or whether the appointment is made under the provisions of the "Trustee Act" or otherwise; and notwithstanding any rule of practice or any provision of any Act requiring security, it shall not be necessary for the Company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian, or committee unless otherwise ordered: Provided that the Company has deposited with the Minister of Finance, as security for the due performance of the duties of any of the offices to which it may be appointed under this Act, a bond or other security satisfactory to the said Minister in the sum of fifty thousand dollars (\$50,000), which bond shall be renewed every two years.

Company may
be official
administrator

3. The Company may be appointed to and may accept and execute the office of an official administrator under the "Administration Act" and amendments thereto for any one or more of the counties in the said Province.

Deposit with
Company of moneys
paid into Court

4. Every Court into which money is paid by parties or is brought by order or judgment may, by order, direct the same to be deposited with the Company, and the Company may pay any lawful rate of interest on such moneys as may be agreed upon; and where no special arrangement is made, interest shall be allowed by the Company at a rate of not less than three per cent. annually.

Guarantee by
issuance of policies
of insurance

5. The Company shall have power to guarantee by the issuance of policies of insurance or otherwise the payment of moneys secured by or payable under or in respect of debenture bonds, debenture stocks, contracts, mortgages, charges, obligations, and securities of any company, or of any authority (supreme, municipal, local, or otherwise), or any persons whomsoever, whether corporate or unincorporate.

Moneys
securities, etc

6. Moneys, properties, and securities received or held by the Company upon trust, or as agents of any person or company upon trust, or as agents of any person or company, shall not be liable for the debts or obligations of the Company.

Trust accounts to
be kept separate

7. The moneys and securities of each trust shall always be kept distinct from those of the Company and in separate accounts, and so

marked in the books of the Company for each particular trust as always to be distinguished from any others in the registers and other books of account kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company.

8. The Company shall not invest any trust moneys in its hands in any securities in which private trustees may not by law invest trust moneys: Provided that the Company shall not in any case invest the moneys of any trust in securities prohibited by the trust, and shall not invest any moneys entrusted to it in a class of securities disapproved of by the Court.

Nature of investments.

9. The Supreme Court of British Columbia, if it deems necessary, may from time to time appoint a suitable person to investigate the affairs and management of the Company connected with the powers given by sections 2 to 5 hereto, and such person shall report thereon to the Court regarding the security afforded to those for whom the engagements of the Company are held, and the expenses of such investigation shall be defrayed by the Company, or the Court may, if it deems necessary, examine the officers or directors of the Company under oath as to the security aforesaid.

Supreme Court may investigate affairs of Company.

10. The Lieutenant Governor in Council may also from time to time, when he deems it expedient, appoint an Inspector to examine the affairs of the Company, and report to him on the security afforded to those by whom its engagements are held as aforesaid; and the expense of the investigation shall be borne by the Company.

Lieut. Governor in Council may order examination.

11. Nothing herein contained shall authorize or be construed to authorize the Company to engage in banking or the construction of railways.

Company not to engage in banking or construct railways.

12. The Company shall not exercise any of the powers conferred upon it by clause (25) of section 1 nor by sections 2 to 5 hereof until it shall have given the security required by said section 2, and has proved to the satisfaction of the Lieutenant-Governor in Council that the amount paid up in cash in respect to its subscribed capital is one hundred thousand dollars.

When powers may be exercised.

13. Any Act now in force or hereafter passed providing for the regulation and inspection of trust companies shall, notwithstanding anything herein contained, apply to this Company unless otherwise provided in said Act.

Future legislation.

14. This Act may be cited as the "Colonial Trust Company, Short or Limited, Act, 1913."