

HON. MR. POWER said:—I beg leave to present a petition of the Windsor & Annapolis Railway Company, and I shall take the liberty of quoting one or two sections from it instead of handing it to the Clerk:—

*To the Honorable the Senate of the Dominion of Canada in Parliament assembled.*

THE PETITION OF THE WINDSOR & ANNAPOLIS RAILWAY COMPANY

HUMBLY SHEWETH:

1. That by an Act of the Legislature of the Province of Nova Scotia, passed 2nd May, 1865, (28 Vic., Cap. 13), entitled "An Act to provide for the construction of two other Sections of the Provincial Railways," it was enacted that the Chief Commissioner of Railways, by direction and authority of the Governor-in-Council, might Contract for and on behalf of the Province with any responsible party or parties for the construction of certain sections of the Provincial Railway, including the section from Windsor to Annapolis, on the terms and under provisions in the said Act set forth.

2. By an agreement dated 22nd November, 1866, made between the Chief Commissioner of Railways of the Province of Nova Scotia, by the direction and authority of the Governor-in-Council of the said Province, of the first part, and William Henry Punchard, Frederick Barry and Edwin Clark, in this Petition called "the Contractors," of the other part, and which said agreement was expressed to be made in pursuance of the said Act of 1865, the Contractors agreed to construct the Railway from Windsor to Annapolis, upon certain terms and conditions in the said Agreement expressed, and it was thereby provided that for the purposes of carrying out the said Agreement the Contractors should have power to form a Joint Stock Company, with such capital as might be necessary for the purpose of enabling the Contractors to sell and the Company to purchase the Railway and Works therein contracted for, and to take the tolls and charges therein referred to. That when and so soon as such Company was formed and capital subscribed as therein mentioned, the intended Company should possess the said Railway and Works, subject to the terms of the said Agreement.

3. By a Memorandum and Articles of Association, dated the 26th February, 1867, and duly registered in England on the 1st March, 1867, your Petitioners were incorporated in England by the name of the Windsor & Annapolis Railway Company (Limited), for the purpose of acquiring the said Railway and working the same, and for the other purposes in the said Memorandum and Articles of Association expressed. The share capital of the Company was fixed at

£500,000, divided into 25,000 shares of £20 each, with authority to borrow on bonds or debentures or other security to an amount not exceeding the aggregate of £200,000.

4. By an Act of the said Legislature, passed the 7th May, 1867 (30 Vic., Cap. 36), entitled "An Act to incorporate the Windsor & Annapolis Railway Company," after reciting the said Act of 1865 and the said Agreement of the 22nd November, 1866, the Contractors with others were incorporated as the Windsor & Annapolis Railway Company (being your Petitioners), for the purpose of constructing a Railway from Windsor to Annapolis (which it was thereby enacted that your Petitioners should own), and for such other purposes and with such extended and additional powers, privileges and authorities as in the said Act expressed and contained.

9. Your Petitioners have seen a Bill which was introduced in your Honorable House this day intituled "An Act respecting the Windsor Branch of the Intercolonial Railway," but they had no opportunity of seeing the same or of becoming aware of its contents until after it had been introduced as above mentioned.

The said Act if it should be passed by, and should be held to be within the powers of, the Parliament of Canada would seriously prejudice the rights and property of your Petitioners and the interests of their Shareholders and Bondholders of the said Railway and undertaking, and your Petitioners would be greatly aggrieved by, and they therefore strongly object to and protest against the passing of the said Act.

10. Your Petitioners have no desire to impede any action which may be deemed beneficial to the interests of the Dominion of Canada or the Province of Nova Scotia. On the other hand, if upon terms fair and just towards them and their interests, and in a mode not invading their rights, it should be deemed expedient that the Government should acquire their undertaking, they would be prepared to concur in that decision, although it might interfere in some measure with their realizing at last, and after a long period of effort, the reasonable expectations of profit which induced them to undertake their enterprise. But they cannot consent to the passing of a legislative measure, which they are advised is not only unwarranted by the Constitution of Canada, but is calculated to jeopardize certain valuable vested rights which they now possess and enjoy under a Contract with the Dominion Government.

11. Your Petitioners deny the existence of any right or liability under their Charter or otherwise by which, without their consent, their property can be taken from them; but if such right does exist, it clearly involves a corresponding right in your Petitioners to be