





3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 2.

An Act to amend the Railway Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 292 of *The Railway Act*, chapter 37 of the Revised R.S., c. 37, 5 Statutes, 1906, is amended by adding thereto the following amended.

"3. Whenever any person is killed, or receives injuries causing Coroner death, on the property of, or by or in a train of, any company, hold inquest the coroner of the county in which such death or injuries occur, and resident nearest to the place at which such death or injuries occurred, shall hold an inquest on the body of the person so killed immediately upon receiving notice of such death."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 2.

An Act to amend the Railway Act.

First reading, November 21, 1910.

MR. LANCASTER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 3.

An Act respecting the Hours of Labour on Public Works.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In this Act, unless the context otherwise requires,— Definition. "extraordinary emergency" means an emergency that cannot Extraordinbe foreseen, such as might be necessary for saving life or prop- ary emergency. erty and not causes which depend for their emergency solely upon economical methods of work or importance of rapid construction.

2. This Act shall not apply—

Exceptions to

(a) to purchases made in the open market by the Govern- application of ment of Canada:

(b) to work upon public, military or naval works or defences

in time of war;

- (c) to purchases made in the open market by the contractor, sub-contractor or other persons referred to in section 6 of this Act:
  - (d) to contracts for the transmission of intelligence; (e) to contracts for transportation by land or water;

(f) to agricultural work. 20

- 3. This Act shall apply to work undertaken by the Gov- Day labour. ernment by day labour.
- 4. Without restricting the application of this Act, it is Application of Act. declared that it includes-
- (a) contracts for the erection, remodelling, construction or Public works. repair of all public works, such as post offices, custom houses, armouries, Intercolonial stations, freight sheds or locomotive equipment, wharves, piers, breakwaters, railroads, canals, dredges, navy yards, arsenals, public buildings and vessels for 30 the use of the Government;

(b) contracts for dredging;

Dredging.

Militia, Mounted Police, and printing. (c) contracts for uniforms, sadlery, etc., for the militia or permanent or volunteer forces or Royal Northwest Mounted Police, ordnance, rifles, ammunition, mail bags, paper for Government printing offices, and also contracts for printing;

Clothing.

(d) contracts for clothing required for employees of any 5 Department of the Government, such as letter carriers, navy, prison guards, etc.;

prison guards, etc.

Labour. (e) all contract

(e) all contracts which contemplate the performance of

labour after their execution;

Construction premises.

(f) all work done on construction premises, whether the 10 property in the thing contracted for is vested originally in the Government or passes to it on acceptance as fulfilling specifications laid down in the contract.

Hours of labour.

5. No labourer, workman or mechanic in the employment of the Government, whether or not engaged on public works, 15 shall be required or permitted to work more than eight hours in any one calendar day except in transportation services or in cases of extraordinary emergency.

Eight hour day.

6. Every contract to which the Government of Canada is a party, which may involve the employment of labourers, work-20 men or mechanics, shall contain a stipulation that no labourer, workman or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or any part of the work contemplated by the contract, shall be required or permitted to work upon or in connection with the 25 work contracted for, more than eight hours in any one calendar day except in case of extraordinary emergency.

Stipulation in contracts.

7. Every such contract hereafter made shall contain a provision that unless the person making or performing it complies with the provisions of this Act, the contract shall be void, 30 and such person shall not be entitled to receive any sum, nor shall any officer, agent or employee of the Government of Canada pay or authorize payment from the funds under his charge or control to such person for work done upon or in connection with the contract which in its form or manner of 35 performance violates the provisions of this Act.

Rate of wages.

8. The wages to be paid to all labourers, workmen or mechanics coming within the provisions of section 6 shall be the current per diem wages in the locality where the work or labour is performed.

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THE HOUSE OF COMMONS
OF CANADA.

BILL 3.

BILL 3.

BILL 3.

First reading, November 23, 1910.

First reading, November 23, 1910.

OTTAWA
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Printer to the King's most Excellent Majesty
1910-11

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 3.

[Reprinted as proposed to be amended in Committee of the Whole House.]

An Act respecting the Hours of Labour on Public Works.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. In this Act, unless the context otherwise requires, - Definition. "extraordinary emergency" means an emergency that cannot "Extra-be foreseen, such as might be necessary for saving life or prop- ordinary emergency." erty and not causes which depend for their emergency solely upon economical methods of work or importance of rapid construction.

2. This Act shall not apply-

(a) to purchases made by the Government of Canada;

Exceptions to

- (b) to work upon public, military or naval works or defences in time of war, or if war is apprehended;
- (c) to purchases made by the contractor, sub-contractor or 15 other persons referred to in section 3 of this Act;
  - (d) to contracts for the transmission of intelligence; (e) to contracts for transportation by land or water;
  - (f) to agricultural work.

3. Every contract hereafter made for the erection, re-model- Eight hour 20 ling, construction or repair of any public building to which the day. Government of Canada is a party, which may involve the employment of labourers, workmen or mechanics, shall contain a stipulation that no labourer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing

25 or contracting to do the whole or any part of the work contemplated by the contract, shall be required, except in case of extraordinary emergency, to work upon or in connection with the work contracted for, more than forty-eight hours in any one week or, where employment is for a less time than one week,

Overtime.]

eight hours in any one calendar day. Additional hours, if worked, shall be classified as overtime and paid for at a rate of not less than time and a quarter.

Day labour.

2. The provisions of this section shall, as respects the hours labour, apply to work undertaken by the Government by day 5 labour.

Penalty.

4. Any officer or agent of the Government of Canada, or any contractor or sub-contractor thereof, who violates any provision of this Act shall be liable on summary conviction to a fine not exceeding two hundred dollars and costs, or to imprisonment 10 for not more than six months, or to both fine and imprisonment.

[Reprinted as proposed to be amended in Committee of the Whole House.]

An Act respecting the Hours of Labour on Public Works.

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SALUKTURA CONTRACTOR

THE HOUSE OF COMMONS OF CANADA.

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3rd Session, 11th Parliament, 1 George V., 1910-11

MR. VERVILLE.

Printed by C. H. Parmeters
Printer to the King's most Excellent Majesty
1910-11

OTTAWA

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

#### BILL 4.

### An Act to amend the Railway Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 259 of *The Railway Act* is amended by inserting R.S., c. 37, 5 after the words "such construction," in the fourth line, the section words "and all workmen, day labourers, or other persons employed by the company in the operation of its railway."

2. The said section is further amended by adding thereto S-s. added.

the following subsection:-

"3. No company shall, at any time during the period of the wages not engagement of any workman, day labourer or employee by to be withheld. the company, when paying his wages, withhold the whole or any part thereof for any reason; and such wages shall be paid at intervals of not more than two weeks."

15 3. This Act shall apply to all arrears due at the time of the Arrears coming into force of this Act.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 4.

An Act to amend the Railway Act.

First reading, November 23, 1910.

MR. MARTIN, (St. Mary's.)

OTTAWA
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Printer to the King's most Excellent Majesty
1910-11

### [CORRECTED COPY.]

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 5.

#### An Act to amend the Bank Act.

[IS Majesty, by and with the advice and consent of the H Senate and House of Commons of Canada, enacts as follows:-

1. The Bank Act, chapter 29 of the Revised Statutes, 1906, R.S., c. 29. 5 is amended by inserting the following section immediately after Section section 28 thereof:-

"28A. At the annual meeting for the election of directors, Annual and before such election takes place, the president, or the person shareholders acting as such, shall render a detailed account of the share- of operations 10 holders, present at such meeting, of the operations of the bank, and guarantees. and of the loans or advances made by the bank to any person, company or association, exceeding the sum of ten thousand dollars, and give, if required, all information regarding the guarantees of the bank for all such loans or advances."

2. Paragraph (b) of subsection 1 of section 31 of the said Act s. 31 is amended by striking out the words "twenty-five" in the first amended. line thereof and substituting therefor the word "fifteen;" and by striking out the words "one-tenth" in the third line thereof Shareholders and substituting therefor the words "one-twentieth."

3. Subsection 2 of section 37 of the said Act is amended by S. 37 striking out the word "may" in the first line thereof and by Cancelling substituting therefor the word "shall."

Cancelling subscriptions.

4. The said Act is amended by inserting the following sections Sections immediately after section 114 thereof:-

#### "EXAMINATION AND INSPECTION.

"114A. The Minister shall, at least once in every two years, Inspection have an inspection made of any bank at the head office, by an by Minister. auditor or inspector appointed by him for that purpose, and such officer shall have power to examine all books, papers, documents Powers of and notes in the possession of the bank, for the purpose of inspector.

securing exactness in the annual and monthly returns required by sections 112 and 114 of this Act, and in order to ascertain

as far as possible the financial condition of the bank.

Oath of inspector.

"114B. Such auditor or inspector, before entering upon his duties, shall take an oath not to divulge anything that comes to 5 his knowledge in the course of such examination or inspection, except in the case provided for in section 114D of this Act.

Information to be furnished by president and directors.

"114c. The president and directors of every bank shall, in writing over their signatures, furnish the auditor or inspector with all information that he may require from them concern- 10 ing the bank, and in default of so doing within two days, each of them shall be liable to a fine of fifty dollars for each day thereafter that he neglects or refuses to give such information.

Penalty.

"114D. As soon as possible after the close of the examination or inspection of the bank, the auditor or inspector shall make a 15 return, in writing, of his proceedings and observations to the Minister, who shall keep the contents of such return secret, except in the case provided for in section 114E of this Act.

Return to Minister

> "114E. The Minister may, if he thinks proper, after having examined the return mentioned in the preceding section, make 20 its contents known to the Canadian Bankers' Association."

Secrecy.

Information to Canadian Bankers' Association.

First reading, November 23, 1910.

An Act to amend the Bank Act.

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

[CORRECTED COPY.]

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER

OTTAWA

MR. DEMERS

### THE HOUSE OF COMMONS OF CANADA.

#### BILL 5.

#### An Act to amend the Bank Act.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Bank Act, chapter 29 of the Revised Statutes, 1906, R.S., c. 29. 5 is amended by inserting the following section immediately after Section added. section 28 thereof:-

"28A. At the annual meeting for the election of directors, Annual and before such election takes place, the president, or the person shareholders acting as such, shall render a detailed account of the share- of operations and 10 holders, present at such meeting, of the operations of the bank, guarantees. and of the loans or advances made by the bank to any person, company or association, exceeding the sum of ten thousand dollars, and give, if required, all information regarding the guarantees of the bank for all such loans or advances."

2. Paragraph (b) of subsection 1 of section 31 of the said Act s. 31 is amended by striking out the words "twenty-five" in the first amended. line thereof and substituting therefor the word "fifteen;" and by striking out the words "one-tenth" in the third line thereof Shareholders and substituting therefor the words "one-twentieth."

3. Subsection 2 of section 37 of the said Act is amended by S. 37 striking out the word "may" in the first line thereof and by amended. Cancelling substituting therefor the word "shall."

4. The said Act is amended by inserting the following sections Sections immediately after section 114 thereof:

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the annual and monthly returns required by sections 112 and 114 of this Act, with regard to the financial condition of the bank.

Oath of inspector.

"114B. Such auditor or inspector, before entering upon his duties, shall take an oath not to divulge anything that comes to 5 his knowledge in the course of such examination or inspection, except in the case provided for in section 114D of this Act.

Information to be furnished by resident and

"114c. The president and directors of every bank shall, in writing over their signatures, furnish the auditor or inspector with all information that he may require from them, jointly or 10 individually, concerning the bank, and in default of so doing within two days, each of them shall be liable to a fine of fifty dollars for each day thereafter that he neglects or refuses to give such information.

Penalty.

"114D. As soon as possible after the close of the examination 15 or inspection of the bank, the auditor or inspector shall make a return of his proceedings and observations to the Minister, who shall keep the contents of such return secret, except in the case provided for in section 114E of this Act.

Return to Minister.

> "114E. The Minister may, if he thinks proper, after having 20 examined the return mentioned in the preceding section, make its contents known to the Canadian Bankers' Association.'

Secrecy.

Information o Canadian Bankers'

> First reading, November 23, 1910.

An Act to amend the Bank Act.

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

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MR. DEMERS.

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 6.

### An Act to amend the Interest Act.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada. enacts as follows:-1

1. The Interest Act, chapter 120 of the Revised Statutes, 1906, R.S., c. 120 amended by inserting the following section immediately after Section section 10:

"10A. Whenever any principal money, interest or other Payment of money secured by mortgage made, or renewed by renewal or mortgage at extension agreement, after the passing of this Act is not paid at after due, on the time when it is a start of the sta 10 the time when in the mortgage, or in any agreement for the conditions. renewal or extension of the mortgage, the same is stipulated to be due and payable, then, if the person liable to pay or entitled to redeem the mortgage gives the person entitled to receive the

money at least one month's notice in writing of his intention to 15 pay the money so overdue, and at the expiration of the time in the said notice mentioned pays or tenders to the person entitled to receive the money, the money so overdue as aforesaid and interest to the time of payment or tender, as calculated under the provisions of sections 6, 7, 8 and 9 of this Act, or, at any

20 time after the same is so due, pays or tenders to the person entitled to receive the money, the money so overdue as aforesaid and interest to the time of payment or tender, calculated as aforesaid, and, in addition, one month's further interest in lieu of the said notice, no further interest shall be chargeable, payable

25 or recoverable at any time thereafter on the said principal money interest or other money so overdue under the mortgage and so paid or tendered.

"2. Nothing in this section shall restrict the rights of any Rights of person to repay any overdue principal or interest or other repayment. 30 moneys, whose rights to pay the same have not been affected by

"3. When a mortgagor or other person who is liable to pay Mortgagor or is entitled to redeem a mortgage mentioned in subsection 1 giving notice and failing to hereof gives notice, as aforesaid, of an intention to pay moneys make 35 overdue on such mortgage, but who fails to make such payment.

any contract.

at the time in the said notice indicated as the time when payment would be made, shall thereafter be in the same position, as to such then overdue moneys, as though this section had not been passed."

Application of ss. 6 to 10.

2. Section 11 of the said Act is amended by striking out the 5 words "five sections last preceding," in the first line thereof and substituting therefor the words "sections 6, 7, 8, 9 and 10 of this Act."

THE HOUSE OF COMMONS OF CANADA.

ILL 6

An Act to amend the Interest Act.

First reading, November 23, 1910.

MR. MILLER.

OTTAWA

Printed by C. H. Parmeier

Printer to the King's most Excellent Majesty

1910-11

Session, 11th Parliament, 1 George V., 1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 7.

An Act to amend the Companies Act.

(Reprinted as amended by the Sub-Committee of the Banking and Commerce Committee.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Companies Act Amendment Short title. 5 Act, 1911.

#### ANNUAL FINANCIAL STATEMENT.

Explanatory note.—There is no provision in the Companies Act, as it at present stands, under which a shareholder can demand a copy of the balance sheet or a financial statement of the company's affairs. In fact a company under the Act is not bound to hold an annual meeting. Neither is it required to make an annual audit, or to report the state of its affairs to the shareholders. Sections 2-11 of this Bill are to provide for an annual meeting, an annual audit and a report to the shareholders. These matters are usually provided for in the by-laws of the company. But companies are not obliged to pass such by-laws. While all companies are under this Bill obliged to have an annual meeting and an annual audit, small companies, or those which, for practical purposes are partnerships, are exempted as "Private Companies," which are defined by section 11, from distributing to shareholders copies of the annual statement. The sections in question are taken with slight change from the Imperial Companies Act and the Ontario Companies Act.

2. (1) The annual meeting of the shareholders of the company Annual shall be held at such time and place in each year as the special Act, letters patent, or by-laws of the company may provide, and in default of such provisions in that behalf the annual 10 meeting shall be held at the place named in the special Act or letters patent as the place of the head office of the company.

on the fourth Wednesday in January in every year.

2. At such meeting the directors shall lay before the com-Balance pany.—

15 (a) a balance sheet made up to a date not more than three months before such annual meeting;

(b) a general statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) the report of the auditor or auditors;

20 (d) such further information respecting the company's finan-

cial position as the special Act, letters patent or the bylaws of the company may require; and shall furnish a copy thereof to every shareholder, with the notice calling such meeting provided, however, that in cases of private companies such copies need not be furnished.

Details of balance sheet.

3. Every balance sheet shall be drawn up so as to distinguish severally at least the following classes of assets and liabilities, namely:

(a) cash;

10 (b) debts owing to the company from its customers;

(c) debts owing to the company from its directors, officers and shareholders respectively;

(d) stock in trade;

(e) expenditures made on account of future business;

(f) lands, buildings, and plant;

(g) goodwill, franchises, patents and copy rights, trademarks, leases, contracts and licenses;

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(h) debts owing by the company secured by mortgage or other lien upon the property of the company;

(i) debts owing by the company but not secured;

(i) amount of common shares, subscribed for and allotted and the amount paid thereon;

(k) amount of preferred shares subscribed for and allotted and the amount paid thereon;

(1) indirect and contingent liabilities. Ontario Companies 25 Act, sec. 36.

Explanatory note.—Sections 2 and 3 as above are copied without change from Sec. 36 of the Ontario Companies Act, except the last clause of (2) (d). These clauses were originally drafted by the Council of the Ontario Chartered Accountants Association.

#### AUDIT.

Explanatory note.—The preparation of an annual financial statement and its distribution to the shareholders of the company serve no effective purpose unless there is adequate machinery to compel the making of a statement which shows accurately the financial state of the company. For this purpose an audit is necessary and sections 3-10 place the appointment of the auditor in the hands of the shareholders, set out the auditor's duties and empower the Secretary of State to appoint an auditor when one is not appointed by the shareholders, or where one so appointed cannot set or needed to set

where one so appointed cannot act, or neglects to act.

Sections 3-10 are taken without material change from Sections 123 to 130 of the Ontario Companies Act, which were in turn taken originally from sections 21, 22 and 23 of the Imperial Act of 1900 and these are now consolidated in sections 112 and 113 of the Imperial Act of 1908.

Accounts audited.

3. The accounts of the company shall be examined once at least in every year, and the correctness of the balance sheet shall be ascertained by an auditor or auditors. Ontario Companies Act, sec. 123.

First auditors.

4. The first auditors of the company may be appointed by 30 the directors before the first meeting of the shareholders and

the auditors so appointed shall hold office until the first general meeting of the shareholders. Ontario Companies Act, sec 124. Imperial Companies Act sec. 112, s.s. (5) in part.

- 5. Thereafter the auditors shall be appointed by resolution Appointment 5 at a general meeting of the shareholders of the company; they of auditors. shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. Ontario Companies Act sec. 125. Imperial Companies Act sec. 112, (1) in part.
- 6. The said auditors may be shareholders of the company, Auditors but no person shall be eligible as an auditor who is interested, shareholders. otherwise than as a shareholder, in any transaction of the company, and no director or other officer of the company shall be eligible during his continuance in office. Ontario Companies 15 Act sec. 126. Imperial Companies Act sec. 112, s.s. (3) in part.

7. If an appointment of auditors is not made at an annual Secretary of meeting, or if the auditors become incapable of acting or neglect appoint or refuse to act, the Secretary of State of Canada, may, on the auditors. application of any shareholder of the company appoint an 20 auditor of the company for the current year, and fix the remuneration (if any) to be paid to him by the company for his services. Ontario Companies Act sec. 127. Imperial Companies Act sec. 112, s.s. (2).

8. The directors of a company may fill any casual vacancy Directors 25 in the office of the auditor, but while any such vacancy con- may fill vacancies. tinues the surviving or continuing auditor or auditors (if any) may act, and any auditor shall be eligible for re-appointment. Ontario Companies Act sec. 128. Imperial Companies Act sec. 1.12, s.s. (6).

9. The remuneration of the auditors of a company shall Remunerabe fixed by the company in general meeting, except that the tion of auditors. remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. Ontario Companies Act sec. 129, Imperial Companies 35 Act sec. 112, s.s. (7).

10. Every auditor of a company shall have the right of Rights and access at all times to the books, accounts and vouchers of the auditors. company, and shall be entitled to require from the directors and officers of the company such information and explanation 40 as may be necessary for the performance of his duties, and the

auditors shall sign a certificate at the foot of the balance sheet

stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders on the books, accounts and vouchers examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by the books, accounts and vouchers of the company, and such report shall be read before the shareholders of the company in general meeting. 10

Ontario Companies Act sec. 113 in part, Imperial Act 1900, sec.

23.

#### PRIVATE COMPANIES.

Explanatory note.—It is considered advisable to made provision for private companies, for two reasons. In the first place Canadian companies doing business in England are required to file prospectuses and particulars of certain contracts which are open to inspection, unless it can be shown that they are private companies within the meaning of the Imperial Act. There is difficulty in doing this in the absence of a corresponding provision in the Dominion Act. In the second place it is considered advisable that certain companies should be exempt from some of the provisions respecting certain returns and statements to shareholders and these companies are within the definition of private companies.

Meaning of "private company."

11. (1) For the purposes of this Act the expression "private company" means a company which by its special Act, letters patent or supplementary letters patent—

(a) restricts the right to transfer its shares; and

(b) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and

(c) prohibits any invitation to the public to subscribe for any

shares or debentures of the company.

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Joint shareholders. (2). Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section, be treated as a single member. *Imperial Companies Act sec. 121 in part.* 

Public utility companies excepted.

(3). This section shall not be applicable to any company 25 operating or controlling any public or municipal franchise, undertaking or utility or which may require or use for its purposes any permanent structure in, on, across or under any highway or stream or adjoining navigable waters.—New.

#### ANNUAL RETURNS.

Explanatory note.—As the companies Act now stands there is no provision for making annual returns. After a company has been incorporated there is no automatic method of ascertaining whether it is in existence or who are its officers or shareholders. In fact if its head office is changed there is no practical method of obtaining any information respecting it. It is true that under section 106 the Secretary of State may ask for a special return. But there is no machinery to enforce the provisions of this section, and it is in fact often impossible to com-

municate with a company when such a return is asked for. Provisions calling for annual returns are included in all other similar known Acts. "Private Companies" are, however, relieved from making a return of their financial statement. The proposed section follows section 26 of the Imperial Act more closely than it does section 131 of the Ontario Companies Act. Some of the details of the returns of the Ontario Act are added. The provision respecting the posting of the return in the head office is eliminated. The method of collecting fines is by summary conviction before a magistrate, as the qui tam proceedings of the Ontario Act are cumbersome and dilatory.

12. (1). Every company having a share capital shall on or Annual before the first day of May in every year make a list of all persons who on the thirty-first day of March preceding are shareholders

of the company.

of all shareholders therein mentioned and the number of shares shareholders, held by each of the members on the said thirty-first day of March, and must contain a summary distinguishing between Summary, shares issued for cash and shares issued as fully or partly paid

10 up otherwise than in cash, and specifying the following particulars:—

(a) The corporate name of the company;

Particulars.

- (b) The manner in which the company is incorporated whether by special Act or by letters patent and the date thereof:
- (c) The place of the head office of the company giving the street and number thereof when possible;

(d) The date upon which the last annual meeting of share-holders of the company was held;

- (e) The amount of the share capital of the company, and the number of shares into which it is divided;
  - (f) The number of shares taken from the commencement of the company up to the date of the return;

(g) The amount called up on each share;

25 (h) The total amount of calls received; (i) The total amount of calls unpaid;

(j) The total amount of the sums (if any) paid by way of commission in respect of any shares, bonds or debentures, or allowed by way of discount in respect of any bonds or

30 debentures:

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(k) The total number of shares forfeited;

(1) The total amount of shares issued as preference shares and the rate of dividend thereon;

(m) The total amount paid on such shares;

35 (n) The total amount of debentures, debenture stock or bonds authorized and the rate of interest thereon;

(o) The total amount of debentures, debenture stock or bonds issued:

(p) The total amount paid on debentures, debenture stock or bonds;

(q) The total amount of share warrants issued;

(r) The names and addresses of the persons who at the date of the return are the directors of the company, or occupy

the position of directors, by whatever name called.

Statement of capital, liabilities and assets.

3. The summary must also (except where the company is a private company) include a statement, made up to such date as 5 may be specified in the statement, in the form of a balance sheet audited by the company's auditor or auditors, and containing a summary of its share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets, and how the value of the fixed 10 assets have been arrived at, but the balance sheet need not

include a statement of profit and loss.

List and summary to be filed signed and verified.

4. The above list and summary must be completed and filed in duplicate in the department of the Secretary of State on or before the first day of May aforesaid. Each of the said dupli- 15 cates shall be signed by the president and the manager or if they are the same person, by the president and by the secretary of the company, and shall be duly certified by their affidavits. There shall also be filed therewith an affidavit proving that the copies of the said list and summary are duplicates.—New.

Penalty for default.

5. If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding twenty dollars for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorizes or permits the default shall be liable to 25 the like penalty and such fines may be recoverable on summary conviction. Ontario Companies Act sec. 131 in part and Imperial Companies Act sec. 26 in part.

Endorsement of list and summary.

6. The Secretary of State of Canada or an official of the department of the Secretary of State designated for that purpose shall endorse upon one duplicate of the above list and summary 30 the date of the receipt thereof at the department of the Secretary of State, and shall return the said duplicate list and summary to the company and the same shall be retained at the head office of the company available for perusal or for the purpose of making copies thereof or extracts therefrom by any share- 35 holder or creditor of the company. New.

Proof of endorsement.

7. The duplicate of the said list and summary endorsed as aforesaid shall be prima facie evidence that the said list and summary were filed in the Department of the Secretary of State pursuant to the provisions of this section on any prosecution under subsection 5 of this section, and the signature of an official 40 of the Department of the Secretary of State to the endorsement of the said duplicates thereon shall be deemed prima facie evidence that the said official has been designated to sign the said receipt.—New.

8. A certificate under the hand and seal of office of the Proof of Secretary of State of Canada that the aforesaid list and summary failure to in duplicate were not filed in the Department of the Secretary of State by a company pursuant to the provisions of this section 5 shall be prima facie evidence on a prosecution under subsection 5 of this section that such a list and summary were not filed in the

Department of the Secretary of State.—New.

9. This section shall mutatis mutandis, be applicable to Application companies without share capital with respect to a list and of section. 10 summary setting out the particulars referred to in paragraphs (a), (b), (c), (d), (j) (with respect to bonds and debentures) (n), (o), (p), and (r) of subsection 2 of this section and to directors,

managers and other officers of such companies.—New.

10. Companies organized after the thirty-first day of March Companies 15 in any year shall not be subject to the provisions of this section exempt. until the 31st day of March of the following year.—New.

11. The name of a company, which, for three consecutive Effect of years, has omitted to file in the Department of the Secretary of list for three State the said annual list and summary may be given in whole consecutive 20 or in part to a new company unless the defaulting company on

notice by the Secretary of State of Canada by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State of Canada that it is still a subsisting company; provided that if

25 at the end of one month from the date of such notice the Secretary of State of Canada shall not have received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of its corporate name; and further pro-

30 vided that when no annual list and summary has been filed by a company for three years immediately following its incorporation its name may be given to another company without notice, and such company shall be deemed not to be subsisting. Ontario Act sec. 29.

#### DEBENTURES AND FLOATING CHARGES.

Explanatory note.—Companies which have permanent and assured sources of income find a ready means of providing capital by the issue of perpetual debentures, that is, debentures which do not become due while the interest thereon is paid, unless some contingency happens which may be provided for in the debentures. There is doubt whether companies incorporated under the Act as it stands can issue perpetual debentures. The only clause of the Act which could be invoked for this purpose is one which relates to borrowing powers, and it has been held that the issue of such debentures is not borrowing. It was held in re The Southern Brazilian Railway, 1905, 2 Ch. 78, that the issue of perpetual debentures is not borrowing, but the grant of a perpetual annuity. Moreover, it is doubtful whether the issue of such debentures is not contrary to the rule against perpetuities and this section is suggested to avoid these doubts.

Perpetual debentures.

13. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the passing of this Act shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however 5 remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding. Imperial Act 103.

Explanatory note.—The object of section 14 is to make applicable to all other companies the similar provisions applied by the Parliament of Canada to railway companies under 8-9 Edward VII, Cap. 32, sec. 2. That section follows without substantial modification Section 104 of the Imperial Companies Act.

The commonplace and obvious decision in Routledge & Sons, 1904, 2 Ch. 474 did but affirm the truism that a man cannot be debtor to himself and cannot as mortgagee hold a security executed by himself as mortgagor; and this is equally true of a corporation. But the decision and its affirmance in Tasker & Sons, 1905, 2 Ch. 587, were strangely enough received by financiers of London, England, with dismay. It is to this that s. 15 of the Imperial Comp. Act, 1907, reproduced in the present section, owes its origin.

Power to re-issue redeemed debentures in certain cases

14. (1). Where either before or after the passing of this Act a company has redeemed any debentures previously issued, the company, unless the conditions of issue expressly otherwise 10 provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power, and shall be deemed always to have had power to keep the de-15 bentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon 20 such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

Transfer from nominee of Company.

2. Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing 25 of this Act been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

When

3. Where a company has either before or after the passing of deposited not this Act deposited any of its debentures to secure advances 30 redeemed. from time to time from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

Re-issue of debentures.

4. The re-issue of a debenture or the issue of another deben- 35 ture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the reissue or issue was made before or after the passing of this Act,

shall not be treated as the issue of a new debenture for the purposes of any provision limiting the amount or number of debentures to be issued:

5. Nothing in this section shall prejudice-

(a) The operation of any judgment or order of a court of proceedings not affected. competent jurisdiction pronounced or made before the first day of July, nineteen hundred and eleven as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any 10 such judgment or order shall be decided as if this Act had not been passed; or

(b) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the

15 same. Imperial Act sec. 104 in part.

#### STOCK DIVIDEND.

Explanatory note.—According to the law as it stands, dividends are payable only in cash. However it not infrequently happens that companies for well-understood business reasons prefer to declare stock dividends. Whenever such dividends have been declared by Dominion companies the issue was without authority under the Companies Act. The method usually employed was to issue dividends in cash and at the same time make a call upon the shares to be issued as a stock dividend, so that one might be set off against the other. Section 15 is designed to put a stop to this practice and legalize a direct issue of stock dividends dends.

15. For the amount of any dividend which the directors Stock might lawfully declare payable, in money, they may declare dividends. a stock dividend and issue therefor shares of the company as fully paid or partly paid, as the case may be, or may credit the amount of such dividend on the shares of the company 20 already issued but not fully paid and the liability of the holders of all shares mentioned in this section shall be reduced by the amount of such dividend: Provided that such a stock dividend Proviso. as aforesaid shall not be issued until the same has been approved of by two-thirds in value of the shareholders of the company at a 25 general meeting duly called for considering the same: Pro-Proviso. vided, further, that this section shall not be applicable to

Ontario Companies Act sec. 92 in part.

#### SHARE WARRANTS.

Companies referred to in section 11, subsection 3 of this Act.

Explanatory note.—A share warrant is a share certificate transferable by delivery without any record of such transfer being made in the books of the company. The warrant usually provides that when dividends are declared by the company an advertisement thereof setting out the rate and time of payment must be inserted in certain newspapers, and also that the dividend coupons attached to the warrant may be cashed at certain banks. On the appearance of an adver-

tisement of a particular dividend the holder of the warrant may then present the coupon for that dividend and obtain payment thereof. Share warrants may at any time be exchanged for ordinary share certificates. This section was first enacted in Great Britain in 1867 and is taken without substantial change from section 37 of the present Imperial Companies Act. It is similar to sections 53-61 of the Ontario Companies Act. The main object of the section is to enable a company to issue a kind of security which is probably the most important dealt in on the European exchanges. This kind of security is particularly popular in France with small investors, and the French law, renders shar warrants more easily dealt with. There is no change from the Imperial Act except where the necessities of our Act demands verbal changes. Several companies incorporated by Letters Patent have found it necessary to apply to Parliament for special Acts authorizing them to issue share warrants, and this section will render such application unnecessary.

Issue and effect of share warrants.

16. (1). A company, if so authorized by its special Act, letters patent or supplementary letters patent and subject to the provisions thereof may, with respect to any fully paid up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares included in the warrant, hereafter termed a share warrant

Rights of bearer. 12. A share warrant shall entitle the bearer thereof to the shares therein specified, and the shares may be transferred by 10 delivery of the warrant.

Bearer to be shareholder on surrender of warrant. 3. The bearer of a share warrant shall, subject to the provisions and regulations respecting share warrants contained in the special Act, letters patent or supplementary letters patent, be entitled, on surrendering it for cancellation, to have 15 his name entered on the books of the company as the holder of the shares specified in such share warrant and the company shall be responsible for any loss incurred by any person by reason of the company entering on the books of the company the name of the bearer of a share warrant in respect of the shares therein 20 specified without the warrant being surrendered and cancelled.

Rights of bearer under regulations. 4. The bearer of a share warrant may, if the regulations respecting share warrants so provide, be deemed to be a share-holder of the company either to the full extent or for any purposes defined by such regulations; except that he shall not be 25 qualified in respect of the shares specified in the warrant for being a director of the company, in cases where such a qualification is required by the by-laws of the company.

Entries on issue of share warrants.

5. On the issue of a share warrant the company shall remove from its books the name of the shareholder then entered therein 30 as holding the shares specified in the warrant as if he had ceased to be a shareholder and shall enter in such books the following particulars, namely:—

(i) The fact of the issue of the warrant;

(ii) A statement of the shares included in the warrant, dis-35 tinguishing each share by its number; and (iii) The date of the issue of the warrant.

Surrender of warrant.

6. Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Act to be

entered in the books of the company, and, on the surrender, the date of the surrender must be entered as if it were the date at which a person ceased to be a shareholder. Imperial Act sec. 37.

17. The above sections 2 to 16 inclusive shall be applicable Application to all companies subject to Parts I and II of The Companies Act of certain sections. 5 or any part thereof.

Explanatory note.—The foregoing amendments are intended to be applicable to all companies whether incorporated under Part I of the Act or under special Act and subject to Part II. The following sections are intended to be applicable only to companies under Part I.

#### SUPPLEMENTARY LETTERS PATENT.

Explanatory note.—At present there are four methods of obtaining Supplementary Letters Patent for different purposes. And these methods are all different. Moreover, there is no authority for the issue of Supplementary Letters Patent amending Letters Patent or Supplementary Letters Patent. This section unifies the method of applying for Supplementary Letters Patent and extends the purposes thereof. The clause relating to Supplementary Letters Patent extending the purposes of the company modifies the existing law and follows the Imperial statute. No difficulty has yet arisen in practice but it appears to be judicious that a company, having issued debentures, for instance, should not be permitted to extend its objections indiscriminately.

18. Sections 22, 34, 35, 36, 37, 51, 52, 53, 54, 55, 56 and 57 Repeal. of The Companies Act are hereby repealed, and the following substituted in lieu thereof.—

"51. The directors of a company may from time to time Supplementpass by-laws authorizing an application of the company by ary letters petition to the Secretary of State of Canada for the issue of certain supplementary letters patent to the company embracing purposes. any or all of the matters hereinafter set out, after such by-law

15 has been confirmed by vote of not less than two thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for the considering the subject of such by-laws-

"(a) changing the name;

Change of

"(a) changing the name;
"(b) increasing the capital; provided, however, that the name.

Increasing capital of a company shall not be increased until ninety capital stock. per centum thereof has been subscribed and fifty per centum thereof paid thereon;

"(c) decreasing the capital for the purpose of cancelling any Decreasing paid up share capital which is lost or unrepresented by capital. available assets, or for the purpose of paying off any paid up share capital which is in excess of the wants of the company or for the purpose of a conversion of preferred shares into debentures, bonds or debenture stock; provided that on a reduction of the capital of a company the liability

of shareholders to persons who at the time of such reduction

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are creditors of the company shall remain as though the reduction had not been made;

"(d) redividing the capital of the company into shares of smaller or larger amount;

"(e) altering the provisions of its letters patent or supplementary letters patent with respect to the objects of the company, so far as may be required to enable it—

"(i) to carry on its business more economically or more efficiently; or,

"(ii) to attain its main purpose by new or improved means; 10 or.

"(iii) to enlarge or change the local area of its operations; or,

"(iv) to carry on some business which under existing circumstances may conveniently or advantageously be 15 combined with the business of the company; or,

"(v) to restrict or abandon any of the objects specified in the letters patent;

"(f) limiting or increasing the amount which the company may borrow upon debentures or otherwise;

"(g) varying any provisions contained in the letters patent incorporating the company or supplementary letters patent thereafter issued;

"(h) making provision for any other matter or thing in respect of which provision might have been made had the company been incorporated under this Act. Ontario Companies Act, sec. 13 in part. Imperial Companies Act sec. 9 in part.

"52. Before such supplementary letters patent are issued, the applicant shall establish to the satisfaction of the Secretary of State of Canada the due passing and confirmation of the bylaw authorizing the application for such supplementary letters patent, and for that purpose the Secretary of State of Canada shall take any requisite evidence in writing, by oath or affirmation, or by statutory declaration under The Canada Evidence Act, and shall keep a record of any such evidence so taken. 35 R.S.C., cap. 79, sec. 36 amended.

"53. From the date of such supplementary letters patent the letters patent of the company, or supplementary letters patent thereof, as the case may be, shall be deemed to be varied or otherwise amended, subject to the conditions set forth in 40 such supplementary letters patent. R.S.C., cap. 79, sec. 37. s.s. 2 amended.

"54. The Secretary of State of Canada shall endorse upon the letters patent or supplementary letters patent varied,

Limiting borrowing powers.

Redividing capital.

Altering objects.

Amending charter.

Making other provisions.

Evidence in support of application.

Endorsement

Effect of Letters

Patent.

amended or otherwise dealt with by such supplementary letters patent a statement that the said letters patent or supplementary letters patent have been so varied, amended or otherwise dealt with, and set out the date of such supplementary letters

5 patent, and shall forthwith give notice of the granting of such Publication supplementary letters patent in The Canada Gazette, in the Form of notice in Canada D in the schedule to this Act. R.S.C., cap. 79, sec. 37, s.s. 3 Gazette. amended.

"55. A copy of such notice shall forthwith be by the com- Publication 10 pany to which the notice relates inserted on four separate company. occasions in at least one newspaper in the county, city or place where the head office of the company is established." (R.S.C. Cap. 79, Sec. 37, ss. 3.)

19. Shares in the capital stock of the company may be issued Issue of 15 in Canadian currency or in pounds sterling or in francs, or shares in foreign marks. Should the company issue shares in pounds sterling, currency. francs or marks, then shares previously issued in Canadian currency may be at the option of the holder be exchanged for shares in pounds sterling, francs or marks, For the purpose

20 of dividends, distribution of assets, voting and all other matters relating to the amount of shares issued in pounds sterling, one pound sterling, twenty-five francs or twenty marks shall be calculated as five dollars. Shares herein shall include share warrants where the company has power to issue the same. 25 (10 Ed. VII, Cap. 80, Sec. 2, Ont.)

Explanatory note.—The preceding section has been asked for, for the purpose of enabling Dominion companies to more readily do business in foreign countries.

20. The shareholders of a company having more than six Executive directors may, at a general meeting called for that purpose, by committee. resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate by resolution any 30 of their powers to an executive committee consisting of not less than three, to be named by the directors from their number in said resolution of the directors. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by such resolution of 35 the shareholders and directors. (Ont. Companies Act, sec. 82.)

Explanatory note.—The above section follows section 82 of The Ontario Companies Act.

R.S., c. 79, s. 23 amended. Change not to affect rights. 21. Section 23 of The Companies Act is hereby repealed, and

the following substituted in lieu thereof:-

"23. No alteration of name under the provisions of this Act shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name."

Explanatory note.—The change in the above section consists of substituting the words "provisions of this Act" for the words "two sections last preceding." This is rendered necessary on account of the repeal of section 22, which is in substance included in the general section respecting supplementary letters patent.

R.S., c. 79, s. 24 amended. Fees for filing of returns. 22. Subsection 1 of section 24 of *The Companies Act* is hereby repealed, and the following substituted in lieu thereof:

"24. The Governor in Council may from time to time establish, alter and regulate the tariff of the fees to be paid on application for any letters patent or supplementary letters patent under this Part, and on making any return under the provisions of this Act and on the making of any search of the 15 files of the Department of the Secretary of State respecting a company, the amount of which may be varied according to the nature of the company, the amount of the capital stock, or other particulars, as the Governor in Council deems fit."

Explanatory note.—The filing and compilation of returns, and the searches which will arise through these returns being made will entail additions to the clerical staff of the Department and cause considerable expense. For this reason it is considered advisable that fees should be charged for filing returns and making searches therefor.

R.S., c. 79, ss. 105 and 106 repealed. repealed.

23. Sections 105 and 106 of The Companies Act are hereby 20 repealed.

R.S., c. 79, Forms D and E in schedule amended. 24. Forms D and E of the Schedule to The Companies Act are hereby repealed, and the following substituted in lieu thereof:—

D.

Public Notice is hereby given that under the First Part of 25 the Companies Act Supplementary Letters Patent have been issued under the Seal of the Secretary of State bearing date the day of

whereby

Dated at the office of the Secretary of State of Canada this 30 day of 19.

A.B.

Secretary of State of Canada.

Explanatory note.—This change is simply to make the form applicable to all issues of Supplementary Letters Patent, and not to increases of capital or extension f powers alone.

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3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

## BILL 7.

An Act to amend the Companies Act.

(Reprinted as amended by the Sub-Committee of the Banking and Commerce C mmittee.)

MR. SHARP.
(North Ontario.)

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

8rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 7.

An Act to amend the Companies Act.

(Reprinted as amended and reported by the Banking and Commerce Committee.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Companies Act Amendment short title. 5 Act, 1911.

#### ANNUAL FINANCIAL STATEMENT.

Explanatory note.—There is no provision in the Companies Act, as it at present stands, under which a shareholder can demand a copy of the balance sheet or a financial statement of the company's affairs. In fact a company under the Act is not bound to hold an annual meeting. Neither is it required to make an annual audit, or to report the state of its affairs to the shareholders. Sections 2-11 of this Bill are to provide for an annual meeting, an annual audit and a report to the shareholders. These matters are usually provided for in the by-laws of the company. But companies are not obliged to pass such by-laws. While all companies are under this Bill obliged to have an annual meeting and an annual audit, small companies, or those which, for practical purposes are partnerships, are exempted as "Private Companies," which are defined by section 11, from distributing to shareholders copies of the annual statement. The sections in question are taken with slight change from the Imperial Companies Act and the Ontario Companies Act.

2. The annual meeting of the shareholders of the company Annual shall be held at such time and place in each year as the special Act, letters patent, or by-laws of the company provide, and in default of such provisions in that behalf the annual meeting 10 shall be held at the place named in the special Act or letters

patent as the place of the head office of the company, on the fourth Wednesday in January in every year.

2. At such meeting the directors shall lay before the com-Balance sheet.

15 (a) a balance sheet made up to a date not more than three months before such annual meeting: Provided however that the shareholders of a company which carries on its undertaking out of Canada may, by resolution at a general meeting, extend this period to not more than six months.

(b) a general statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) the report of the auditor or auditors;

(d) such further information respecting the company's financial position as the special Act, letters patent or by-laws 5

of the company require;

3. Except in cases of private companies, on resolution passed at such meeting by shareholders holding at least five per cent of the capital stock of the Company, the directors shall forward to every shareholder a copy of such of the statements 10 (a), (b), (c) and (d) mentioned in subsection 2 hereof as are required by such resolution.

4. Every balance sheet shall be drawn up so as to distinguish severally at least the following classes of assets and liabilities, namely:

20

(a) cash;

(b) debts owing to the company from its customers;

(c) debts owing to the company from its directors, officers and shareholders respectively;

(d) stock in trade; (e) expenditures made on account of future business;

(f) lands, buildings, and plant;

- (g) goodwill, franchises, patents and copy rights, trademarks, leases, contracts and licenses;
- (h) debts owing by the company secured by mortgage or 25 other lien upon the property of the company;

(i) debts owing by the company but not secured:

(j) amount of common shares, subscribed for and allotted and the amount paid thereon;

(k) amount of preferred shares subscribed for and allotted 30 and the amount paid thereon;

(1) indirect and contingent liabilities. Ontario Companies Act, sec. 36.

Explanatory note.—Sections 2 and 3 as above are copied in part from Sec. 36 of the Ontario Companies Act. These clauses were originally drafted by the Council of the Ontario Chartered Accountants Association.

#### AUDIT.

Explanatory note.—The preparation of an annual financial statement and its distribution to the shareholders of the company serve no effective purpose unless there is adequate machinery to compel the making of a statement which shows accurately the financial state of the company. For this purpose an audit is necessary and sections 3-10 place the appointment of the auditor in the hands of the shareholders, set out the auditor's duties and empower the Secretary of State to appoint an auditor when one is not appointed by the shareholders, or where one so appointed cannot act, or neglects to act.

Sections 3-10 are taken without material change from Sections 123 to 130 of the Ontario Companies Act, which were in turn taken originally from sections 21, 22 and 23 of the Imperial Act of 1900 and these are now consolidated in sections 112 and 113 of the Imperial Act of 1908.

3. The accounts of the company shall be examined once at least in every year, and the correctness of the balance sheet shall 35 be ascertained by an auditor or auditors. Ontario Companies Act, sec. 123.

sheet.

Details of balance

Accounts hall be audited.

4. The first auditors of the company may be appointed by First the directors before the first meeting of the shareholders and auditors. the auditors so appointed shall hold office until the first general meeting of the shareholders. Ontario Companies Act, sec 124. 5 Imperial Companies Act sec. 112, s.s. (5) in part.

5. Thereafter the auditors shall be appointed by resolution Appointment at a general meeting of the shareholders, and they shall hold of auditors. office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. Ontario 10 Companies Act sec. 125. Imperial Companies Act sec. 112, (1) in part.

6. The said auditors may be shareholders of the company, Auditors but no person shall be eligible as an auditor who is interested, shareholders. otherwise than as a shareholder, in any transaction of the com-15 pany, and no director or other officer of the company shall be eligible during his continuance in office. Ontario Companies Act sec. 126. Imperial Companies Act sec. 112, s.s. (3) in part.

7. If an appointment of auditors is not made at an annual Secretary of State may meeting, or if the auditors become incapable of acting or neglect appoint 20 or refuse to act, the Secretary of State of Canada may, on the auditors. application of any shareholder of the company, appoint an auditor of the company for the current year, and fix the remunertion, if any, to be paid to him by the company for his services. Ontario Companies Act sec. 127. Imperial Companies Act sec. 25 112, s.s. (2).

8. The directors of a company may fill any casual vacancy Directors in the office of the auditor, but while any such vacancy con- may fill vacancies. tinues the surviving or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for re-appointment. 30 Ontario Companies Act sec. 128. Imperial Companies Act sec.

112, s.s. (6).

9. The remuneration of the auditors of a company shall Remunerabe fixed by the company in general meeting, except that the auditors. remuneration of any auditors appointed before the first general 35 meeting or to fill any casual vacancy may be fixed by the directors. Ontario Companies Act sec. 129, Imperial Companies Act sec. 112, s.s. (7).

10. Every auditor of a company shall have the right of Rights and access at all times to the books, accounts and vouchers of the auditors. 40 company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance sheet

stating whether or not their requirements as auditors have been complied with and shall make a report to the shareholders on the books, accounts and vouchers examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by the books, accounts and vouchers of the company, and such report shall be read before the shareholders of the company in general meeting. 10

Ontario Companies Act sec. 113 in part, Imperial Act 1900, sec.

23.

## PRIVATE COMPANIES.

Explanatory note.—It is considered advisable to made provision for private companies, for two reasons. In the first place Canadian companies doing business in England are required to file prospectuses and particulars of certain contracts which are open to inspection, unless it can be shown that they are private companies within the meaning of the Imperial Act. There is difficulty in doing this in the absence of a corresponding provision in the Dominion Act. In the second place it is considered advisable that certain companies should be exempt from some of the provisions respecting certain returns and statements to shareholders and these companies are within the definition of private companies.

Meaning of "private company."

11. For the purposes of this Act the expression "private company" means a company which, by its special Act, letters patent or supplementary letters patent.—

(a) restricts the right to transfer its shares; and

(b) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and

(c) prohibits any invitation to the public to subscribe for any

shares or debentures of the company.

20

Joint shareholders.

2. Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section, be treated as a single member. *Imperial Companies Act sec. 121 in part*.

Public utility companies excepted.

3. This section shall not be applicable to any company 25 operating or controlling any public or municipal franchise, undertaking or utility, or which may require or use for its purposes any permanent structure in, on, across or under any highway or stream or adjoining navigable waters.—New.

Conditions under which existing private companies may be brought within provisions of Act.

4. Any company incorporated before the passing of this Act 30 which at the time of the passing of this Act has less than fifty shareholders (exclusive of persons who are in the employ of the company) and which has not invited the public to subscribe for any of its shares or debentures, and which, before or after the passing of this Act, has passed by-laws (a) restricting the right 35 to transfer its shares, (b) limiting the number of its members (exclusive of persons who are in the employ of the company) to fifty, and (c) prohibiting any invitation to the public to subscribe for any shares or debentures of the company, may at any time before making its first annual return under the provisions 40

of this Act file in the Department of the Secretary of State evidence that at the time of the passing of this Act it had less than fifty shareholders (exclusive of persons in the employ of the company) and that it had not invited the public to

5 subscribe for its shares or debentures, and evidence of the due passing of such by-laws and of the confirmation thereof by the shareholders of the company at a meeting duly called for such purpose, and thereupon the Secretary of State of Canada may issue a certificate that such company is a private company

10 within the provisions of this section, and shall give notice thereof in *The Canada Gazette*, and thereupon such company shall be deemed to be a private company within the provisions of this section; provided, however, that no by-laws of the company thereafter amending, altering or varying any of the said by-

15 laws for any of the purposes herein referred to shall be valid or acted upon unless confirmed by supplementary letters patent duly issued under the provisions of this Act.

Explanatory Note.—Subsection 4 of the above section is necessary to facilitate companies already incorporated being brought within the provisions of the section. Without this subsection it would be necessary that every company heretofore incorporated which to all intents and purposes is a private company but is not technically within the section, should make a special application for Supplementary Letters Patent, which would cause considerable trouble and expense. The section provides that if these companies pass by-laws bringing them within the provisions of the section and establishing to the satisfaction of the Secretary of State that they are private companies, a certificate to this effect will be issued, and thereupon the section will be applicable to such companies. To provide against the abuse of the section, the last sentence prevents the amendment or variation of such by-laws except by Supplementary Letters Patent.

## ANNUAL RETURNS.

Explanatory note.—As the companies Act now stands there is no provision for making annual returns. After a company has been incorporated there is no automatic method of ascertaining whether it is in existence or who are its officers or shareholders. In fact if its head office is changed there is no practical method of obtaining any information respecting it. It is true that under section 106 the Secretary of State may ask for a special return. But there is no machinery to enforce the provisions of this section, and it is in fact often impossible to communicate with a company when such a return is asked for. Provisions calling for annual returns are included in all other similar known Acts. "Private Companies" are, however, relieved from making a return of their financial statement.

for annual returns are included in all other similar known Acts. "Private Companies" are, however, relieved from making a return of their financial statement. The proposed section follows section 26 of the Imperial Act more closely than it does section 131 of the Ontario Companies Act. Some of the details of the returns of the Ontario Act are added. The provision respecting the posting of the return in the head office is eliminated. The method of collecting fines is by summary conviction before a magistrate, as the qui tam proceedings of the Ontario Act are cumbersome and dilatory.

12. Every company having a share capital shall, on or before Annual the first day of June in every year, make a list of all persons returns. 20 who on the thirty-first day of March preceding are shareholders of the company.

2. The list must state the names, addresses and occupations List of of all shareholders therein mentioned and the number of shares shareholders, held by each of the members on the said thirty-first day of

25 March, and must contain a summary distinguishing between Summary.

shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:—

Particulars.

(a) The corporate name of the company;

(b) The manner in which the company is incorporated whether by special Act or by letters patent and the date thereof:

(c) The place of the head office of the company, giving the street and number thereof when possible;

(d) The date upon which the last annual meeting of hare- 10 holders of the company was held;

(e) The amount of the share capital of the company, and the number of shares into which it is divided;

- (f) The number of shares taken from the commencement of the company up to the date of the return;
- (g) The amount called up on each share;
  (h) The total amount of calls received;
  (i) The total amount of calls unpaid;
- (j) The total amount of the sums (if any) paid by way of commission in respect of any shares, bonds or debentures, 20 or allowed by way of discount in respect of any bonds or debentures:

(k) The total number of shares forfeited;

(l) The total amount of shares issued as preference shares and the rate of dividend thereon;

(m) The total amount paid on such shares;

(n) The total amount of debentures, debenture stock or bonds authorized and the rate of interest thereon;

(o) The total amount of debentures, debenture stock or bonds issued;
(p) The total amount paid on debentures, debenture stock or

(p) The total amount paid on debentures, debenture stock bonds;

(q) The total amount of share warrants issued:

(r) The names and addresses of the persons who at the date of the return are the directors of the company, or occupy 35 the position of directors, by whatever name called.

3. The summary must also (except where the company is a private company) include a statement, made up to such date as may be specified in the statement, in the form of a balance sheet audited by the company's auditor or auditors, and containing a summary of its share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets, and how the value of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss.

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4. The above list and summary must be completed and filed in duplicate in the Department of the Secretary of State on or before the first day of June aforesaid. Each of the said duplieates shall be signed by the president and the manager or, if

Statement of capital, liabilities and assets.

List and summary to be filed, signed and verified. they are the same person, by the president and by the secretary of the company, and shall be duly verified by their affidavits. There shall also be filed therewith an affidavit proving that the copies of the said list and summary are duplicates. New.

5. If a company makes default in complying with the require- Penalty for ments of this section it shall be liable to a fine not exceeding default. twenty dollars for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorizes or permits the default shall be liable to

10 the like penalty and such fines may be recoverable on summary conviction. Ontario Companies Act sec. 131 in part and Im-

perial Companies Act sec. 26 in part.

6. The Secretary of State of Canada, or an official of the Endorsement Department of the Secretary of State designated for that of list and summary. 15 purpose, shall endorse upon one duplicate of the above list and summary the date of the receipt thereof at the Department of the Secretary of State, and shall return the said duplicate list and summary to the company and the same shall be retained at the head office of the company available for perusal or for the 20 purpose of making copies thereof or extracts therefrom by any

shareholder or creditor of the company. New.

7. The duplicate of the said 1'st and summary endorsed as Proof of aforesaid shall be prima facie evidence that the said list and endorsement. summary were filed in the Department of the Secretary of State 25 pursuant to the provisions of this section on any prosecution

under subsection 5 of this section, and the signature of an official of the Department of the Secretary of State to the endorsement on the said duplicate shall be deemed prima facie evidence that the said official has been designated to affix his signature thereto.

30 New.

8. A certificate under the hand and seal of office of the Proof of Secretary of State of Canada that the aforesaid list and sum-failure to file list. mary in duplicate were not filed in the Department of the Secretary of State by a company pursuant to the provisions of 35 this section shall be prima facie evidence on a prosecution under

subsection 5 of this section that such a list and summary were not filed in the Department of the Secretary of State. New.

9. This section shall, mutatis mutandis, be applicable to Application companies without share capital with respect to a list and of section.

40 summary setting out the particulars referred to in paragraphs (a), (b), (c), (d), (j) (with respect to bonds and debentures), (n), (o), (p), and (r) of subsection 2 of this section and to directors, managers and other officers of such companies. New.

10. Companies organized after the thirty-first day of March Companies 45 in any year shall not be subject to the provisions of this section exempt. until the thirty-first day of March of the following year. New.

11. The name of a company which, for three consecutive Effect of years, has omitted to file in the Department of the Secretary of failure to file State the said annual list and summary may be given in whole consecutive years.

or in part to a new company unless the defaulting company. on notice by the Secretary of State of Canada by registered letter addressed to the company or its president as shown by its last return, proves to the satisfaction of the Secretary of State of Canada that it is still a subsisting company; provided that if at the end of one month from the date of such notice the Secretary of State of Canada shall not have received from the company or its president response to such notice, the company may be deemed not to be a subsisting corporation, and no longer entitled to the sole use of its corporate name; and further provided that 10 when no annual list and summary has been filed by a company for three years immediately following its incorporation its name may be given to another company without notice, and such company shall be deemed not to be subsisting. Ontario Act sec. 29.

## DEBENTURES AND FLOATING CHARGES.

Explanatory note.—Companies which have permanent and assured sources of income find a ready means of providing capital by the issue of perpetual debentures, that is, debentures which do not become due while the interest thereon is paid, unless some contingency happens which may be provided for in the debentures. There is doubt whether companies incorporated under the Act as it stands can issue perpetual debentures. The only clause of the Act which could be invoked for this purpose is one which relates to borrowing powers, and it has been held that the issue of such debentures is not borrowing. It was held in re The Southern Brazilian Railway, 1905, 2 Ch. 78, that the issue of perpetual debentures is not borrowing, but the grant of a perpetual annuity. Moreover, it is doubtful whether the issue of such debentures is not contrary to the rule against perpetuities and this section is suggested to avoid these doubts. and this section is suggested to avoid these doubts.

Perpetual debentures.

13. A condition contained in any debentures or in any deed 15 for securing any debentures, whether issued or executed before or after the passing of this Act shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule 20 of equity to the contrary notwithstanding. Imperial Act 103.

Explanatory note.—The object of section 14 is to make applicable to all othe companies the similar provisions applied by the Parliament of Canada to railway companies under 8-9 Edward VII, Cap. 32, sec. 2. That section follows without substantial modification Section 104 of the Imperial Companies Act.

The commonplace and obvious decision in Routledge & Sons, 1904, 2 Ch. 474 did but affirm the truism that a man cannot be debtor to himself and cannot as mortgagee hold a security executed by himself as mortgagor; and this is equally true of a corporation. But the decision and its affirmance in Tasker & Sons, 1905, 2 Ch. 587, were strangely enough received by financiers of London, England, with dismay. It is to this that s. 15 of the Imperial Comp. Act, 1907, reproduced in the present section, owes its origin.

Power to re-issue redeemed debentures in certain

14. Where, either before or after the passing of this Act, a company has redeemed any debentures previously issued, the company, unless the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pur- 25 suance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power.

and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power,

5 to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

2. Where with the object of keeping debentures alive for the Transfer purpose of re-issue they have, either before or after the passing from of this Act, been transferred to a nominee of the company, a Company. transfer from that nominee shall be deemed to be a re-issue for

the purposes of this section.

3. Where a company has, either before or after the passing When of this Act, deposited any of its debentures to secure advances debentures deposited not from time to time on current account or otherwise, the deben-redeemed. tures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit 20 whilst the debentures remained so deposited.

4. The re-issue of a debenture or the issue of another deben- Re-issue of ture in its place under the power by this section given to, or debentures. deemed to have been possessed by, a company, whether the reissue or issue was made before or after the passing of this Act,

25 shall not be treated as the issue of a new debenture for the purposes of any provision limiting the amount or number of debentures to be issued:

5. Nothing in this section shall prejudice—

Pending (a) the operation of any judgment or order of a court of proceedings competent jurisdiction pronounced or made not later than ninety days after the passing of this Act as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this Act had not been passed; or,

(b) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the

same. Imperial Act sec. 104 in part.

### STOCK DIVIDEND.

Explanatory note.—According to the law as it stands, dividends are payable only in cash. However it not infrequently happens that companies for well-understood business reasons prefer to declare stock dividends. Whenever such dividends have been declared by Dominion companies the issue was without authority under the Companies Act. The method usually employed was to issue dividends in cash and at the same time make a call upon the shares to be issued as a stock dividend, so that one might be set off against the other. Section 15 is designed to put a stop to this practice and legalize a direct issue of stock dividends. dends.

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Stock dividends. might lawfully declare payable in money, they may declare a stock dividend and issue therefor shares of the company fully paid, or may credit the amount of such dividend on the shares of the company already issued but not fully paid, and the liability of the holders of all shares mentioned in this section shall be reduced by the amount of such dividend: Provided that such a stock dividend shall not be issued until it has been approved of by two-thirds in value of the shareholders at a general meeting duly called for considering it: Provided, further, 10 that this section shall not be applicable to companies referred to in subsection 3 of section 11 of this Act. Ontario Companies Act sec. 92 in part.

Proviso.

Proviso.

## SHARE WARRANTS.

Explanatory note.—A share warrant is a share certificate transferable by delivery without any record of such transfer being made in the books of the company. The warrant usually provides that when dividends are declared by the company an advertisement thereof setting out the rate and time of payment must be inserted in certain newspapers, and also that the dividend coupons attached to the warrant may be cashed at certain banks. On the appearance of an advertisement of a particular dividend the holder of the warrant may then present the coupon for that dividend and obtain payment thereof. Share warrants may at any time be exchanged for ordinary share certificates. This section was first enacted in Great Britain in 1867 and is taken without substantial change from section 37 of the present Imperial Companies Act. It is similar to sections 53-61 of the Ontario Companies Act. The main object of the section is to enable a company to issue a kind of security which is probably the most important dealt in on the European exchanges. This kind of security is particularly popular in France with small investors, and the French law renders shar warrants more easily dealt with. There is no change from the Imperial Act except where the necessities of our Act demands verbal changes. Several companies incorporated by Letters Patent have found it necessary to apply to Parliament for special Acts authorizing them to issue share warrants, and this section will render such application unnecessary.

Issue and effect of \_i. share warrants.

16. A company, if so authorized by its special Act, letters patent or supplementary letters patent and subject to the 15 provisions thereof may, with respect to any fully paid up shares, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares included in the warrant, 20 hereafter termed a share warrant.

Rights of bearer.

2. A share warrant shall entitle the bearer thereof to the shares therein specified, and the shares may be transferred by delivery of the warrant.

Bearer to be shareholder on surrender of warrant. 3. The bearer of a share warrant shall, subject to the pro- 25 visions and regulations respecting share warrants contained in the special Act, letters patent or supplementary letters patent, be entitled, on surrendering it for cancellation, to have his name entered on the books of the company as the holder of the shares specified in such share warrant, and the company 30 shall be responsible for any loss incurred by any person by reason of the company entering on the books of the company the name

of the bearer of a share warrant in respect of the shares therein specified without the warrant being surrendered and cancelled.

4. The bearer of a share warrant may, if the regulations Rights of respecting share warrants so provide, be deemed to be a share-regulations. 5 holder of the company either to the full extent or for any purposes defined by such regulations; except that he shall not be qualified in respect of the shares specified in the warrant for being a director of the company, in cases where such a qualification is required by the by-laws of the company.

5. On the issue of a share warrant the company shall remove Entries on from its books the name of the shareholder then entered therein warrants. as holding the shares specified in the warrant as if he had ceased to be a shareholder, and shall enter in such books the following particulars, namely:-

(i) The fact of the issue of the warrant;

(ii) A statement of the shares included in the warrant, distinguishing each share by its number; and

(iii) The date of the issue of the warrant.

6. Until the warrant is surrendered, the above particulars Surrender of 20 shall be deemed to be the particulars required by this Act to be entered in the books of the company, and, on the surrender, the date of the surrender must be entered as if it were the date at which a person ceased to be a shareholder. Imperial Act sec. 37.

17. Sections 2 to 16 inclusive of this Act shall be applicable Application to all companies subject to Parts I and II of The Companies Act of certain sections. or any part thereof except companies carrying on the business of insurance and companies subject to the jurisdiction of the Board of Railway Commissioners for Canada.

Explanatory note.—The foregoing amendments are intended to be applicable to all companies whether incorporated under Part I of the Act or under special Act and subject to Part II. The following sections are intended to be applicable only to companies under Part I.

## SUPPLEMENTARY LETTERS PATENT.

Explanatory note.—At present there are four methods of obtaining Supplementary Letters Patent for different purposes. And these methods are all different. Moreover, there is no authority for the issue of Supplementary Letters Patent amending Letters Patent or Supplementary Letters Patent. This section unifies the method of applying for Supplementary Letters Patent and extends the purposes thereof. The clause relating to Supplementary Letters Patent extending the purposes of the company modifies the existing law and follows the Imperial statute. No difficulty has yet arisen in practice but it appears to be judicious that a company, having issued debentures, for instance, should not be permitted to extend its objections indiscriminately.

18. Sections 22, 34, 35, 36, 37, 51, 52, 53, 54, 55, 56 and 57 Repeal. 30 of The Companies Act are repealed, and the following are enacted as sections 51, 52, 53, 54, 55, 56 and 57 thereof:

"51. The directors may pass by-laws authorizing an applica- Supplementtion of the company by petition to the Secretary of State of patent for

certain purposes. Canada for the issue of supplementary letters patent to the company embracing any or all of the matters hereinafter set out, after such by-law has been confirmed by vote of not less than two thirds in value of the shareholders present or represented by proxy at a general meeting of the company duly 5 called for considering the subject of such by-laws; namely,—

Change of name.

Increasing capital stock.

"(a) changing the name;
"(b) increasing the capital; provided, however, that the capital of a company shall not be increased until ninety per cent of the capital heretofore authorized has been sub- 10

scribed and twenty per cent thereof paid thereon;

Decreasing capital.

Redividing

capital.

Altering objects.

"(c) decreasing the capital for the purpose of cancelling any paid up share capital which is lost or unrepresented by available assets, or for the purpose of paying off any paid up share capital which is in excess of the wants of the 15 company or for the purpose of a conversion of preferred shares into debentures, bonds or debenture stock or for the purpose of cancelling preferred shares; provided that on a reduction of the capital of a company the liability of shareholders to persons who at the time of such reduction 20 are creditors of the company shall remain as though the reduction had not been made;

"(d) redividing the capital of the company into shares of

smaller or larger amount;

"(e) altering the provisions of its letters patent or supple-25 mentary letters patent with respect to the objects of the company, so far as may be required to enable it—

"(i) to carry on its business more economically or more

efficiently; or,

"(ii) to attain its main purpose by new or improved means; 30 or,

"(iii) to enlarge or change the local area of its operations; or,

"(iv) to carry on some business which under existing circumstances may conveniently or advantageously be 35 combined with the business of the company; or,

"(v) to restrict or abandon any of the objects specified in

the letters patent;

Limiting borrowing powers.

Amending

charter.

"(f) limiting or increasing the amount which the company may borrow upon debentures or otherwise; 40

"(g) varying any provisions contained in the letters patent incorporating the company or supplementary letters patent thereafter issued;

Making other provisions.

"(h) making provision for any other matter or thing in respect of which provision might have been made if the company 45 had been incorporated under this Act. Ontario Companies Act, sec. 13 in part. Imperial Companies Act sec. 9 in part.

Evidence in support of application. "52. Before such supplementary letters patent are issued, the applicant shall establish to the satisfaction of the Secretary

of State of Canada the due passing and confirmation of the bylaw authorizing the application for such supplementary letters patent, and for that purpose the Secretary of State of Canada shall take any requisite evidence in writing, by oath or affir-5 mation, or by statutory declaration under The Canada Evidence Act, and shall keep a record of any such evidence so taken. R.S.C., cap. 79, sec. 36 amended.

- "53. Unless preferred shares are issued subject to redemption Redemption or conversion they shall not be redeemed or converted without of preferred shares. 10 the consent of the holders thereof.
- "54. In cases where preferred shares are by the terms of Preferred issue thereof redeemable in instalments, the company, after the shares redeemable in by-law of the company authorizing such redemption has been instalments. confirmed by supplementary letters patent, on the redemption 15 of each instalment shall forthwith file in the Department of the Secretary of State such evidence of the said redemption as may be required by the Secretary of State of Canada, and notice

thereof shall forthwith be given in The Canada Gazette.

Explanatory note.—Sections 53 and 54 are for the purpose of facilitating the redemption of preferred shares. Such shares should not, however, be redeemed without the consent of the holders, unless they were originally issued with a provision that they might be so redeemed. In many cases, preferred shares are redeemable by yearly instalments, and it would be a hardship to compel a company to apply year by year for supplementary letters patent; nevertheless, there should be on file in the Department evidence to show the exact amount of preferred shares outstanding, and the file of evidence in the Department of each redemption will accomplish this purpose.

"55. From the date of such supplementary letters patent Effect of 20 the letters patent of the company, or supplementary letters Patent. patent thereof, as the case may be, shall be deemed to be varied or otherwise amended, subject to the conditions set forth in such supplementary letters patent. R.S.C., cap. 79, sec. 37. s.s. 2 amended.

"56. The Secretary of State of Canada shall endorse upon Endorsement the letters patent or supplementary letters patent varied, of variation. amended or otherwise dealt with by such supplementary letters patent a statement that the said letters patent or supplementary letters patent have been so varied, amended or otherwise dealt

30 with, and set out the date of such supplementary letters patent, and shall forthwith give notice of the granting of such Publication supplementary letters patent in The Canada Gazette, in the Form of notice in Canada D in the Schedule to this Act." R.S.C., cap. 79, sec. 37, s.s. 3 Gazette. amended.

19. The shareholders of a company having more than six Executive directors may, at a general meeting called for that purpose, by committee resolution of two-thirds of the shareholders present or represented by proxy, authorize the directors to delegate specifically

by resolution any of their powers to an executive committee consisting of not less than three persons, to be named by the directors from their number in the said resolution of the directors. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on 5 it by such resolution of the shareholders and directors. Companies Act, sec. 82.)

Explanatory note.—The above section follows section 82 of The Ontario Companies Act.

S. 23 amended. Change not to affect rights.

20. Section 23 of The Companies Act is repealed and the following is substituted therefor:-

"23. No alteration of name under the provisions of this 10 Act shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name."

Explanatory note.—The change in the above section consists of substituting the words "provisions of this Act" for the words "two sections last preceding." the words "provisions of this Act" for the words " two sections last preceding." This is rendered necessary on account of the repeal of section 22, which is in substance included in the general section respecting supplementary letters patent.

S. 24 amended. Fees for filing of returns.

21. Subsection 1 of section 24 of the said Act is repealed and

the following is substituted therefor:-

"24. The Governor in Council may establish, alter and regulate the tariff of fees to be paid on application for any letters patent or supplementary letters patent under this Part, 20 on filing any documents or on any certificate issued under this Act, and on making any return under this Act and on the making of any search of the files of the Department of the Secretary of State respecting a company, the amount of which may be varied according to the nature of the company, the amount of the 25 capital stock, or other particulars, as the Governor in Council deems fit."

Explanatory note.—The filing and compilation of returns, and the searches which will arise through these returns being made will entail additions to the clerical staff of the Department and cause considerable expense. For this reason it is considered advisable that fees should be charged for filing returns and making

S. 67 amended.

22. Section 67 of the said Act is amended by adding thereto the following subsection:-

By-law to restrict right to transfer shares.

"2. The directors may, by by-law, limit the right of share- 30 holders to transfer fully paid shares allotted subsequently to fully paid-up the passing of such by-law, and shares allotted prior to such by-law passed with the consent of the holders of such shares. Provided, however, that all terms or provisions of such by-law whereby the rights of holders of such shares are limited shall 35 be fully set out in the certificate of such shares, and in the event of such limitations not being so set out they shall not be deemed to qualify the rights of the holders thereof.

Explanatory note.—In a recent judgment of the Court of Appeal of Ontario, in Re Goode v. Jacob Y. Shantz & Sons Co., Limited, it was decided that there was no statutory power under the Companies Act authorizing a company to pass and enforce a by-law restricting the right to transfer fully paid up shares. The discussion of the subject in that judgment appears to cover the Statutory authority alone, and to be applicable only to a by-law passed after the issue of the shares. It has been the practice to include in charters an authority to limit the transferability of shares whenever such authority was asked for and this would no doubt be enforcable as a contract between the company and the shareholders, irrespective of the provisions of the Act. However, to avoid any doubt upon the subject, it has been considered advisable to insert this section, and it is intended that a by-law limiting the transferability of shares shall be made applicable only to future issues unless the consent of all the holders be obtained. The section also provides that if there are limitations to the transferability of sharcs they must be set out in the share certificate, otherwise they are not binding upon the shares represented by the certificate.

- 23. Subsection 2 of section 13, and sections 105 and 106, of Ss. 105 and the said Act are repealed.
- 24. Forms D and E of the Schedule to the said Act are New Forms repealed, and the following are substituted therefor:—

  D and E in schedule.

"D.

A.B.

Secretary of State of Canada.

Explanatory note.—This change is simply to make the form applicable to all issues of Supplementary Letters Patent, and not to increases of capital or extension of powers alone.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 7.

An Act to amend the Companies Act.

•(Reprinted as amended and reported by the Banking and Commerce Committee.)

MR. MURPHY.

OTTAWA
Printed by C. H. PARMBLES
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 7.

# An Act to amend the Companies Act.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Section 105 of The Companies Act, chapter 79 of the Revised R.S., c. 79. 5 Statutes, 1906, is repealed and the following is substituted News. 105. therefor:

"105. The directors of every company shall prepare and Annual distribute among its shareholders at least five days before each statement laid before general meeting of the company for the election of officers, a full shareholders. printed statement of the affairs and financial position of the 10 company, and shall lay such statement before its shareholders annually.'

- 2. Section 106 of the said Act is repealed and the following New s. 106. is substituted therefor:-
- "106. The company shall, on or before the first day of Annual 15 February in every year, make out a summary, verified as herein- summary with after required, containing as of the thirty-first day of December particulars. preceding, correctly stated, the following particulars:

"(a) The corporate name of the company; "(b) The manner in which the company is incorporated, Incorpora-20 whether by special Act or by letters patent, and the date thereof:

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"(c) The name, residence and post office address of the pre-officers. sident, secretary and treasurer of the company;

"(d) The name, residence and post office address of each of the Directors. directors of the company;

"(e) The date upon which the last annual meeting of the Annual company was held;

"In the case of companies having share capital, the summary Share shall contain the following additional particulars:—

"(f) The place of the head office, giving street and number Head office. 30 when possible;

"(q) The amount of the capital of the company and the num- capital. ber of shares into which it is divided;

"(h) The number of shares subscribed for and allotted; "(i) The number of shares (if any) issued fully paid as con-Fully paid shares. sideration for any transfer of assets, good will or otherwise; if none is so issued, this fact to be stated; 5 "(i) The amount of calls made on each share: Calls. "(k) The total amount of calls received. Calls paid. "(l) The total amount of shares forfeited; Forfeits. "(m) The total amount of shares issued as preference shares Preference shares. and the rate of dividend thereon; "(n) The total amount paid on such shares; 10 Payments. Debentures "(o) The total amount of debentures, debenture stock or authorized. bonds authorized, and the rate of interest thereon; "(p) The total amount of debenture stock, bonds or deben-Debentures issued. tures issued; "(q) The total amount realized from debentures, debenture 15 Debentures stock and bonds; Share "(r) The total number of share warrants issued and the warrants. names and addresses of the persons to whom they were "If the company be a mining company:-Mining. 20 Shares. "(s) The number of shares sold or otherwise disposed of at a discount or premium; "(t) The rate at which such shares were sold or disposed of; Prices. By-laws. "(u) Whether a sworn copy of the by-laws, if any, providing for the sale of stock at a discount or otherwise, was sent to 25 the Secretary of State of Canada; "(v) The dates upon which such by-laws, if any, were passed Dates of approval. and sanctioned. "2. In cases of companies having share capital the summary List of shareholders shall also contain a list of persons who, on the thirty-first day of 30 December previously, were shareholders of the company; and particulars. such list shall state the names, alphabetically arranged, and the address and occupation of each such person; and the amount of stock held by each; and the amount, if any, unpaid and still due by each such person. Summary to "3. A duplicate of such summary, with the affidavit of be posted. verification, shall be posted up in a conspicuous position in the head office of the company on or before the second day of February in each year, and shall be available for inspection by any shareholder or creditor of the company; and the company shall 40 keep the same so posted until another summary is posted under the provisions of this Act. Verified by "4. The summary of every company shall be verified by the affidavit affidavit of the president and secretary, and if there are no such officers, or they, or either of them, are, or is, at the proper time 45 out of the province in which the head office of the company is

situate or otherwise unable to make the said affidavit, then the said summary shall be verified by the affidavit of the president, or secretary, and one of the directors, or two of the directors, as

the case may require; and if the president or secretary does not make or join in the affidavit, the reason thereof shall be stated in the affidavit filed.

"5. The summary, verified as aforesaid, shall, on or before Transmitted 5 the eighth day of February next after the time hereinbefore fixed to Secretary of State. for making the summary, be transmitted to the Secretary of State of Canada.

"6. If a company makes default in complying with the Penalty for provisions of this section, it shall incur a penalty of twenty default. 10 dollars for every day during which the default continues, and every director, manager or secretary of the company, who knowingly and wilfully authorizes or permits such default, shall incur the like penalty, but such penalties shall be recoverable only by action at the suit of or brought by a private person Recovery.

15 suing on his own behalf, with the written consent of the Minister of Justice.

"7. This section shall not apply to any company until the Application first day of February next after the thirty-first day of December of section." of the year in which the company was organized, or has gone 20 into actual operation, whichever shall first happen.

The cantee of the producer and payer of such unpayed the control of the particular and transfer by telegraph or cable;

(b) The last known address of the particular and payer known of such uspaid or unclaimed currency transfer, money and payer known order, knowledge, cheque, foreign cheque, foreign postal remainance of transfer by telegraph or cable;

(c) The amount for which such unpaid or unclaimed currency transfer, money order, travellers, money order, travellers, money order, travellers, cheque, foreign postal cheque, foreign postal constitution or which such unpaid or unclaimed currency transfer, money order, travellers chaque, foreign postal cheque, foreign postal remains or chapter by telegraph

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 7.

An Act to amend the Companies Act.

First reading, November 23, 1910.

Mr. Sharpe, (North Ontario.)

OTTAWA

Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

# BILL 8.

# An Act to amend the Railway Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 354 of *The Railway Act*, chapter 37 of the Revised R.S., c. 37 5 Statutes, 1906, is amended by adding thereto the following s. 354 amended. subsections:-

"3. The company shall, within twenty days after the close of Annual each calendar year, transmit or deliver to the chief commissioner returns of money held of the Board a return under oath exhibiting all moneys held and unpaid

10 by the company, representing any currency transfer, money for one year. order, travellers' cheque, foreign cheque, foreign postal remittence on the company of the compa mittance, or transfer by telegraph or cable, which has been paid to the company at any office or agency of the company, and remaining unpaid to the payee thereof for one year previous 15 to the date of the issuing of said currency transfer, money order,

travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable.

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"4. The return mentioned in the last preceding subsection Particulars shall set forth,-

"(a) The names of the purchaser and payee of such unpaid Names of or unclaimed currency transfer, money order, travellers' and payee. cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable;

"(b) The last known address of the purchaser and payee Address of of such unpaid or unclaimed currency transfer, money and payee. order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable; 25

"(c) The amount for which such unpaid or unclaimed cur-Amount due. rency transfer, money order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable was issued;

"(d) The agency or office at which such unpaid or unclaimed Agency or currency transfer, money order, travellers' cheque, foreign issue. cheque, foreign postal remittance, or transfer by telegraph or cable was issued;

Date of issue.

"(e) The date upon which such unpaid or unclaimed currency transfer, money order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable was issued;

Office where payable.

"(f) The office in Canada, or any part of the British Empire, or any foreign country, at which such unpaid or unclaimed currency transfer, money order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable was payable.

Returns to be signed. "5. The returns required by subsections 3 and 4 hereof shall 10 be signed by the chief accountant, or cashier, and by the president, or vice-president, or other presiding officer of the company at its head office or chief place of business.

Transfer of moneys to Minister.

"6. The company shall transfer and pay over to the Minister of Finance on the first day of February in each year, notwith- 15 standing any statute of limitation, or other Act relating to prescription, all moneys held by the company representing any currency transfer, money order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable, which has been paid to the company at any office or 20 agency of the company, and remaining unpaid to the payee thereof for one year previous to the date of the issuing of such currency transfer, money order, travellers' cheque, foreign cheque, foreign postal remittance, or transfer by telegraph or cable.

Payment to person entitled. "7. If a claim to property so transferred, or money so paid is thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct the re-transfer or payment thereof to be made to the person entitled thereto.

Company discharged.

"8. Upon transfer or payment to the Minister of Finance as herein provided, the company and its assets shall be held to be discharged from further liability for the money so transferred and the amount so paid.

Penalty for

"9. Every person who, knowing the same to be false in any 35 particular, signs any such return as is mentioned in subsections 3, 4, 5 and 6 of this section, is guilty of an offence against this Act and shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding five years or to both, in the discretion of the court before which the 40 conviction is had."

OTTAWA

Printed by C. H. Parmeles

Printer to the King's most Excellent Majesty

1910-11

Mr. Sharpe, (North Ontario.) First reading, November 23, 1910.

An Act to amend the Railway Act.

THE HOUSE OF COMMONS
OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

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# THE HOUSE OF COMMONS OF CANADA.

# BILL 8.

# An Act to amend the Railway Act.

(Reprinted as amended by the Sub-Committee of the Railway Committee.)

IS Majesty, by and with the advice and consent of the Scrite and House of Commons of Canada, enacts as follows:-

1. Section 354 of *The Railway Act*, chapter 37 of the Revised R.S., c. 37, 5 Statutes, 1906, is amended by adding thereto the following s. 354 amended. subsections:-

"3. The company shall, within three months after the close Annual of each calendar year, make to the Board a return showing-

"(a) every currency transfer which the company has been Currency paid to make, but has been unable for any reason to com-transfers unclaimed 10 plete, and showing the money remaining unclaimed for a for three period of three years in the company's possession in con-

sequence thereof; "(b) every money order, traveller's cheque, foreign cheque, Money foreign postal remittance and transfer by telegraph or orders, cheques and cable remaining unpaid for three years subsequent to the transfers unpaid for three years.

15

"4. The company may, before making the return referred to Parcels to subsection 3 hereof, open every parcel, envelope or package containing alleged to contain money relating to such transaction.

20 alleged to contain money relating to such transaction.

"5. Such return shall contain all information relating to every Particulars transaction enumerated in subsection 3 hereof, including the of return. name of every purchaser and payee, but when the amount is less than five dollars the return shall be deemed sufficient if it

25 states the number, date and amount of every such money order, traveller's cheque, foreign cheque, foreign postal remittance and transfer by telegraph or cable, and such return shall also show the total amounts of all such transactions.

"6. Such return shall be made under oath, and shall be signed Returns 30 by the chief accountant or other officer designated by the com- under oath signed and pany for that purpose and shell be certified by the auditor pany for that purpose, and shall be certified by the auditor.

Unclaimed moneys paid over to Receiver General

"7. The company shall, within six years after the date of every such transaction, pay the money unclaimed in respect thereof to the Receiver General, and it shall form part of the Consolidated Revenue Fund of Canada.

Payment to person entitled.

"8. If a claim to money so paid is thereafter established to 5 the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to the person entitled thereto.

Company discharged.

"9. Upon payment to the Receiver General the company shall be discharged from further liability in respect of such 10 money.

Penalty for making false returns. "10. Every person who, knowing it to be false in any particular, signs any such return shall be liable upon conviction to a fine not exceeding one thousand dollars, and upon default of payment to imprisonment for a term not exceeding two years, 15 or to both fine and imprisonment."

(Reprinted as amended by the Sub-Committee of the Railway Committee.)

Act to amend the Railway Act.

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THE HOUSE OF COMMONS

3rd Session, 11th Parliament, 1 George V., 1910-1

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1910-11

Mr. SHARPE. (North Ontario.)

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3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 9.

An Act to amend the Inspection and Sale Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Inspection and Sale Act, chapter 85 of the Revised R.S., c. 85. 5 Statutes, 1906, is amended by inserting the following section Section added.

"Potatoes by the Barrel.

"338A. When potatoes are sold or offered for sale by the standard barrel, the barrel shall contain one hundred and sixty pounds." barrel of potatoes.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 9.

An Act to amend the Inspection and Sale Act.

First reading November 23, 1910.

MR. CARVELL.

OTTAWA
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1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to prohibit the Manufacture and Importation of Matches made with White Phosphorus.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- 1. This Act may be cited as The White Phosphorus Matches Short title.
  - 2. In this Act, unless the context otherwise requires,—
    (a) "Minister" means the Minister of Labour;

"Minister."

(b) "white phosphorus" means the substance usually known as "White white or yellow phosphorus;

phosphorus."

(c) "inspector" means any person authorized by regulation or "Inspector." appointed by the Minister to perform any duties under this Act or under any regulation made thereunder;

(d) "regulation" means and includes any order or regulation "Regulation." made by the Governor in Council under the authority of

this Act. 15

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3. It shall not be lawful for any person to use white phos- Manufacture unlawful.

phorus in the manufacture of matches.

facture of matches is carried on shall allow any officer of the be taken. 20 Department of Labour, authorized by the Minister, at any ime to take for analysis sufficient samples of any material in use or mixed for use: Provided that the owner or operator may, at any time when the sample is taken, and on providing the necessary appliances, require the said officer to divide the sample so taken

25 into two parts and to mark, seal and deliver to him one part.

2. The owner or operator of any factory in which the manu- Samples for

4. It shall not be lawful to import into Canada matches made Importation with white phosphorus, and matches so made shall be included prohibited. amongst the goods enumerated and described in Schedule C to The Customs Tariff, 1907.

Petition for compulsory license.

5. Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Commissioner of Patents, praying for the grant of a compulsory license to use any process patented at the time of the passing of this Act for the manufacture of matches without white phosphorus, other than matches intended to strike only on a surface

specially prepared for the purpose.

Order of Commissioner. 2. The Commissioner of Patents, after considering any representations that may be made by the patentee, or his legal representatives, or any person claiming an interest in the patent, may 10 order the patentee or other interested party to grant a license to such petitioner on such terms as he may consider just; Provided that the Commissioner may, if he thinks fit, and shall on the request of any one of the parties to the proceedings, call in the aid of an assessor, specially qualified, and hear the case wholly 15

or partially with his assistance.

Operation of order.

Assessor.

3. An order of the Commissioner of Patents directing the grant of license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the petitioner and 20 patentee and such other persons claiming an interest in the patent as aforesaid.

Regulations.

6. The Governor in Council may make such orders and regulations, as to him seem necessary for the carrying out of the provisions of this Act.

Force of.

2. Such orders and regulations shall have the same force and effect as if embodied in this Act.

Publication.

3. Every such order or regulation shall be published twice in *The Canada Gazette*.

Proof by certificate.

7. The certificate of an inspector shall, for the purposes of this 30 Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified.

Powers of inspectors.

8. Any inspector may, at any time, for the purpose of carrying into effect any of the provisions of this Act or any regulation made thereunder, enter any place or premises, or any steamship, vessel or boat, or any carriage, car, truck or other vehicle used or which the inspector or other person suspects is being used for the carriage of matches made with white phosphorus, and may also open any package or store containing matches made with white phosphorus or which he suspects to contain such matches. 40

Penalty for obstructing inspector.

**9.** Every person who refuses to admit, or who obstructs or impedes an inspector, and every person who aids and assists him therein, shall be liable on summary conviction to a penalty not exceeding five hundred dollars and costs.

- 10. Every person who violates any provision of this Act, or of Penalty for any regulation, in respect of which no penalty is hereinbefore violation provided, shall be liable on summary conviction to a penalty not exceeding five hundred dollars and costs.
- 5 11. Every offence against this Act, or against any regulation, Venue of shall, for the purposes of proceedings under this Act, or of any such order or regulation, be deemed to have been committed, and every cause of complaint under this Act, or any such regulation, shall be deemed to have arisen either in the place in which 10 it actually was committed or arose, or in any place in which the person charged or complained against happens to be.
  - 12. This Act shall come into force on the first day of January, Commence-one thousand nine hundred and twelve.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 10.

An Act to prohibit the Manufacture and Importation of Matches made with White Phosphorus.

First reading, November 24, 1910.

MR. KING.

OTTAWA
Printed by C. H. PARMELER

Printer to the King's most Excellent Majesty 1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 11.

An Act respecting Co-operative Credit Societies.

WHEREAS it is desirable to promote economy and thrift Preamble. by means of co-operative savings and credit societies, and that legislation respecting the incorporation and management of such societies should be uniform throughout Canada: 5 Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

## SHORT TITLE.

1. This Act may be cited as The Co-operative Credit Societies short title. Act.

## INTERPRETATION.

10	2. In this Act, unless the context otherwise requires,— "Minister" means the Secretary of State of Canada; "department" means the Department of the Secretary of State of Canada;	Interpreta- tion. "Minister." "Depart- ment."
15	"society" means a society incorporated under this Act; "land" includes hereditaments and chattels real, and any interest therein;	"Society." "Land."
	"property" includes all real and personal estate, including books and papers;	"Property."
20	"amendment of rule" includes a new rule, and a resolution rescinding a rule;	"Amendme
-0	"rules" mean the rules approved of by the Minister, and include any amendment of a rule approved of by the Minister;	
	"the committee" means the committee of management or other directing body of a society;	
25	"persons claiming through a member" includes the heirs, executors, adminstrators, or assigns of a member;	"Persons claiming."
	"officer" includes any treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed	"Officer."
	by the committee, of a society;	
30	"meeting" includes (where the rules of a society allow) a meeting of delegates appointed by members;	"Meeting."

"Office."

"office" means the registered office for the time being of a

"Court."

"court," in its application to the province of Quebec, means the Superior Court, and in all other provinces the County Court, and in the Yukon Territory the Territorial Court.

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#### APPLICATIONS.

Applications to be approved by Minister.

3. All applications under this Act shall be subject to the approval of the Minister after consideration of the compliance of such application with the provisions of this Act and of all circumstances connected therewith, and the Minister or any officer of the Department to whom an application is referred 10 may, for the purpose of any inquiry into such circumstances and the sufficiency and regularity of the application, take evidence in writing under oath or affirmation.

Applications to be by petition.

4. All applications to the Minister under this Act for incorporation, or for his approval of any act which requires his 15 approval, shall be by petition, verified by affidavit or declaration.

### INCORPORATION.

What societies may be incorporated.

5. Under this Act, societies may be incorporated having for their object or purpose the receiving of moneys on deposit from members and the making of loans to members with or without 20 security, defined by the petition signed on application for incorporation.

Number of incorporators. Petition for incorporation.

6. Any number of persons not less than seven, capable of contracting, may be incorporated as a society.

2. Such persons shall sign in duplicate, before two witnesses, 25 a petition in the form of Schedule A to this Act. One of such petitions, with a copy of the rules, shall be forwarded by registered letter or otherwise delivered to the Minister, and the other, with a copy of the rules shall, remain of record in the archives of the society.

Copy for Minister, and for record.

Rules of society.

7. The rules of every society shall contain provisions regarding the several matters mentioned in Schedule B to this Act, together with such other provisions as are deemed necessary for the management of the affairs of the society. The rules shall not be contrary to law, and may set forth the form of any 3. instrument necessary for carrying the purposes of the society into effect.

Certificate of incorporation and notice

8. The Minister, on approving of the rules, may issue to the society a certificate of incorporation and give notice thereof in The Canada Gazette, and thereupon such society shall be 40

a corporation under the name described in the certificate and notice, and all property, for the time being, vested in any person in trust for the society shall be vested in the society, and the said certificate of incorporation and the rules of the 5 society, together with this Act, shall constitute the charter Charter of of the society.

9. The production of The Canada Gazette containing the said Proof of innotice shall be conclusive evidence that the society therein corporation. mentioned is duly incorporated.

10. A person under the age of twenty-one, subject to the Minors may limitations of the rules, may be a member of a society, and be members such persons may enjoy all the rights of a member (except as rules of herein provided), and execute all instruments and give all society. acquittances necessary to be executed or given under the rules;

15 but shall not be a member of the committee, trustee, manager or treasurer of the society.

## REGISTERED OFFICE.

11. Every society shall have a registered office, to which all Registered communications and notices shall be addressed, and the society shall send to the postmaster of the post office nearest to its 20 registered office, and to the Minister, written notice of the Notice. situation of such registered office and of every change of such situation.

12. A society may, for the purposes of its undertaking (if Power to its rules do not otherwise direct), hold, purchase or take on lease acquire land. 25 in its own name any land, and may sell, exchange, lease or build thereon.

2. The annual value of the land so acquired or held, shall Annual value not exceed five thousand dollars.

13. The corporate name of the society shall not be that of Corporate 30 any other known society or company incorporated or unin-name. corporated, or so nearly resembling such name as to be likely, in the opinion of the Minister, to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided: Pro- change of 35 vided, however, that the Minister may, at any time, change name by Minister. the name of a society if it appears to him that such name is that of any other society or company incorporated or unincorporated or nearly resembles the same, or is on any grounds objectionable,

and such change shall be made in the like manner and with the like consequences as if it were changed on the application of the society.

"Co-operative" and "limited." 14. The word "co-operative shall be included in, and the word "limited" shall be the last word of the name of every 5 society.

Name of society to be kept conspicuous.

15. Every society shall paint or affix and keep painted or affixed its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, and in letters easily legible, and shall have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements and other publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money purporting to be signed by or on behalf of such society, and 15 in all bills and receipts of the society.

Change of name by society.

Notice.

Pending proceedings not affected. 16. A society may, by resolution approved of by two-thirds of its members and adopted at a general meeting called for that purpose, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be published by the Minister in *The Canada Gazette*, the society shall be known and designated under the new name, but no such change of name shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding 25 its new name.

## RULES.

Copies of

17. A copy of the rules of the society shall be delivered by the society to every member on demand, on payment of a sum fixed by the rules.

Amendments.

s. 18. An amendment of a rule of a society shall not be valid until it has been approved of by the Minister, for which pur-30 pose two copies thereof, signed by three members and the secretary, or by the president and the secretary, shall be sent to the Minister.

Approval of Minister. 2. The Minister, on being satisfied that an amendment of a rule has been duly sanctioned by the society, may approve of it, 35 and may issue to the society an acknowledgement of the deposit of such amendment, which shall be conclusive evidence that it is in force.

Application and force of rules. 19. The rules of the society shall bind the society and all members thereof and all persons claiming through them, res- 40

pectively, to the same extent as if such member had subscribed his name and affixed his seal thereto, and as if there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform 5 thereto subject to the provisions of this Act.

20. Every officer of a society who receives or has charge Security by of money, shall, before taking upon himself the duties of his officers in office, become bound, either with or without a surety, as the charge of committee may require, in a bond according to one of the forms money. 10 set forth in Schedule C to this Act, or such other form as the Bonds. committee approves, or shall give the security of a guarantee society, in such sum as the committee directs, conditioned for Guarantee

his rendering a just and true account of all moneys received society. and paid by him on account of the society, at such times as its 15 rules appoint, or as the society or the committee thereof requires him to do, and for the payment by him of all sums due from him to the society.

21. The rules of every society shall provide for the profits Distribution being appropriated to any purposes stated therein.

22. A society may make rules respecting the maximum Rules number of shares which may be held by a member of the society respecting and the maximum amount which may be deposited by or shares, deposits and loaned to a member, and the maximum amount which the loans. society may receive on deposit.

## CAPITAL, SHARES AND BUSINESS.

- 23. A society may create a capital divided into shares, shares. and the amount thereof, the number of shares and the calls or other payments thereon, shall be determined by its rules, but the amount of each share shall not be less than one dollar.
- 24. The capital of the society may, subject to the rules, Increase and 30 be increased by subscriptions for new shares or the admission decrease of of new members, and it may be diminished by withdrawals.
- 25. Any other corporation may, if its constating instruments Shares held permit, hold shares in a society; but the society shall not lend by other any part of its funds to such other corporation until the Minister corporations. 35 has given his consent to such loan.
- 26. No member shall have more than one vote, and voting Votes and by proxy shall be allowed only when shares are held by an proxies. agricultural association, a municipal body, a school board, fabrique d'eglise or other corporation existing under the law of 40 Canada or of some province thereof.

Register of members or shares. 27. Every society shall keep a register or list of members or shares which shall be *prima facie* evidence of any of the

following particulars entered therein:-

(a) The names, addresses and occupation of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares;

(b) The date at which the name of any such person or corporation was entered in such register or list as a member;

(c) The date at which any such person or corporation, ceased

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to be a member.

Dues of members. 28. All moneys payable by a member to a society shall be a debt due from such member to the society and shall be recoverable as such in any court of competent jurisdiction.

Lien on shares for debt. 2. A society shall have a lien on the shares of any member for any debt due to it by him, and may set off any sum credited to the member therein in or towards the payment of such debt.

District may be limited.

29. The Minister, by the certificate of incorporation and 20 notice thereof in *The Canada Gazette*, may limit the district within which a society may carry on its business by means of offices or other places for carrying it on, or by means of agents, canvassers or otherwise.

District may be varied.

**30.** The Minister may, from time to time, vary the district 25 of a society on application for that purpose by the committee, on a resolution approved of by two-thirds of the members of the society at a general meeting duly called for considering such resolution.

Certificate and notice. 2. The Minister, upon approving of such application, shall 30 give a certificate thereof in writing to the society and shall publish a notice thereof in *The Canada Gazette*.

Percentage of net profits to be set aside to meet losses. 31. Every society shall lay aside at least ten per cent of its yearly net profits in order to establish a guarantee fund to meet losses, and until the said guarantee fund is equal to the maxi-35 mum amount at any time of the paid-up share capital and deposits; and if the said maximum amount of paid-up capital and deposits is reduced by withdrawals the said fund shall be maintained at the said maximum amount notwithstanding such subsequent reduction, and the said yearly addition to 40 net profits shall continue to be laid aside until the said guarantee fund has reached the aforesaid maximum amount of paid-up share capital and deposits, or in case the said fund is impaired by losses, after it has reached the said maximum, the said yearly addition shall be again laid aside until the said fund is 45 completed.

32. A society shall invest its guarantee fund in public securi- Investment ties of the Government of Canada, or of a province thereof, or of guarantee of a municipal corporation, school board or fabrique d'eglise, or may loan from such fund to such municipal or incorporated 5 bodies upon the security of their general credit.

33. No society shall advance money by discount, loan or Loans to otherwise to, nor accept deposits from, any person other than members only. members thereof.

2. The rate of interest to be paid on deposits and on loans Rate of interest.

34. Every society shall, on the first Mondays in March and Statement of September in each year, make out and keep conspicuously business to be and continuously hung up in its registered office, and in every other office or place of business belonging to it, a statement 15 in the form of Schedule D to this Act, or as near thereto as the circumstances admit.

#### BOARD OF CREDIT.

35. Every society shall, at its first general meeting, elect Board of from its members a board of credit of at least three members credit. who shall not be members of the committee or board of super-20 vision or officers of the society, and the president of the society shall be an ex officio member of such board.

2. The members of the board shall hold office for three years Term of and until their successors are appointed. One-third of the members of the board, who, in the first two years and until the order 25 of seniority begins, shall be chosen by lot, shall retire annually, but shall be eligible for re-election

3. No member of the board shall borrow from or be in any way Borrowing liable to the society.

4. It shall be the duty of the board to consider and approve Duties. 30 of all loans and investments of funds of the society.

### BOARD OF SUPERVISION.

**36.** Every society shall, at each annual general meeting, Board of elect from its members a board of supervision of at least two supervision members, who shall not be members of the committee, or board of credit, or officers of the society.

2. The members of the board shall hold office for one year Term of and until their successors are appointed.

3. The board shall, from time to time, examine and audit Duties. the books of the society and deposit books of the members; shall supervise the operations of the committee and board of credit; and shall check the cash investments and securities of the society.

Misappro-priation of funds or conof rules.

General meeting called.

Suspensions by board.

Report of board, and powers of general meeting.

Borrowing prohibited.

Annual report.

No salary to officers.

4. In the event of any of the funds, securities or other property of the society being misappropriated or otherwise misdirected from their proper use, or in the event of any of the rules of the society being contravened by the committee or board of credit, or any member thereof, or by any officer, the board shall forthwith call a general meeting of the society.

5. Pending the holding of such meeting the board may suspend any member of the committee or board of credit, or any officer, and may appoint members of the society to perform the duties of any person so suspended, until the said meeting of the society. 10

6. The board shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property, or any improper diversion thereof, and the causes of suspension of any member of the committee, board of credit or officer, and the society, at the meeting so called or at any 15 adjournment thereof, may dismiss from office or reinstate any member of the committee or board of credit or officer suspended by the board.

7. No member of the board shall borrow from or be in any 20 way liable to the society.

8. The board shall submit a written report to each annual general meeting.

37. No officer shall be paid any sum of money, and shall not be recompensed in any other way, by the society for services rendered to the society.

#### INVESTMENT.

Investment of capital.

38. A society may invest any part of its capital in or upon any security authorized by its rules.

When capital invested in other corporations.

2. A society which has invested any part of its capital in the shares or on the security of any other corporation may appoint as proxy any one of its members, though such member is not 30 personally a shareholder of such other corporation.

Powers of proxy.

3. The proxy shall, during the continuance of his appointment, be taken by virtue thereof as holding the number of shares held by the society by whom he is appointed, for all purposes except the transfer of such shares, or the giving re- 35 ceipts for any dividend thereon.

### BORROWING POWERS.

Resolutions money. Proviso as to commercial securities.

39. The committee of a society may pass resolutions for for borrowing borrowing money: Provided, however, that nothing in this or the three following sections hereof shall apply to promissory notes, bills of exchange, or other securities of a commercial 40 nature issued in the ordinary course of business.

- 40. No resolution referred to in section 39 of this Act, shall Confirmation take effect until it has been confirmed by a vote of not less than of resolutions. two-thirds of the members present or represented by proxy at a general meeting of the society, duly called for considering such resolution, by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by the members of the society.
- 41. The committee may charge, hypothecate, mortgage, or Mortgage or pledge the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the personal society, to secure any liability of the society authorized by of society. resolution and confirmed as hereinbefore provided, and a duplicate original of such charge, mortgage or other instrument of Copy for 15 hypothecation or pledge shall be forthwith forwarded to the Minister. Minister, as well as registered under the provisions of any other Registration law in that behalf.
- 42. No assignee, mortgagee, pledgee, charge or hypothec Receipt of 20 holder shall be bound to enquire as to the authority for any such sufficient assignment, mortgage, pledge, charge or hypothecation by a discharge. society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security.

#### CONTRACTS.

43. Contracts on behalf of a society may be made, varied, contracts how made varied or discharged as follows:—

30 (a) Any contract, which if made between private persons discharged. would be by law required to be in writing and to be under seal, Under seal, may be made, on behalf of the society, in writing under the common seal of the society, and may in the same manner be varied or discharged;

35 (b) Any contract, which, if made between private persons In writing. would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner 45 be varied or discharged;

(c) Any contract under seal which, if made between private Under seal, persons, might be varied or discharged by a writing not under but subject to be varied seal, signed by any person interested therein, may be similarly or discharged varied or discharged on behalf of the society by a writing not writing.

50 under seal, signed by any person acting under the express or

implied authority of the society;

(d) Any contract, which, if made between private persons, Parol would be by law valid though made by parol only and not contracts. reduced into writing, may be made by parol on behalf of the

11-2

society by any person acting under the express or implied authority of the society, and may in the same manner be varied

or discharged;

Signature of officer of society prima facie genuine.

(e) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall prima facie be taken to be the signature of a person holding, at the time when the signature was made, the office so stated.

Contracts duly executed obligatory on society.

2. All contracts which may be or have been made, varied or 10 discharged according to the provisions of this section, shall so far as concernes the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors or administrators, as the case may be.

Promissory notes and bills of exchange.

44. A promissory note or bill of exchange shall be deemed 15 to have been made, accepted, or endorsed on behalf of the society if made, accepted, or endorsed in the name of the society, or by or on behalf or on account of the society, by any person acting under the authority of the society.

#### ACCOUNTS AND INSPECTIONS.

Annual meeting.

Duty of committee

Balance sheet:

Report;

Balance

sheet, what to contain.

Financial position.

to present:

Income and

expenditure;

45. The annual meeting of the society shall be held at such 20 time and place in each year as the rules of the society provide, and in default of such provisions in that behalf the annual meeting shall be held at the registered office of the society on the fourth Wednesday in January in each year.

2. At such meeting the committee shall lay before the society: 20 (a) A balance sheet made up to date not more than three

months before such annual meeting:

(b) A statement of income and expenditure for the financial period ending upon the date of such balance sheet;

(c) The report of the board of supervision; (d) Such further information respecting the society's financial position as the rules require.

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, namely:

(a) Cash;

(b) Debts owing to the society from members;

(c) Land and buildings;

(d) Debts owing by the society secured by mortgage or other lien upon the property of the society; 40

(e) Debts owing by the society but not secured;

(f) Amount received on shares; (g) Amount owing on shares;

(h) Amount paid on withdrawal of shares;

(i) Indirect and contingent liabilities.

45

30

46. Every society shall supply gratuitously to every mem-Balance ber or other person interested in the funds of the society on his sheet to be supplication, or as provided by the society of the society of his sheet to be furnished application, or as provided by the rules of the society, a copy of gratuitously. the last annual balance sheet and return of the society.

47. Save as provided in this Act, no member or person shall Inspection have any right to inspect the books of the society, notwithstanding anything in the existing rules relating to such inspec-

2. Any member or other person having an interest in the When 10 funds of the society may inspect his own account and the books and lists containing the names of the members at all reasonable hours at may be inspected. the registered office of the society, or at such other place where they are kept, subject to such regulations as to time and manner of such inspection as are made by the rules.

3. The society may, by its rules, authorize the inspection of Rules for inspection any of its books therein mentioned, in addition to the said books under containing the names of members, under such conditions as are imposed thereby imposed, so that no person, unless he is an officer of therein. the society or is specially authorized by a resolution thereof,

20 shall have the right to inspect the loan or deposit account of any other member without his consent.

48. Every dispute not of a pecuniary character, and every between dispute of a pecuniary character in which the amount involved members or in dispute does not exceed one hundred dollars, between decided according 25 a member of a society or any person aggrieved who has for to rules. not more than six months ceased to be a member of the society, or any person claiming through such member or person aggrieved,

or claiming under the rules of the society, and the society or an officer thereof, shall be decided in the manner directed No appeal. 30 by the rules of the society, if they contain any such directions, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made before any court of

35 competent jurisdiction.

49. The Minister may, if he thinks fit, on the application of Minister ten members of a society each of whom has been a member of inspection the society for not less than twelve months immediately pre- of books. ceding the date of the application, appoint an accountant to

40 inspect the books of the society and to report thereon: provided that-

(a) the applicants shall deposit with the Minister such sum Security for as security for the costs of the proposed inspection as the costs. Minister may require;

(b) all expenses of and incidential to any such inspection Payment of shall be defrayed by the applicants, or out of the funds of the expenses.

society, or by the members or officers, or former members or officers of the society in such proportion as the Minister may direct.

Powers of inspector.

2. A person appointed under this section shall have power to make copies of all books of the society; and to take extracts 5 therefrom at all reasonable hours.

Result of inspection.

3. The Minister shall communicate the results of any such inspection to the applicants and to the society.

Inspection of affairs by Minister on application.

50. Upon the application of one-tenth of the whole number of members of a society, or of one hundred members in the 10 case of a society exceeding one thousand members, the Minister may-

(a) appoint an inspector or inspectors to examine into and report upon the affairs of such society;

15

(b) call a special meeting of the society.

2. Such application shall be supported by such evidence as the Minister requires before taking action, and the Minister may require that such notice as he deems necessary be given to the society.

Security for costs.

Evidence and notice

required.

3. The Minister may require the applicants to furnish security 20

for the cost of such inspection or meeting.

Payment of expenses.

4. All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, or out of the funds of the society, or by the members or officers or former members or officers of the society, in such 25

proportion as the Minister shall direct.

Powers of inspector.

5. An inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and 30

may administer an oath accordingly.

Special meeting to be held.

Powers thereof.

6. The Minister may direct at what time and place a special meeting under this section is to be held, and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the 35 rules of the society, and shall in all cases have power to appoint its own chairman, any rules of the society to the contrary notwithstanding.

#### RETURNS.

Annual summary of the affairs of the society.

**51.** The society shall, on or before the first day of February in each year, make out a summary, verified as hereinafter re-40 quired, containing as of the thirty-first day of December preceding, correctly stated, the following particulars:-

Contents of summary.

(a) The corporate name of the society and the date of incorporation;

(b) The name, residence and post office address of the officers and of the members of the boards of credit and supervision;

(c) The date upon which the last annual meeting of the

society was held;

(d) The place of the registered office, giving street and number when possible;

(e) The amount of subscribed capital of the society and the

number of shares into which it is divided;

(f) The number of shares, if any, issued as fully paid up, as 10 consideration for any transfer of assets, or otherwise; if none are so issued, this fact to be stated;

(g) The amount of calls made on each share;

(h) The total amount of calls received;

(i) The number of shares subscribed for and allotted during 15 the preceding year;

(j) The number of shares withdrawn during the preceding

year;

(k) The amount on deposit;

(l) The amount on loan;

20 (m) The total amount loaned during the year;

(n) The amount of the guarantee fund;

(o) A statement of the receipts and expenditure of the society during the year in respect of the several objects of the society;

(p) The number of members of the society.

2. A duplicate of such summary with an affidavit of verifica-Posting tion and the last balance sheet signed by the members of the thereof. board of supervision shall be posted up in a conspicuous position in the registered office of the society on or before the first day of March in each year, and shall be available for inspection

30 by any member or creditor of the society, and the society shall keep the same so posted until another summary and balance

sheet is posted under the provisions of this Act.

3. The said summary shall be verified by the affidavit of the Verification president and secretary, and if there are no such officers, or they, thereof. 35 or either of them, are, or is, at the proper time out of Canada or otherwise unable to make the said affidavit, then by the affidavit of the president or secretary and one of the officers as the case may require; and if the president or secretary do not make or join in the affidavit, the reason thereof shall be stated in the

40 substituted affidavit.

4. The summary, verified as aforesaid, together with the last Transmission balance sheet signed by the members of the board of supervision to Minister. shall, on or before the first day of March next after the time hereinbefore fixed for making the summary, be transmitted to 45 the Minister.

52. The Minister may, whenever he sees fit, require a society Returns on to make a return upon any special subject connected with the subjects. affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return.

#### AMALGAMATION.

Amalgamaseveral societies.

53. Any two or more societies having their respective registered offices in the same municapility may, by resolution of each of the societies interested passed by a vote of two-thirds of the members of the said societies respectively at meetings thereof duly called for considering such resolutions, become amalgamated 5 as one society, with or without any dissolution or division of the funds of such societies, or either of them, and upon such conditions as are set forth in the said resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than 10 that contained in the resolution amalgamating the societies.

Transfer of

**54.** Any society may, by resolution passed by a vote of contracts and two-thirds of the members of the society at a meeting duly called for considering such resolution, transfer its assets, undertakings and liabilities to any other society which undertakes to 15 fulfil the contracts and liabilities of the society.

Creditors' rights saved.

55. Such amalgamation or transfer shall not prejudice the rights of any creditor of any society party thereto.

Resolutions to be sent to Minister.

**56.** Copies of all resolutions relating to an amalgamation or transfer, certified by the chairman of the meeting at which the 20 resolution was passed and by the secretary of the society shall be deposited with the Minister.

Acknow-ledgement and effect.

57. The Minister, on an application therefor and on being satisfied that the foregoing provisions of this Act respecting such amalgamation or transfer have been complied with, and that the 25 said resolutions were duly passed by the said societies, may issue to the said societies a certificate of amalgamation or transfer, and give notice thereof in The Canada Gazette, and thereupon such amalgamation or transfer shall be deemed to take effect. 30

Notice.

CANCELLATION AND SUSPENSION OF CHARTER.

Cancellation of charter.

- 58. The Minister may, at any time, upon notice in writing cancel the charter of a society,-
- (a) if it is shown that the number of the members of the society has been reduced to less than seven, or that the charter of a society has been obtained by fraud, or mistake, or that the 35 society has ceased to carry on business;

(b) if he thinks fit, at the request of a society, to be evidenced.

in such manner as he shall from time to time direct; (c) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully, and after notice from the Minis- 40 ter, violated any of the provisions of this Act.

2. The Minister, in any case in which he might cancel the Suspension charter of the society, may suspend the charter, by writing of charter. under his hand or seal, for any term not exceeding three months, and may renew such suspension from time to time for a like

5 period.

3. Before such cancellation or suspension the Minister shall Notice to give the society a notice of not less than two months specifying, society of intended the ground of any proposed cancellation or suspension (except cancellation. in the case of a request by the society itself), and notice of such

10 cancellation or suspension shall be published in The Canada Public notice. Gazette and in a newspaper published at or near the place where such society last had its head office.

4. Such society shall, from the date of publication in The Absolute Canada Gazette of the said notice of cancellation or suspension, society from 15 absolutely cease to enjoy the privileges of a society, but without date of

publication.

prejudice to any liability actually incurred by such society, which liability may be enforced as if such cancellation or suspensively. sion had not taken place.

59. A society organized under this Act may be dissolved, - Dissolution.

(a) by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution and with the approval of the Minister:

(b) under the provisions of The Winding-up Act, chapter 144 R.S., c. 144.

of the Revised Statutes, 1906.

60. Where a society is wound up under the provisions of Liability of The Winding-up Act the liability of a present or past member winding up, of the society to contribute for payment of the debts and liabili- subject ties of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be 30 qualified as follows:-

(a) No individual, or corporation who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute;

(b) No individual, or corporation shall be liable to con-35 tribute in respect of any debt or liability contracted after he or

it ceases to be a member;

(c) No individual, or corporation who or which has within a year ceased to be a member, shall be liable to contribute, unless it appears that the contribution of the existing members 40 are insufficient to satisfy the just demands on the society;

(d) No contribution shall be required from any individual, or corporation exceeding the amount, if any, unpaid of the shares in respect of which he or it is liable as a past or present member:

(e) An individual, or corporation shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of receipt by the society of the notice or application for withdrawal; and upon being given such notice or application for withdrawal the society shall give a receipt therefor or acknowledgement thereof, in which shall be stated the date when such notice or application was so received.

Withdrawal and transfer of shares by officers and members.

61. Officers, members of administrative boards and other members entrusted with or participating in the direct management of the society's affairs shall not withdraw or transfer their shares during the exercise of their functions, and in case of the society's insolvency any such withdrawal or transfer made by them, within four months preceding such insolvency, shall be 10 null and void, and such member shall remain liable to the creditors of the society to the extent of such shares so withdrawn or transferred.

Dissolution by instrument. Contents of instrument.

62. Where a society is terminated by an instrument of dissolution:

15 (a) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of the creditors, if any, and the provisions to be made for their payment, and the intended appropriation or division 20 of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the Minister;

Alterations in instrument.

(b) Alterations in the instrument of dissolution may be made with the like consents, as hereinbefore provided, and testified 25 in the same manner:

Statutory declaration instrument.

(c) A statutory declaration shall be made by three members declaration to accompany and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution and any alterations thereof;

30

Members bound.

(d) The instrument of dissolution and all alterations therein

Notice of dissolution. shall be binding upon all the members of the society;

Society dissolved, unless proceedings are taken within three months, in county court, and dissolution set aside.

(e) The Minister shall cause a notice of dissolution to be advertised at the expense of the society in The Canada Gazette and in some newspaper at or near the place of registered office 35 of the society and unless, within three months from the date of The Canada Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the county 40 where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been 45 duly obtained without proof of the signatures thereto;

Notice to proceedings

(f) Notice shall be sent to the Minister of any proceeding to set aside the dissolution of a society, not less than seven days

before it is commenced, by the person by whom it is taken, or or of order of any order setting it aside, within seven days after it is made of court.

by the society;

(a) The instrument of dissolution shall fix a time within Completion of 5 which such dissolution shall be completed, and on the expiration dissolution thereof the person or persons named therein to conduct the completion of such dissolution shall forward to the Minister all books, papers, letters, memoranda and other documents in any way relating to such dissolution, together with all sums 10 of money in his or their hands undistributed, and the said person or persons having conduct of the dissolution as aforesaid shall be deemed to be an officer or officers of the society for the purposes of this Act.

#### OFFENCES AND PENALTIES.

63. It shall be an offence under this Act if a society,— (a) fails to give any notice, send any return or document, or Contraven-

to do or allow to be done any act or thing which the society is, by this Act, required to give, send, do or allow to be done; or,

(b) wilfully neglects or refuses to do any act or to furnish any Wilful neglect information required for the purposes of this Act by the Minister or refusal to 20 or any other person authorized under this Act, or does any act information. or thing forbidden by this Act; or,

(c) makes a return or wilfully furnishes information in any False

respect false or insufficient; or,

(d) fails to make out and keep continuously hung up the Failure to 25 annual return and balance sheet required by this Act.

64. Every offence by a society under this Act shall be deemed Offences by to have been also committed by every officer of the society who be also is bound by the rules thereof to fulfil the duty whereof such offences by officers.

offence is a breach, or, if there be no such officer, then by every Exception. 30 member of the committees unless such member is found to have been ignorant of, or to have attempted to prevent the commission of, such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which it continues.

65. If any person obtains possession by false representation Penalty for or imposition of any property of a society, or having it in his obtaining property by possession, withholds or mis-applies it or wilfully applies any fraud, o part thereof to purposes other than those expressed or directed or misby the rules of the society, and authorized by this Act, he shall, applying property.

40 on the complaint of the society, or any member authorized by the society, or by the committee thereof or by the Minister, be liable, on summary conviction, to a fine not exceeding fifty dollars and costs, and to be ordered to deliver up such property

or to repay all moneys applied improperly and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for a term not exceeding three months; but nothing herein shall prevent any such person from being proceeded against if not previously 5 convicted under this Act of the same offence or of an offence which includes the offence with respect to which he is so proceeded against.

Penalty for making false entries.

66. If any person wilfully makes, orders or allows to be made any entry or erasure in, or omission from, any balance sheet of a 10 society, or any contribution or collection book, or any return or document required to be sent, produced or delivered under this Act, with intent to falsify the same, or to evade any provision of this Act, he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Penalty respecting copies of society's rules. 67. It shall be an offence under this Act, punishable on summary conviction by a fine not exceeding two hundred dollars and not less than fifty dollars, if any person, with intent to mislead or defraud, gives to any other person a copy of any rules other than the rules for the time being approved of by 20 the Minister under this Act, on the pretence that they are the existing rules of a scoiety, or that there are no rules of such society, or gives to any person any rules on the pretence that such rules are the rules of an existing society, when such society is not really a society incorporated under this Act.

#### REGULATIONS.

Regulations by Governor in Council. **68.** The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act, and generally for carrying this Act into effect, and by such regulations may impose fines not exceeding twenty-five dollars for an infraction of the provisions thereof, **30** and such fines shall be recoverable on summary conviction; and such regulations shall apply as soon as they have been published in *The Canada Gazette*.

Publication in Canada Gazette.

Regulations to be laid before Parliament. 69. Such regulations shall be laid before Parliament within ten days after the making thereof, if Parliament is then sitting, 35 or, if not then sitting, then during the first ten days of the next session thereof.

### SCHEDULE A.

## PETITION FOR INCORPORATION.

#### CO-OPERATIVE CREDIT SOCIETIES ACT.

To the Secretary of State of Canada. ·

The petition of———.

Sheweth.

2. That the objects of incorporation are as follows: [Set out

objects, in detail.]

3. That the undersigned have prepared rules in accordance with the said Act for the management of the said society, a copy of which are herewith attached.

Your petitioners therefore pray that they may be incorporated as a society under the said Act.

Dated at — this — day of——19-.

Witness.

### SCHEDULE B.

#### MATTERS TO BE CONTAINED IN RULES.

Matters to be provided for by the rules of societies incorporated under The Co-operative Credit Societies Act:—

1. Object, name and head office or chief place of business of

the society.

- 2. Terms of admission of the members, including societies or companies taking shares in the society under the provisions of this Act.
- 3. Mode of holding meetings, right of voting and of making, altering and rescinding rules.

4. Appointment and removal of the committee or officers,

and their respective powers.

5. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto; determination whether the shares of any of them shall be withdrawable and the payment of the balance due thereon withdrawing from the society.

6. Determination whether or how members may withdraw

from the society.

7. Mode of application of profits.

8. Provision for custody of seal and certifying of documents issued by the society.

9. Determination whether and by what authority and in what manner any part of the capital may be invested.

10. The maximum number of shares that may be held by a member.

11. The maximum amount which may be received by the society on deposit.

12. The maximum amount which may be received from, or loaned to a member.

### SCHEDULE C.

#### FORM OF BOND.

(a) Know all men by these presents, that we, A. D., oi——,
, one of the officers of the ", Limited," herein-
after referred to as "the society," whose registered office is at
, in the county of, and C. D., of,
(as surety on behalf of the said A. B.), are jointly and severally
held and firmly bound to the society in the sum of —
dollars to be paid to the society, or its certain attorney, for which
payment well and truly to be made we jointly and severally
bind ourselves, and each of us by himself, our and each of our
heirs, executors and administrators, firmly by these presents.
Sealed with our seals.
Dated the ———————————————————————————————————
Whereas the above-bounden A. B. has been duly appointed to
the office of — of the — society, and he, to-
gether with the above-bounden C. D. as his surety, have entered
into the above-written bond, subject to the conditions herein-
ofter contained.

Now therefore the condition of the above-written bond is such, that if the said A. B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assigns and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed and delivered in the presence of-

Limited," hereinafter referred to as "the society," whose registered office is at———, in the county of————, in the sum of————dollars to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns I bind myself, my heirs, executors, and administers, by these presents.

Sealed with my seal.

And know further that I (or, we) ——as surety (or, sureties) for the above named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorneys or assign we firmly bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents.

Sealed with our seal.

Dated the——day of———19—.

The condition of the above-contained bond is that if the said faithfully execute the office of———to the society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character (without wasting embezzling, losing, misspending, misapplying or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the society at any time committed to his charge, custody, or keeping by reason or means of the said office), and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer and deliver up all securities, books, papers, property and effects whatsoever of or belonging to the society in his charge, custody or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments: and in all other respects well and faithfully perform and fulfil the said office of -———— to the society, according to the rules thereof, then the above written bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named

### SCHEDULE D.

### FORM OF STATEMENT.

(To be made by a society carrying on the business of Savings and Credit.)

- 1. Capital of the society:
  - (a) Nominal amount of each share;
  - (b) Number of shares issued;
- (c) Amount paid up on shares.
- 2. Liabilities of the September) last previous:— 2. Liabilities of the society on the first day of March (or, (a) On judgments;
  (b) On specialty;
  (c) On notes or bills;
  (d) On simple contract;
  (e) On estimated liabilities.

  Assets of the society on the

  - 3. Assets of the society on the same date:—
    - (a) Government or other securities (stating them);
    - (b) Bills of exchange and promissory notes;
    - (c) Cash at the bankers;
    - (d) Other securities.

1. The Civil Service Services and the Civil at the control of the interesting the influence excitate inspectately after control of the contro

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 11.

An Act respecting Co-operative Credit Societies.

First reading, November 24, 1910.

MR. MONK.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 12.

An Act to amend the Civil Service Amendment Act, 1908.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Civil Service Amendment Act, 1908, is amended by 1908, c. 15. 5 inserting the following sections immediately after section 47:-

"47A. All moneys or salaries due or accruing due to any person employed by the Government of Canada shall be liable members of to attachment in each province of Canada, according to the laws may be attached.

"47B. The attachment or garnishee summons or order may Service of be served on the minister, deputy minister, chief officer, secretary or assistant secretary of the Department in which the debtor is employed, or on the chief officer or clerk of such Department or branch thereof if the debtor is employed outside of the city of 15 Ottawa."

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

# BILL 12.

An Act to amend the Civil Service Amendment Act, 1908.

First reading, November 24, 1910.

MR. BEAUPARLANT.

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

## BILL 13.

An Act respecting the Sale of Poisons.

H IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- This Act shall apply to the poisons mentioned in the Application
   Schedule to this Act, and to all other poisons except London of Act.
   Purple and Paris Green.
- 2. Every person who, by himself or his agent, sells, offers for Sale of sale, attempts to sell, exposes for sale or gives away any poison, poisons except under the authority of a medical certificate or prescription, is guilty of an indictable offence and liable on summary conviction to a penalty not exceeding one hundred dollars, or to Penalty. imprisonment for not more than six months or to both fine and imprisonment.
- 3. Every person who, by himself or his agent offers for sale, Sale of poison poison, in any other receptacle or container save in a bue glass prescribed three cornered or square bottle with rough or corrugated corners, is guilty of an indictable offence and liable on summary conviction to a penalty not exceeding one hundred dollars or to, Penalty. 20 imprisonment for not more than six months or to both fine and imprisonment.
  - 4. Section 3 of this Act shall not come into force until one Commencement of year after the passing of this Act.

SCHEDULE.

Acid, Hydrocyanic (Prussic.)
Acid, Oxalic.
Aconite and compounds thereof.
Antimony, Tartrate of.
Antipyrine.
Antifebrine.

Antikamnia.

Arsenic and all the compounds thereof.

Belladonna and the compounds thereof.

Beans, Calabar.

Cantharides.

Cannabis, Indica.

Carbolic Acid, not exceeding a five per cent solution.

Chloral Hydrate.

Chloroform and Ether.

Cocoaine and it preparations.

Conia and the compounds thereof.

Conium and the preparations thereof.

Corrosive sublimate.

Croton Oil and seeds.

Cyanide of Potassium.

Digitaline.

Ergot.

Elaterium.

Euphorbium.

Goulard extract.

Hemp, Indian.

Hyosciamus and preparations.

Iodine.

Morphia and its salts and solutions.

Oil, Cedar.

Opium, with its preparations, including laudanum, etc., but

not paregoric.

Phenacetine.

Pink root.

Podophyllin.

Potassium, Iodide of.

Potassium, Bromide of.

Santonine.

Savin, and preparations of.

Scammony.

Stramonium and preparations.

St. Ignatius Beans.
Strychnine and Nux Vomica.

Sulfonal.

Valerian.

Veratria.

Verdigris.

Zinc, Sulphate of.

st reading. November 25,

1910.

An Act respecting the Sale of Poisons.

Session, 11th Parliament, 1 George V., 1910-11

13

OTTAWA

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELEE

MR. LEWIS

# THE HOUSE OF COMMONS OF CANADA.

## BILL 14.

# An Act to amend the Bank Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Bank Act, chapter 29 of the Revised Statutes, 1906, R.S., c. 29 is amended by inserting the following section immediately after amended. Section section 114 thereof:—

"114A. The bank shall transfer and pay over to the Minister, Transfer and notwithstanding any statute of limitation or other Act relating payments to to prescription,—

"Index of limitation or other Act relating payments to Minister of unclaimed—

"(a) all stock, no dividend whereon is claimed for six years Stock, before the last day on which a dividend thereon becomes payable (except where payment of dividend has been restrained by order of a court);

15

20

"(b) all dividends which have remained unpaid for more than Dividends, six years after they became payable;

"(c) all sums of money, deposits or balances in respect of Moneys, deposits and which no transactions have taken place, or upon which no balances. interest has been paid, or no acknowledgement has been made by the bank, or to which no claim has been made by

any person entitled thereto, during the six years prior to the date of the last annual return of the bank.

"2. If a claim to any stock so transferred or money so paid Governor in is thereafter established to the satisfaction of the Treasury order transfer Board, the Governor in Council shall, on the report of the Treas- or payment to person to the person entitled thereto.

"3. Upon transfer or payment to the Minister as herein pro-Bank vided, the bank and its assets shall be held to be discharged from further liability for the stock so transferred and the 30 amounts so paid."

3rd Session, 11th Parliament, 1 George V., 1910

THE HOUSE OF COMMONS OF CANADA.

# BILL 14.

An Act to amend the Bank Act.

First reading, November 25, 1910.

Mr. Sharpe, (North Ontario.)

OTTAWA
Printed by C. H. PARMELER
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1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 15.

An Act to amend the Canada Medical Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada engets as Senate and House of Commons of Canada, enacts as follows:-

1. Paragraphs (c) and (d) of section 2 of The Canada Medical R.S., c. 137 5 Act, chapter 137 of the Revised Statutes, 1906, are repealed Sefinitions. and the following are substituted therefor:

"(c) 'University' shall mean any university which has a "Universiteaching medical department in connection therewith, and has ty.'

the power to grant medical degrees;

"(d) 'medical school' includes any institution recognized by a "Medical provincial medical council wherein medicine is taught."

2. Paragraphs (c) and (e) of section 5 of the said Act are S. 5 repealed and the following is enacted as paragraph (c) of the aid amended.

15 "(c) The determination and fixing of the qual fication and Requisites conditions necessary for registration, the examinations to be for registration. undergone with respect to professional subjects only, and generally the requisites for registration: Provided that the council

shall not determine or fix any qualifications or conditions to Proviso. 20 be complied with as preliminary to or necessary for matricula-

Composition

tion in the study of medicine and for the obtainment of the provincial licenses, these being regulated as heretofore by the provincial authorities."

3. Subsections 1 and 3 of section 7 are repealed and the s7. amended. 25 following are substituted therefor:

"7. The Council shall be composed of— "(a) three members who shall be appointed by the Governor of Council.

in Council, each of whom shall reside in a different province; "(b) two members representing each province, who shall be

30 elected under regulations to be made in that behalf by the provincial medical council;

"(c) one member from each university or incorporated medical college or school in Canada having an arrangement with a university for the conferring of degrees on its graduates, engaged in the active teaching of medicine, who shall be elected by the university or by such college or school under such regulations as may govern in that behalf;

"(d) three members who shall be elected by the homographic 5 practitioners in Canada, each of whom shall reside in a different

province."

Act inoperative by all provinces.

Withdrawal of provincial representa

"3. This Act shall not come into force until the legislatures until accepted of all the provinces have enacted legislation accepting its provisions: Provided, however, that the medical board of any 10 province may at any time order the withdrawal of the representation of the said province upon the council, by a resolution passed at a general or special meeting of the said board called for the purpose and carried by the votes of two-thirds of the tion on public members present at the said meeting, and notice of which reso- 15 lution has been inserted for three months previously in The Canada Gazette; and in case of such resolution being passed, the provisions of this Act shall immediately cease to apply to the said province and no more persons shall be given the right to practice medicine within the jurisdiction of the said legislature by reason 20 of their qualification or registration under this Act."

8.8 amended.

**4.** Subsections 1, 2, 3 and 4 of section 8 of the said Act are repealed and the following are enacted as subsections 1 and 2 of the said section:

Term of office. Resignations.

"S. The term of office for members shall be four years. "2. Any member may at any time tender his resignation by written notice thereof to the president or to the secretary of the council, and, upon the acceptance of such resignation by the council, the council shall forthwith give notice in writing thereof, in case of an appointed member, to the Secretary of State of 30 Canada, and in case of an elected member, to the secretary of the medical council for the province, or to the university, incorporated medical school or college, or if a representative of the homeopathic practitioners resigns, to the remaining homeopathic representatives upon the council." 35

S. 10 amended. Quorum.

5. Subsection 2 of section 10 of the said Act is amended by striking out the word "twenty-one" in the second line of the said subsection and substituting therefor the word "eleven."

S. 11 amended. Meetings.

**6.** Paragraph (b) of subsection 1 of section 11 of the said Act is repealed and the following is substituted therefor:—

"(b) the summoning and holding of the meetings of the council, the times and places where such meetings are to be held, and the conduct of business thereat."

8. 11 mended.

7. Paragraphs (g) and (h) of the said subsection 1 of section 11 are repealed and the following are substituted therefor:—

"(g) The establishment, maintenance and effective conduct Examinaof examinations with respect to professional subjects only, for ascertaining whether candidates possess the qualifications required; the number, times and modes of such examinations; 5 the appointment of examiners; and generally all matters incident to such examinations, or necessary or expedient to effect the objects thereof;

"(h) The admission to examination of holders of diplomas Foreign

obtained outside of Canada."

8. Paragraph (a) of section 12 of the said Act is repealed and S. 12 amended. the following is substituted therefor:-

"(a) No candidate shall be eligible for any examination Candidates prescribed by the council, unless he is the holder of a provincial eligible for license, or unless he presents a certificate from the registrar of tions.

15 his own provincial medical council that he holds a medical degree accepted and approved of by the medical council of the said province."

9. Section 14 of the said Act is repealed and the following is New s. 14. substituted therefor:-

"14. The Council shall make such regulations as shall secure Homœoto homoeopathic practitioners, and to all applicants for regis-pathic practitioners. tration who desire to be practitioners of the homoeopathic school, rights and privileges in respect of registration by the council not less than those now possessed by them under the

25 laws of any province, and under the regulations of the provincial medical council thereof."

10. Section 16 of the said Act is repealed and the following New s. 16.

is substituted therefor:-

"16. The subjects of examination and the eligibility of Subjects of 30 candidates shall be decided by the council, and candidates for examination may select to be examined in the English or French language. A majority of the committee conducting the exami- Language of nation of any candidate shall speak the language in which the candidates.

candidate elects to be examined; "2. Examinations may be held only at those centres at which Place of examinations. there is a university or college actively engaged in the teaching

of medicine or having hospital facilities of not less than one hundred beds."

11. Subsections 2 and 3 of section 18 of the said Act are S. 18 40 repealed and the following is enacted as subsection 2 of the said amended. section:

"2. Any person who has received a license or certificate of Practitioners registration in any province previous to the date when the licensed to council has been first duly constituted under this Act, and who be entitled to registration 45 has been engaged in the active practice of medicine in any one after ten years.

or more provinces of Canada, shall, after ten years from the date of such license or certificate, be entitled to be registered under this Act as a medical practitioner, without examination, upon payment of the fees and upon compliance with the other conditions and regulations for such cases prescribed by the council: 5 Provided that if the medical council of any province is not satisfied with the period of years prescribed by this subsection, such medical council may, as a condition to provincial registratration, exact an examination in final subjects from practitioners registered under this subsection, and the said examination shall 10 be held according to the provisions of the by-laws or rules of the respective provincial councils."

Proviso.

Section added.

12. The said Act is amended by adding thereto the following section:—

Amendment

"24. No amendment to this Act may be proposed on behalf of 15 the council unless previously accepted by the provincial medical council."

An Act to amend the Canada Medical Act.

First reading, November 28, 1910.

BILL 15.

THE HOUSE OF COMMONS OF CANADA.

15

3rd

Session,

11th Parliament, 1 George V., 1910-11

OTTAWA

Printed by C. H. PARKELEE

Printer to the King's most Excellent Majesty

1910-11

MR. BLACK.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 15.

# An Act to amend the Canada Medical Act.

(Reprinted as amended and reported by the Select Committee to which it was referred.)

IIIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Paragraphs (c) and (d) of section 2 of The Canada Medical R.S., c. 137 5 Act, chapter 137 of the Revised Statutes, 1906, are repealed Definitions. and the following are substituted therefor:-

"(c) 'University' shall mean any university which has a "Universiteaching medical department in connection therewith, and has ty."

the power to grant medical degrees;

"(d) 'medical school' includes any institution recognized by a "Medical school." provincial medical council wherein medicine is taught."

- 2. Paragraphs (c) and (e) of section 5 of the said Act are s. 5 repealed and the following is enacted as paragraph (c) of the said amended. section:
- "(c) The determination and fixing of the qualification and Requisites conditions necessary for registration, the examinations to be for registration. undergone with respect to professional subjects only, and generally the requisites for registration: Provided that the council shall not determine or fix any qualifications or conditions to Proviso.
- 20 be complied with as preliminary to or necessary for matriculation in the study of medicine and for the obtainment of the provincial licenses, these being regulated as heretofore by the provincial authorities."
- 3. Subsections 1 and 3 of section 7 are repealed and the s 7. 25 following are substituted therefor:-

Composition

"7. The Council shall be composed of— "(a) three members who shall be appointed by the Governor of Council. in Council, each of whom shall reside in a different province; but until such time as the provinces of Saskatchewan, Alberta 30 and British Columbia shall have been entitled to university

representation, two of the three members so appointed shall be chosen from two of these provinces;

"(b) two members representing each province, who shall be elected under regulations to be made in that behalf by the provincial medical council;

"(c) one member from each university or incorporated medical college or school in Canada having an arrangement with a university for the conferring of degrees on its graduates, engaged in the active teaching of medicine, who shall be elected by the university or by such college or school under such regula- 10 tions as may govern in that behalf;

``(d) three members who shall be elected by the homoeopathic practitioners in Canada, each of whom shall reside in a different

province."

S. 8 amended.

4. Subsections 1, 2, 3 and 4 of section 8 of the said Act are 15 repealed and the following are enacted as subsections 1 and 2 of the said section:—

Term of office.
Resignations.

- "8. The term of office for members shall be four years."
- "2. Any member may at any time tender his resignation by written notice thereof to the president or to the secretary of the 20 council, and, upon the acceptance of such resignation by the council, the council shall forthwith give notice in writing thereof, in case of an appointed member, to the Secretary of State of Canada, and in case of an elected member, to the secretary of the medical council for the province, or to the university, incor-25 porated medical school or college, or if a representative of the homœopathic practitioners resigns, to the remaining homœopathic representatives upon the council.

S. 10 amended. Quorum. 5. Subsection 2 of section 10 of the said Act is amended by striking out the word "twenty-one" in the second line of the 30 said subsection and substituting therefor the word "eleven."

S. 11 amended. **6.** Paragraph (b) of subsection 1 of section 11 of the said Act is repealed and the following is substituted therefor:—

Meetings. "(b) the summoning and holding of the meetings of the 35 council, the times and places where such meetings are to be held, and the conduct of business thereat."

S. 11 amended.

7. Paragraphs (g) and (h) of the said subsection 1 of section 11 are repealed and the following are substituted therefor:—

Examinations. "(g) The establishment, maintenance and effective conduct 40 of examinations with respect to professional subjects only, for ascertaining whether candidates possess the qualifications required; the number, times and modes of such examinations; the appointment of examiners; and generally all matters incident to such examinations, or necessary or expedient to effect the 45 objects thereof;

"(h) The admission to examination of holders of diplomas Foreign obtained outside of Canada from a medical school recognized diplomas. by the council."

8. Paragraph (a) of section 12 of the said Act is repealed and S. 12

5 the following is substituted therefor:-

"(a) No candidate shall be eligible for any examination Candidates prescribed by the council, unless he is the holder of a provincial examinalicense, or unless he presents a certificate from the registrar of tions. his own provincial medical council that he holds a medical 10 degree accepted and approved of by the medical council of the said province."

9. Section 14 of the said Act is repealed and the following is New s. 14. substituted therefor:

"14. The Council shall make such regulations as shall secure Homoco-15 to homoeopathic practitioners, and to all applicants for regis-pathic practitioners. tration who desire to be practitioners of the homoeopathic school, rights and privileges in respect of registration by the council not less than those now possessed by them under the laws of any province, and under the regulations of the provincial 20 medical council thereof."

10. Section 16 of the said Act is repealed and the following New s. 16. is substituted therefor:

"16. The subjects of examination and the eligibility of Subjects of examination. candidates shall be decided by the council, and candidates for 25 examination may select to be examined in the English or French language. A majority of the committee conducting the exami-Language of nation of any candidate shall speak the language in which the

candidate elects to be examined; "2. Examinations may be held only at those centres at which Place of examinations. 30 there is a university or college actively engaged in the teaching

of medicine or having hospital facilities of not less than one hundred beds."

11. Subsections 2 and 3 of section 18 of the said Act are S. 18 repealed and the following is enacted as subsection 2 of the said amended.

"2. Any person who has received a license or certificate of Practitioners registration in any province previous to the date when the licensed to council has been first duly constituted under this Act, and who be entitled to has been engaged in the active practice of medicine in any one after ten

40 or more provinces of Canada, shall, after ten years from the date years. of such license or certificate, be entitled to be registered under this Act as a medical practitioner, without examination, upon payment of the fees and upon compliance with the other conditions and regulations for such cases prescribed by the council:

45 Provided that if the medical council of any province is not Proviso.

satisfied with the period of years prescribed by this subsection, such medical council may, as a condition to provincial registratration, exact an examination in final subjects from practitioners registered under this subsection, and the said examination shall be held according to the provisions of the by-laws or rules of 5 the respective provincial councils."

Section added.

12. The said Act is amended by adding thereto the following

to Act.

"24. No amendment to this Act may be proposed on behalf of the council unless previously accepted by the provincial medical 10 councils."

Act by all provinces.

Withdrawal

13. This Act shall not come into force until the legislatures inoperative until accepted of all the provinces have enacted legislation accepting its provisions: Provided, however, that the medical board of any province may at any time order the withdrawal of the repre- 15 sentation of the said province upon the council, by a resolution passed at a general or special meeting of the said board called for the purpose and carried by the votes of two-thirds of the tion on public members present at the said meeting, and notice of which resonotice. lution has been inserted for three months previously in The Can-20 ada Gazette; and in case of such resolution being passed, the provisions of this Act shall immediately cease to apply to the said province and no more persons shall be given the right to practise medicine within the jurisdiction of the said legislature by reason of their qualification or registration under this Act. 25

> An Act to amend the Canada Medical Act.

Reprinted as amended and reported by

Select Committee to which it was referred.)

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

15

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE OTTAWA

MR. BLACK

Session, 11th Parliament, 1 George V., 1910-11.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 16.

An Act to amend the Dominion Elections Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Section 172 of The Dominion Elections Act, chapter 6 of the R.S., c. 6, 5 Revised Statutes, 1906, is amended by adding thereto the s. 172 amended. following subsections:-

"2. Immediately after the close of the poll, and before the Persons ballot box is opened, the deputy returning officer shall exclude excluded on all persons from the polling booth other than those entitled to votes. 10 be present at the counting of the ballots, as provided in sub-

section 1 hereof.

"3. Every deputy returning officer who permits unauthorized Penalty for persons to remain in the polling booth during the counting of unauthorized ballots is guilty of an indictable offence and liable on indict-persons.

15 ment or summary conviction to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months, or to both, in the discretion of the court.

"4. Immediately after the close of the poll, every person not Penalty for entitled to be present in the polling booth during the counting withdraw 20 of the ballots under subsection 1 hereof, and who refuses to from booth.

withdraw from the polling booth on being requested so to do by the deputy returning officer, is guilty of an indictable offence and liable on indictment or summary conviction to a penalty not exceeding two hundred dollars, or to imprisonment for a

25 term not exceeding six months, or to both, in the discretion of the court."

3rd Session, 11th Parliament, 1 George V., 191

THE HOUSE OF COMMONS OF CANADA.

BILL 16.

An Act to amend the Dominion Electio Act.

First reading, November 29, 1910.

Mr. Sharpe, (North Ontario.)

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majest
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 17.

An Act respecting the British Columbia Southern Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1904, c. 52; by and with the advice and consent of the Senate and House of 1906, c. 66; 1908, c. 87; 5 Commons of Canada, enacts as follows:-

1. The British Columbia Southern Railway Company may Time for commence the construction of the extension of its railway to construction of railways the forty-ninth parallel and the Tobacco Plains, and the railway extended. from the main line at a point about thirty-six miles west of the 10 eastern boundary of British Columbia, authorized by chapter 55 1899, c. 55; of the statutes of 1899, and the western section of its railway 1900, c. 52; of the statutes of 1899, and the western section of its railway 1909, c. 54. and the branches to Nelson and Martin Creek as described in section 1 of chapter 52 of the statutes of 1900, and the branch from Michel to Kananaskis as described in section 1 of chapter 15 54 of the statutes of 1909, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods respectively, the 20 powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much

2. The branch lines authorized by the Governor in Council Time for to be constructed under the provisions of section 2 of chapter construction of branch 25 55 of the statutes of 1899, and subsection 1 of section 2 of lines chapter 49 of the statutes of 1901, shall be commenced within extended. two years after the date of such authorization, and shall be 1901, c. 49. completed within five years after the passing of this Act; and if the said branches are not so commenced, or are not completed 30 and put in operation, within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said branches as then remains uncompleted.

of the said railways as then remains uncompleted.

3. Section 3 of chapter 54 of the statutes of 1909 is repealed. 1909, c. 54,

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 17.

An Act respecting the British Columbia Southern Railway Company.

First reading, November 29, 1910.

(PRIVATE BILL.)

Mr. Taylor, (New Westminster.)

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 18.

An Act respecting the Kootenay and Arrowhead Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1906, c. 119;
by and with the advice and consent of the Senate and House of 1909, c. 97.
5 Commons of Canada, enacts as follows:—

1. The Kootenay and Arrowhead Railway Company may, Time for within two years after the passing of this Act, commence to construction of railway construct the unconstructed portion of the railway which it extended. was authorized to construct by section 7 of chapter 70 of the 10 statutes of 1901, being from Gerrard to Arrowhead, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said unconstructed portion of the said railway is not so commenced or is not completed and put in operation within the said periods respectively, the 15 powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 97 of the statutes of 1909 is repealed.

1909, c. 97 repealed.

THE HOUSE OF COMMONS OF CANADA.

# **BILL** 18.

An Act respecting the Kootenay and Arrowhead Railway Company.

First reading, November 29, 1910.

(PRIVATE BILL.)

MR. TAYLOR, (New Westminster.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### BILL 19.

An Act respecting the Manitoba and North Western Railway Company of Canada.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1902, c. 71; by and with the advice and consent of the Senate and House of 1907, c. 104; 1908, c. 126; 1909, c. 126; 1909 5 Commons of Canada, enacts as follows:—

1. The Manitoba and North Western Railway Company of Time for Canada may commence the construction of the railways from construction of railways Russell to the northern or western boundary of the province of extended. Manitoba, from some point between Portage La Prairie and

- 10 Arden to the northern or western boundary of the province of Manitoba, and from some point between Westbourne and Beautiful Plains, north-westerly in the direction of Lake Dauphin or Duck Mountains, which railways it was authorized to construct by section 9 of chapter 52 of the statutes of 1893, and the rail-
- 15 ways from a point between Theodore and Insinger to a point in township thirty-two, range eighteen or nineteen west of the second meridian, and from Bradenbury to Kamsack, which it was authorized to construct by section 2 of chapter 104 of the statutes of 1907, within two years after the passing of this Act,
- 20 and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced, or are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament
- 25 shall cease and be null and void as respects so much of the said railways as then remains uncompleted.
- 2. The said company may make the terminus of the said Terminus of railway, heretofore authorized to be constructed from a point railway. between Theodore and Insinger, at a point in range sixteen or 30 seventeen instead of range eighteeen or nineteen.
  - 3. The said company may within five years after the passing Time for of this Act complete and put in operation the extension of the construction of extension main line which it was authorized to construct by section 9 extended.

enapter 52 of the statutes of 1893, from Yorkton to a point at or near Prince Albert: if the said extension is not so completed and put in operation within the said period the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said extension as then remains uncompleted.

5

.1909, c. 102. s. 1 repealed. 4. Section 1 of chapter 102 of the statutes of 1909 is repealed.

THE HOUSE OF COMMONS OF CANADA.

BILL 19

An Act respecting the Manitoba and Nortl Western Railway Company of Canada.

First reading, November 29, 1910.

(PRIVATE BILL.)

MR. CASH.

OTTAWA

Printer to the King's most Excellent Majesty
1910-11

19.

3rd Session, 11th Parliament, 1 George V., 1910-1

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 20.

An Act respecting the Mather Bridge and Power Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 5 of Commons of Canada, enacts as follows:---

1. Section 1 of chapter 13 of the statutes of 1896 (Second 1896 (2nd Session), is amended by striking out the words "The Honourable sess.), c. 13, Richard Honourable s. 1 amended. Richard Harcourt, of the town of Welland," in the first and second Incorlines thereof, and inserting in lieu thereof "Joseph Battle, of the porators. 10 town of Thorold," and by striking out the words "George Hope Bertram of the same place," in the seventh line thereof, and inserting in lieu thereof the words "William E. Phinn, of the town of Welland."

- 2. Section 3 of said Act is amended by inserting after the s. 3 amended. 15 word "lands" in the twenty-seventh line thereof the words Bridge. "and build an experimental span or spans which are not to interfere with navigation or extend beyond the international boundary line in the said river."
- 3. Section 9 of said Act is amended by striking out the words s. 9 amended. 20 "Honourable Richard Harcourt" in the first line thereof and Provisional inserting in lieu thereof the words "Joseph Battle."
- by chapter 13 of the statutes of 1896, (Second Session), shall construction be commenced within two years after the Executive of the extended. 25 United States has consented to and approved such bridging, and be completed within five years thereafter, otherwise the powers granted under this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted; provided, however, that if such consent is not obtained 30 within five years after the passing of this Act the powers granted for the construction of the works so authorized shall

cease and be null and void.

4. The work that pertains to bridge construction authorized Time for

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the Mather Bridge an Power Company.

First reading, November 29, 1910.

(PRIVATE BILL.)

MR. GERMAN.

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1910-11

5. Section 17 of chapter 13 of the statutes of 1896, (Second 1896 (2nd Sees.), c. 1 Session,) is repealed.

## **BILL** 20.

An Act respecting the Mather Bridge and Power Company.

(Reprinted as proposed to be amended in the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, Sess.), c. 13; by and with the advice and consent of the Senate and House 1901, c. 106; 1906, c. 124.

- 1. Section 1 of chapter 13 of the statutes of 1896 (Second Session), incorporating the Mather Bridge and Power Company, s. 1 amended hereinafter called "the Company," is amended by striking out Incorthe words "The Honourable Richard Harcourt, of the town of Porators.

  10 Welland in the county of Welland," in the first and second lines thereof, and the words "and George Hope Bertram of the same place," in the sixth and seventh lines thereof.
- 2. Section 4 of the said Act is amended by striking out the S. 4 words "Governor in Council," in the fourth and fifth lines amended.

  15 thereof, and inserting in lieu thereof the words "Board of Rail- Tolls. way Commissioners for Canada."
- 3. Section 8 of the said Act is amended by striking out the S. 8 amended. words "Railway Committee of the Privy Council" in lines four and five thereof and inserting in lieu thereof the words "Board Disputes. 20 of Railway Commissioners for Canada."
- 4. Section 9 of the said Act, and section 2 of chapter 106 of S. 9, and 1901, c. 106, the statutes of 1901, are repealed, and in lieu thereof it is enact-s. 2 repealed. ed that Joseph Battle, Thomas Daziel Cowper, Alonzo C. Provisional Mather, John Flett, William E. Phinn and Samuel Lount shall directors.

  2 is be the provisional directors of the Company.
  - 5. Section 13 of the said Act is amended by inserting after S. 13 the word "navigation" in the fifth line thereof the words "and amended. may also construct and maintain at a point near the said village of Fort Erie an experimental span or spans which shall not spans.

extend beyond the said international boundary line nor interfere with navigation," and by striking out all of the words after "power" in line fifteen thereof to the end of the said section.

Electric and other power.

6. The Company may, subject to the provisions of section 247 of The Railway Act, supply, sell or otherwise dispose of any 5 surplus water, electricity, electric or other power not required for the purposes of the Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and 10 charges.

Rates to be approved by Railway Commission.

Consent of municipalities required highways,

7. Nothing in the said chapter 13 or this Act shall authorize the Company to construct or operate any lines for the purpose for lines upon of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works 15 and not required for the undertaking of the Company, upon, along or across any highway or other public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose 20 of or distribute electric power or energy within, or for use within, the limits of any municipality, without the consent, expressed by by-law, of such municipality, or shall be construed to empower the Company to export electricity or electric or other power to the United States, except subject to the provisions of The 25 Electricity and Fluid Exportation Act.

Exportation of power to U.S. prohibited.

Disputes to be decided by Railway Commission.

8. In case of any dispute or difference as to the price to be charged for power or electrical or other energy, or as to the methods of distribution thereof, or as to the time within which it shall be furnished, or as to the quantity to be furnished, or as 30 to the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, or electrical or other energy transmitted or produced by the Company, or upon the application of the Com- 35 The said Board on the application of any person or municipality, or on the application of the Government of Canada, or of the Government of the province of Ontario, shall fix the price from time to time for periods not to extend over five years, at which the Company shall sell or lease such electricity and 40 electric, pneumatic or other current, power or force.

Time for bridge construction extended.

**9.** The work that pertains to bridge construction authorized by chapter 13 of the statutes of 1896, (Second Session), shall be commenced within two years after the Executive of the United States has consented to and approved such bridging, 45 and be completed within five years thereafter, otherwise the powers granted under the said Act and this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted; provided, however, that if such consent 5 is not obtained within five years after the passing of this Act the powers granted for the construction of the works so authorized shall cease and be null and void.

10. Section 17 of chapter 13 of the statutes of 1896 (Second Sess.), c. 13, Session), is repealed.

THE HOUSE OF COMMONS OF CANADA.

BILL 20.

An Act respecting the Mather Bridge and Power Company.

(Reprinted as proposed to be amended in the Railway Committee.)

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
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1910-11

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 21.

An Act respecting the Vancouver and Lulu Island Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1906, c. 174. by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. The Vancouver and Lulu Island Railway Company shall Time for commence the branch lines authorized by the Governor in construction of branch Council to be constructed, under the provisions of section 3 of lines chapter 86 of the statutes of 1901, within two years after the extended. 10 date of such authorization, and shall complete the said branch lines within five years after the passing of this Act; and if the said branch lines are not so commenced or are not completed and put in operation within the said periods respectively, the

15 Parliament shall cease and be null and void as respects so much of the said branch lines as then remains uncompleted

powers of construction conferred upon the said company by

THE HOUSE OF COMMONS OF CANADA.

# BILL 21.

An Act respecting the Vancouver and Lulu Island Railway Company.

First reading, November 29, 1910.

(PRIVATE BILL.)

Mr. Smith, (Nanaimo.)

OTTAWA
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1910-11

### BILL 22.

An Act to prohibit the importation, manufacture, sale and use of Opium for other than scientific or medicinal purposes.

[IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Opium Act.

10

15

Short title.

2. In this Act, unless the context otherwise requires,— Definitions. (a) "opium" means and includes crude opium, powdered "Opium." opium, and opium prepared for smoking, or in any stage of such preparation:

(b) "imports" and "imported" include the bringing or "Imports." conveying, or the causing to be brought or conveyed, into "Imported." Canada of any opium;

(c) "magistrate" includes any judge of the sessions of the 'Magistrate." peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace.

3. Every person is guilty of an indictable offence, and liable Penalty for to imprisonment for a period not exceeding two years, or to a importation, manufacture, fine not exceeding one thousand dollars and not less than fifty or sale of

dollars, or to both fine and imprisonment, who imports, manu-20 factures, sells, offers for sale, has in his possession for sale, or takes or carries, or causes to be taken or carried from any place in Canada to any other place in Canada, opium for other than scientific or medicinal purposes.

4. Every person who smokes opium or who, without lawful Penalty for 25 or reasonable excuse, has in his possession opium prepared or possessing being prepared for smoking shall be guilty of an offence against opium for this Act, and shall be liable on summary conviction to a fine not exceeding fifty dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment.

Burden of proof on offender.

5. If any person charged with an offence against this Act pleads or alleges that he imported, manufactured, sold or offered for sale, or had in his possession the opium in respect of which the offence is charged, for scientific or medicinal purposes, the burden of proof thereof shall be upon the person so charged.

5

Search warrants. 6. If it be proved upon oath before any magistrate that there is reasonable cause to suspect that any opium is kept or concealed for any purpose contrary to this Act in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, vessel or other place such magistrate may grant a warrant to search by day or 10 night any such place for such opium, and if such opium is there found, to bring it before him.

Opium and receptacles seized to be destroyed.

7. When any person is convicted of an offence against this Act, the convicting magistrate may adjudge and order, in addition to any other penalty or punishment, that the opium 15 in respect of which the offence was committed, and which has been seized under the search warrant as aforesaid, and all receptacles of any kind whatsoever found containing the same, be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the 20 said search warrant, or by such other person as may be thereunto authorized by the said convicting magistrate.

Opium unclaimed for three months destroyed, subject to order.

8. Any opium now in the custody of any court, and any opium that may be seized for the violation of any law relating to opium, shall be destroyed unless such opium is claimed within 25 three months after the passing of this Act or after such seizure as the case may be, and it is established to the satisfaction of the court that no offence has been committed in connection therewith, or unless the court otherwise orders, provided however, that the provisions of *The Customs Act* shall apply to any 30 opium unlawfully imported into Canada.

R.S., c. 48.

9. One half of any fine recovered from any person convicted of an offence against this Act may be paid to the person giving information leading to such conviction, if so directed by the magistrate.

Disposition of fine.

10. No conviction, judgment or order in respect of an offence against this Act shall be removed by certiorari or otherwise into any of His Majesty's courts of record.

Proceedings.
No certiorari.

Regulations. 11. The Governor in Council may make such orders and 40 regulations as are deemed necessary or expedient to provide for the seizure and public destruction of opium imported, manufactured, sold, or offered for sale, or kept for any purpose contrary to this Act.

- 12. Section 4 of this Act shall not come into force until the Commencement of s. 4. first day of July, one thousand nine hundred and eleven.
  - 13. Chapter 50 of the statutes of 1908 is hereby repealed. 1908, c. 50 repealed.

THE HOUSE OF COMMONS OF CANADA.

BILL 22.

An Act to prohibit the importation, manufacture, sale and use of Opium for other than scientific or medicinal purposes.

First reading, November 30, 1910.

MR. KING.

OTTAWA
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1910-11

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 23.

An Act to amend the Railway Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. Subsection 3 of section 254 of The Railway Act, chapter 37 R.S., c. 37, 5 of the Revised Statutes, 1906, is amended by adding thereto the state of sions of such cattle guards shall, before the first day of April, guards. one thousand nine hundred and eleven, be submitted to the Board and receive its approval."
- 2. Subsection 4 of section 294 of the said Act, as enacted by 8.294 section 8 of chapter 50 of the statutes of 1910, is amended by striking out all the words after the word "animal" in the eighth Damages line thereof and substituting therefor the following:—"so got caused to upon the property of the company without the negligence of the or by cattle or by cattle on railway.

  15 company or the omission of any duty binding on the company under this Act."

THE HOUSE OF COMMONS OF CANADA.

**BILL** 23.

An Act to amend the Railway Act.

First reading, December 1, 1910.

MR. MEIGHEN.

OTTAWA
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1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 24.

An Act to amend the Canada Shipping Act.

H IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 477 of The Canada Shipping Act, chapter 113 of R.S., c. 113, 5 the Revised Statutes, 1906, is amended by inserting the word s. 477, amended. "Ontario" after the word "Quebec" in the second line of sub-pilotage dues, paragraph (ii) of paragraph (c) of subsection 1 of the said Ontario. section.

THE HOUSE OF COMMONS OF CANADA.

BILL 24.

An Act to amend the Canada Shipping Act.

First reading, December 1, 1910.

MR. EDWARDS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

## BILL 25.

An Act to amend the Exchequer Court Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (d) of section 20 of The Exchequer Court Act, R. S., c. 140, 5 chapter 140 of the Revised Statutes, 1906, is repealed and the smended. following is substituted therefor:—

"(d) Every claim against the Crown arising under any law Exclusive of Canada or of any province thereof, or any regulation made by original jurisdiction. the Governor in Council; but in the adjudication of such claim Claims 10 no defence shall be open to the Crown which would not have against been open to a defendant in an action between subjects in the the Crown province in which the cause of action arose."

THE HOUSE OF COMMONS OF CANADA.

BILL 25.

An Act to amend the Exchequer Court Act.

First reading December 2, 1910

MR. BARNARD.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 26.

An Act respecting the Saving of Daylight.

WHEREAS it is desirable to adopt a standard time in advance Preamble. of the standard time now in use, with the object of promoting a more extended use and enjoyment of daylight during the summer months: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Daylight Saving Act.

Short title.

2. This Act shall not apply to the Yukon territory.

Yukon excepted.

3. From and after two o'clock in the morning of the first Period of Sunday in April in each year until two o'clock in the morning standard time of the first Sunday in November in each year the standard time November. shall be one hour in advance of the standard time now in use.

4. The time hereby established shall be known as standard Standard time, and when any period of time is mentioned in any Act of time in Acts and legal Parliament, deed or other legal document, the time mentioned instruments. or referred to shall, unless it is otherwise specifically stated, be held to be standard time under this Act.

5. Greenwich mean time, as used for the purposes of astro-mean time nomy and navigation, shall not be affected by this Act.

Greenwich mean time mean time not affected.

20 6. The corporation of any municipality may, by by-law, Municipality determine what time shall be the local time in such munici- may establish pality.

7. Sections 3, 4 and 5 of this Act shall not come into force Commenceuntil the first day of January, one thousand nine hundred and ss. 3, 4, 5. 25 twelve.

THE HOUSE OF COMMONS OF CANADA.

BILL 26.

An Act respecting the Saving of Daylight.

First reading, December 2, 1910.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMBLEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL 27.

An Act respecting Licenses to Fishing Vessels.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The collector of customs at any port in Canada where any Conditions 5 vessel of Canadian register is registered, upon the oath of the upon which managing owner or ship's husband that such vessel is engaged fishing vessels or about to engage, in the Atlantic fisheries of Canada, and that shall be issued. the owners are all British subjects; and upon the oath of the master of such vessel that he is a British subject; and that 10 such vessel, if granted a license, shall not, while it continues in force, be employed in any manner whereby the revenue of Canada may be defrauded; and upon request thereto by the master, managing owner,, or ship's husband of such vessel, shall

Provisions of license.

- 2. The said license shall continue in force until the first day Term of of December following the date of issue, unless previously can-license. celled, as hereinafter provided.
  - 3. The said license shall state-

20

issue to such vessel a fishing license.

(a) the number, date and duration of the license; (b) the name and official title of the officer issuing it;

(c) the port at which it was issued; (d) the official number of the vessel:

(e) the measurements of the vessel and the crew space, and the number of decks and masts;

(f) the names of the captain, managing owner or ship's husband and other owners of the vessel;

(g) the year the vessel was built; (h) the name and style of the vessel;

(i) that the vessel will not be employed in any other trade 30 than the Atlantic fisheries of Canada.

4. No licensed fishing vessel shall engage in any trade whereby Trade in the revenue of Canada shall be defrauded, or in any other trade which fishing vessels may than the Atlantic fisheries of Canada (which shall include the engage.

fisheries of the bays and straits of the Atlantic coast of Canada) during the continuance of the said license.

Penalty for violation.

2. Any master or owner violating the provisions of this section shall be liable to a penalty of dollars in addition to any other penalty imposed by law.

5

Fee.

**5.** A fee of dollars shall be payable to the collector of customs on the issuance of the said license.

Annual renewal of license.

6. The said license may be renewed annually—

(a) upon the oaths required by section 1 of this Act being made;

10

(b) upon the endorsement on the said license by the collector of customs at the port of issue, if presented for renewal within ten days after its expiration;

(c) upon payment of a fee of

Endorsement upon register. 7. The collector of customs shall, upon issuing a license, 15 forthwith endorse upon the vessel's register the fact that such license was issued, stating the date thereof and the number of the license; and the cancellation of a license shall be endorsed in like manner.

Record of licenses and numbers.

8. The collector of customs shall keep a record of all licenses 20 issued or renewed by him, and the said licenses shall be numbered consecutively in a book to be kept for the purpose, and he shall transmit to the Minister of Marine and Fisheries on the first days of March, June, September and December in each year particulars of the licenses which have been so granted and 25 renewed by him, and of such licenses as have been given up or cancelled.

Copies for Minister.

OTTAWA

Printed by C. H. Parantum

Printer to the King's most Excellent Majesty

MR. JAMESON.

First reading December 5, 1910.

An Act respecting Licenses to Fishing Vessels.

THE HOUSE OF COMMONS
OF CANADA.

Session, 11th Parliament, 1 George V., 1910-

Srd

### BILL 28.

An Act to amend the Customs Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection 1 of section 16 and subsection 1 of section 96 of R.S., c. 48, 5 The Customs Act, chapter 48 of the Revised Statutes, 1906, are 96 amended. amended by adding after the word "vessel" in the first lines Report of thereof, respectively, the words "except licensed fishing vessels masters. registered in Canada."

THE HOUSE OF COMMONS OF CANADA.

BILL 28.

An Act to amend the Customs Act.

First reading, December 5, 1910.

MR. JAMESON.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## BILL 29.

# An Act respecting Co-operation.

WHEREAS it is desirable to promote economy and thrift Preamble. by means of co-operative societies, and that legislation respecting the incorporation and management of such societies should be uniform throughout Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Co-operation Act.

Short title.

2. In this Act, unless the context otherwise requires,—
"Minister" means the Secretary of State of Canada;
"Minister."

'department" means the Department of the Secretary of "Department."

State of Canada;
"society" means a society incorporated under this Act;
"Society."

"land" includes hereditaments and chattels real, and any "Land." interest therein:

15 "property" includes all real and personal estate, including "Property." books and papers;

"amendment of rule" includes a new rule, and a resolution "Amendment rescinding a rule;

"rules" means the rules approved of by the Minister; and "Rules."

20 includes any amendment of a rule approved of by the Minister; "the committee" means the committee of management or "Comother directing body of a society;

"persons claiming through a member" includes the heirs, "Persons executors, administrators, or assigns of a member;

25 "officer" includes any treasurer, secretary, member of the "Officer." committee, manager, or servant, other than a servant appointed by the committee, of a society;

"meeting" includes (where the rules of a society so allow) "Meeting."

a meeting of delegates appointed by members;

"office" means the registered office for the time being of a "Office." society:

"court," in its application to the province of Quebec, means "Court." the Superior Court, and in all other provinces the County Court, and in the Yukon territory the Territorial Court.

What societies may be incorporated.

3. Under this Act, societies may be incorporated having for their object or purpose the conduct of industries, businesses or trades, whether wholesale or retail, defined by the declaration made on application for incorporation, except banking as defined by The Bank Act, and insurance as defined by The Insurance Act, and the construction and operation of railways and telegraph and telephone lines: Provided however that a society incorporated to carry on the business of savings and credit shall not carry on any other business.

Number of incorporators.

Declaration to be signed by incorpor-

Copy sent to Minister, and recorded.

4. Any number of persons, not less than seven capable of 10 contracting, may be incorporated as a society.

2. Such person shall, with the secretary, sign in duplicate, before two witnesses, a declaration in the form of Schedule A to this Act. One of such declarations, with a copy of the rules, shall be forwarded by registered letter or otherwise delivered 15 to the Minister, and the other, with a copy of the rules, shall remain of record in the archives of the society.

Rules of society.

5. The rules of every society shall contain provisions regarding the several matters contained in Schedule B to this Act, together with such other provisions as are deemed necessary 20 for the management of the affairs of the society. The rules shall not be contrary to law or to this Act, and may set forth the form of any instrument necessary for carrying the purposes of the society into effect.

Certificate of incorporation and notice thereof.

6. The Minister, on being satisfied that the foregoing provisions of this Act have been complied with, and on approving of the rules, shall issue to the society a certificate of incorporation and give notice thereof in *The Canada Gazette*, and thereupon such society shall be a corporation under the name described in the acknowledgement and notice, and all property, for the 30 time being, vested in any person in trust for the society shall be vested in the society, and the said certificate of incorporation and the rules of the society, together with this Act, shall constitute the charter of the society.

Charter of society.

Proof of incorporation.

7. The production of *The Canada Gazette* containing the said 35 notice shall be conclusive evidence that the society therein mentioned is duly incorporated.

Minors may

subject to rules of

society.

be members,

S. A person under the age of twenty-one, but above the age of twelve, may be a member of a society, unless provision to the contrary is made in the rules thereof; and such person may, 40 subject to the rules of the society, enjoy all the rights of a member, (except as herein provided,) and execute all instruments and give all acquittances necessary to be executed or

given under the rules; but shall not be a member of the committee, trustee, manager or treasurer of the society.

- 9. Every society shall have a registered office, to which all Registered communications and notices shall be addressed, and the society 5 shall send to the postmaster of the post office nearest to its registered office, and to the Minister, written notice of the Notice. situation of such registered office and of every change of such situation.
- 10. A society may (if its rules do not otherwise direct) Power to 10 hold, purchase or take on lease in its own name any land, and acquire land. may sell, exchange, lease or build thereon.

#### NAME.

11. The corporate name of the society shall not be that of Corporate any other known society or company incorporated or unincorporated, or so nearly resembling such name as to be likely,

15 in the opinion of the Minister to be confounded therewith, or otherwise on public grounds objectionable, and no society shall change its name except as hereinafter provided: Pro-Change of vided, however, that the Minister may, at any time, change Minister. the name of a society if it appears to him that such name is that

- 20 of any other society or company incorporated or unincorporated or nearly resembles the same, or is on any grounds objectionable, and such change shall be made in the like manner and with the like consequences as if it were changed on the application of the society.
- 12. The word "co-operative" shall be included in, and the "Co-operative" and word "limited" shall be the last word of the name of every "limited." society.
- 13. Every society shall paint or affix and keep painted or Name of affixed its name on the outside of every office or place in which society to be kept 30 the business of the society is carried on, in a conspicious posicious. tion, and in letters easily legible, and shall have its name engraven in legible characters on its seal and have its name mentioned in legible characters in all notices, advertisements and other publications of the society, and in all bills of exchange, 35 promissory notes, endorsements, cheques and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices and receipts of the society.
- 14. A society may, by resolution approved of by two-thirds Change of of its members and adopted at a general meeting called for that name by 40 purpose, and with the approval of the Minister, change its name, and from the date of a notice of such change, to be pub-

Notice.

lished by the Minister in *The Canada Gazette*, the society shall be known and designated under the new name, but no such change of name shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding 5 its new name.

Pending proceedings not affected.

RULES.

Copies of

15. A copy of the rules of the society shall be delivered by the society to every member on demand, on payment of a sum fixed by the rules.

Amendments.

16. An amendment of a rule of a society shall not be valid 10 until it has been approved of by the Minister, for which purpose two copies thereof, signed by three members and the secretary, shall be sent to the Minister.

Approval of Minister.

2. The Minister, on being satisfied that an amendment of a rule is not contrary to law or to this Act, and that it has been 15 duly sanctioned by the society, may approve of it, and may issue to the society an acknowledgement of the deposit of such amendment, which shall be conclusive evidence that it is in force.

Application and force of rules.

17. The rules of the society shall bind the society and all 20 members thereof and all persons claiming through them, respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and as if there were contained in such rules a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform 25 thereto subject to the provisions of this Act.

Security by officers in receipt or charge of money.

Bonds.

Guarantee society.

18. Every officer of a society who receives or has charge of money, if the rules of the society require, shall, before taking upon himself the duties of his office, become bound, either with or without a surety, as the committee may require, in a bond 30 according to one of the forms set forth in schedule C to this Act, or such other form as the committee approves, or shall give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of 35 the society, at such times as its rules appoint, or as the society or the committee thereof requires him to do, and for the payment by him of all sums due from him to the society.

Distribution of profits.

19. The rules of every society shall provide for the profits being appropriated to any purpose stated therein.

#### CAPITAL AND SHARES.

- 20. A society may create a capital divided into shares, shares, and the amount thereof, the number of shares and the calls or other payments thereon, shall be determined by its rules, but <sup>Calls</sup>. the amount of each share shall not be less than one dollar.
- 5 21. The capital of the society may, subject to the rules, Increase and be increased by subscriptions for new shares or the admission decrease of capital. of new members, and it may be diminished by withdrawals.
  - 22. Any other corporation may, if its constating instruments Shares held by other corporations.
- 23. No member shall have more than one vote, and voting votes and by proxy shall be allowed only when shares are held by an proxies. agricultural association, a municipal body, a school board, fabrique d'eglise or other corporation existing under the law of Canada or of some province thereof.
- 15 **24.** Every society shall keep a register or list of members Register of or shares which shall be *prima facie* evidence of any of the members or following particulars entered therein:—
- (a) The names, addresses and occupations of the members, the number of shares held by them respectively, the numbers 20 of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares;
- (b) The date at which the name of any such person, corporation, or society was entered in such register or list as a member;
- 25 (c) The date at which any such person, corporation, or society ceased to be a member.
  - 25. All moneys payable by a member to a society shall Dues of be a debt due from such member to the society and shall be members. recoverable as such in any court of competent jurisdiction.
- 30 2. A society shall have a lien on the shares of any member Lien on for any debt due to it by him, and may set off any sum credited shares for to the member therein in or towards the payment of such debt.

#### SAVINGS AND CREDIT SOCIETIES.

- 26. The Minister, by the certificate of incorporation and notice District may thereof in *The Canada Gazette*, may limit the district within be limited.

  35 which a savings and credit society may carry on its business by means of offices or other places for carrying it on, or by means of agents, canvassers or otherwise.
  - 27. The Minister may, from time to time, vary the district of a District may be varied.

savings and credit society on application for that purpose by the committee, on a resolution approved of by two-thirds of the members of the society at a general meeting duly called for considering such resolution.

considering such resolution

Certificate and notice.

2. The Minister, upon approving of such application, shall 5 give a certificate thereof in writing to the society and shall publish a notice thereof in *The Canada Gazette*.

Society with withdrawable capital.

28. No society which has any withdrawable share capital shall carry on the business of savings and credit.

Loans to members only. 29. No society carrynig on the business of savings and 10 credit shall advance money by discount, loan or otherwise to, nor accept deposits from, any person other than members thereof.

Statement of business to be posted up.

30. Every society which carries on the business of savings and credit shall, on the first Mondays in March and September in 15 each year, make out and keep conspicuously hung up in its registered office, and in every other office or place of business belonging to it where the business of savings and credit is carried on, a statement in the form of Schedule D to this Act, or as near thereto as the circumstances admit.

Board of Credit. 31. A society carrying on the business of savings and credit shall elect at each annual general meeting a board of credit of not less than three members.

Term of office.

2. The members of the board of credit shall hold office for one year and until their successors are appointed.

Borrowing

3. No member of a board of credit shall borrow from or be

prohibited.

in any way indebted to the society.

Duties.

4. It shall be the duty of the board of credit to consider and approve of all loans and investments of funds of the society.

Maximum loan. 32. A society shall fix, by rule, the maximum amount which 30 may be loaned to a member.

BOARD OF SUPERVISION OF SAVINGS AND CREDIT SOCIETIES.

Board of Supervision. **33.** Every savings and credit society shall, at each annual general meeting, elect from its members a Board of Supervision of at least two members, who shall not be members of the committee, or board of credit or officers of the society. The 35 members of the board of supervision shall hold office for one year and until their successors are appointed.

Duties.

Term of office.

2. The board shall, from time to time, examine and audit the books of the society and deposit books of the members; shall supervise the operations of the committee and board of 40 credit; and shall check the cash investments and securities of the society.

3. In the event of any of the funds, securities or other prop- Misappropriation of erty of the society being misappropriated or otherwise mis- funds or directed from their proper use, or in the event of any of the contravention rules of the society being contravened by the committee or 5 board of credit, or any member thereof, or by any officer, the General meeting

board shall forthwith call a general meeting of the society.

4. Pending the holding of such meeting the board may suc-Suspensions by Board. pend any member of the committee or board of credit, or any officer, and may appoint members of the society to perform the 10 duties of any person so suspended, until the said meeting of the

5. The board shall report to the meeting all circumstances Report of relating to any misappropriation of funds, securities or other Board, and property, or any improper diversion thereof, and the causes of general 15 suspension of any member of the committee, board of credit or officer, and the society, at the meeting so called or at any

adjournment thereof, may dismiss from office or reinstate any member of the committee or board of credit or officer suspended by the board.

6. The members of the board shall not borrow from or be in Borrowing prohibited. any way indebted to the society.

7. The board shall submit a written report to each annual Annual general meeting.

#### INVESTMENT AND RESERVE.

34. A society may invest any part of its capital in or upon Investment of

25 any security authorized by its rules.

2. A society which has invested any part of its capital in the When capital shares or on the security of any other corporation may appoint invested in as proxy any one of its members, though such member is not corporations. personally a shareholder of such other corporation.

3. The proxy shall, during the continuance of his appoint-Powers of ment, be taken by virtue thereof as holding the number of proxy. shares held by the society by whom he is appointed, for all purposes except the transfer of such shares, or the giving receipts for any dividends thereon.

35. The society may establish a reserve fund under the Reserve fund. terms and conditions determined by its rules.

2. A society may invest its surplus or reserve fund in public Investment of securities of the Government of Canada, or of any province surplus or reserve. thereof or of a municipal or other incorporated body, or may

40 loan to such municipal or incorporated bodies upon the security of their general credit.

36. The society may receive from its members deposits bear-Deposits from ing interest, in conformity with its rules.

#### BORROWING POWERS.

Resolutions for— Borrowing; Issue of

sccurities;

37. The committee of a society may pass resolutions:

(a) for borrowing money;

(b) for issuing bonds, debentures, or other securities: Provided, however, that a savings and credit society shall not issue bonds, debentures or other securities:

5

(c) for pledging or selling such bonds, debentures, or other securities. securities for such sum and at such prices as are deemed expedient or are necessary:

Proviso as to commercial securities.

Provided, however, that nothing in this or the three following sections hereof shall apply to promissory notes, bills of exchange, 10 bills of lading, warehouse receipts, or other securities of a commercial nature issued in the ordinary course of business.

Confirmation of resolutions.

**38.** No resolution referred to in section 37 of this Act, shall take effect until it has been confirmed by a vote of not less than two-thirds of the members present or represented by 15 proxy at a general meeting of the society, duly called for considering such resolution, by notice specifying the terms of the resolution to be confirmed, or until unanimously sanctioned in writing by members of the society.

Mortgage or pledge of real or personal property of society.

**39.** The committee may charge, hypothecate, mortgage, or 20 pledge the real or personal property, rights and powers, undertaking, franchises, including book debts and unpaid calls of the society, to secure any bonds, debentures or other securities, or any liability of the society authorized by resolution and confirmed as hereinbefore provided, and a duplicate original of 25 such charge, mortgage or other instrument of hypothecation or pledge shall be forthwith forwarded to the Minister, as well as

Copy for Minister.

Registration.

Receipt of

society a sufficient

discharge without further enquiry. 40. No assignee, mortgagee, pledgee, bond or debenture charge or hypothec holder shall be bound to inquire as to the 30 authority for any such assignment, mortgage, pledge, charge or hypothecation by a society, and the receipts of the society shall be a discharge for all moneys arising from or in connection with such assignment, mortgage, pledge, charge, hypothec or other security.

registered under the provisions of any other law in that behalf.

CONTRACTS.

Contracts how made,

discharged-

Under seal:

41. Contracts on behalf of the society may be made, varied, or discharged at follows:—

(a) Any contract, which if made between private persons would be by law required to be in writing and to be under seal, may be made, on behalf of the society, in writing under the 40 common seal of the society, and may in the same manner be varied or discharged;

(b) Any contract, which, if made between private persons In writing; would be by law required to be in writing and signed by the persons so charged therewith, may be made on behalf of the society in writing by any person acting under the express or 5 implied authority of the society, and may in the same manner be varied or discharged;

(c) Any contract under seal which, if made between private Under seal, persons, might be varied or discharged by a writing not under but subject to be varied seal, signed by any person interested therein, may be similarly or discharged to varied or discharged on behalf of the society by a writing not writing;

under seal, signed by any person acting under the express or implied authority of the society;

(d) Any contract, which, if made between private persons, Parol would be by law valid though made by parol only and not contracts; 15 reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied

or discharged; (e) A signature, purporting to be made by a person holding Signature of 20 any office in the society, attached to a writing whereby any society prima contract purports to be made, varied or discharged by or on facie behalf of the society, shall prima facie be taken to be the genuine. signature of a person holding, at the time when the signature

was made, the office so stated.

2. All contracts which may be or have been made, varied or Contracts discharged according to the provisions of this section, shall, so duly executed obligatory on far as concerns the form thereof, be effectual in law and binding society. on the society and all other parties thereto, their heirs, executors or administrators, as the case may be.

42. A promissory note or bill of exchange shall be deemed Promissory to have been made, accepted, or endorsed on behalf of the hotes and bills of society, if made, accepted or endorsed in the name of the society, exchange. or by or on behalf or account of the society, by any person acting under the authority of the society.

### ANNUAL MEETING, INSPECTION, AND DISPUTES.

43. The annual meeting of the society shall be held at such Annual time and place in each year as the rules of the society provide, meeting. and in default of such provisions in that behalf the annual meeting shall be held at the registered office of the society on the fourth Wednesday in January in each year.

2. At such meeting the committee shall lay before the Duty of committee to society,present-

(a) A balance sheet made up to date not more than three Balance months before such annual meeting;

(b) A statement of income and expenditure for the financial Income and 45 picd (reing upon the date of such balance sheet;

29 - 2

Auditor's report;
Financial position;
Balance sheet, what to contain.

(c) The report of the auditor;

(d) Such further information respecting the society's financial

position as the rules require;

3. Every balance sheet shall be drawn up so as to distinguish at least the following classes of assets and liabilities, 5 namely:—

(a) Cash;

(b) Debts owing to the society from customers;

(c) Debts owing to the society from its officers and members:

(d) Stock in trade;

(e) Expenditures made on account of future business;

(f) Land, buildings and plant;

- (g) Good will, franchises, patents, copyrights, trade marks, leases, contracts and licenses;
- (h) Debts owing by the society secured by mortgage or other 15 lien upon the property of the company;

(i) Debts owing by the society but not secured;

(j) Amount received on shares;(k) Amount owing on shares;

(1) Amount paid on withdrawal of shares;

20

(m) Indirect and contingent liabilities.

Balance sheet to be furnished gratuitously. 44. Every society shall supply gratuitously to every member or other person interested in the funds of the society, on his application, a copy of the last annual balance sheet and return of the society.

25

Inspection of books.

45. Save as provided in this Act, no member or person shall have any right to inspect the books of the society, notwithstanding anything in the existing rules relating to such inspection.

When accounts and lists may be inspected.

2. Any member or other person having an interests in the 30 funds of the society may inspect his own account and the books containing the names of the members at all reasonable hours at the registered office of the society, or at such other place where they are kept, subject to such regulations as to time and manner of such inspection as are made by the rules.

Rules for inspection under conditions imposed therein. 3. The society may, by its rules, authorize the inspection of any of its books therein mentioned, in addition to the said books containing the names of members, under such conditions as are thereby imposed, so that no person, unless he is an officer of the society or is specially authorized by a resolution thereof, 40 shall have the right to inspect the loan or deposit account of any other member without his written consent.

Disputes between members decided according to rules 46. Every dispute between a member of a society and any person aggrieved who has for not more than six months ceased to be a member of the society, or any person claiming through 45 such member or person aggrieved, or claiming under the rules of

the society, and the society or an officer thereof, shall be decided in the manner directed by the rules of the society, if they contain any such directions, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be No appeal. 5 removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made before any court of competent jurisdiction.

### ACCOUNTS, AUDITS AND INSPECTIONS.

- 47. The accounts of the society shall be examined once at Accounts least in every year, and the correctness of the balance sheet shall shall be audited.

  10 be ascertained by an auditor or auditors.
  - 48. The first auditor of the society may be appointed by First the committee before the first meeting of the members, and the auditors auditor so appointed shall hold office until the first general meeting.
- 15 **49.** Thereafter the auditor shall be appointed by resolution Appointment at a general meeting of the society, and shall hold office until the and term of auditors. next annual meeting unless previously removed by a resolution of the members in general meeting.
- 50. The auditor may be a member of the society, but no Qualification 20 person shall be eligible as an auditor who is interested, otherwise of auditors. than as a member, in any transaction of the society, and no officer of the society shall be eligible during his continuance in office.
- 51. If an appointment of auditor is not made at any annual Minister 25 meeting the Minister may, on the application of any member of the society, appoint an auditor of the society for the current year, and fix the remuneration, if any, to be paid to him by the society for his services.
- 52. The committee may fill any casual vacancy in the office Committee 30 of auditor, but while any such vacancy continues the surviving may fill vacancy. or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for re-appointment.
- 53. The remuneration of the auditors of a society shall be Remunerative fixed by the society in general meeting, except that the remuner of auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the committee.
  - **54.** Every auditor of a society shall have the right of access Rights and at all times to the books, accounts and vouchers of the society, duties of auditors. and shall be entitled to require from the committee and officers

of the society such information and explanation as may be necessary for the performance of his duties, and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not their requirements as auditors have been complied with, and make a report to the members of the accounts examined by 5 them, and on every balance sheet laid before the society in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the society's affairs as shown 10 by the books of the society; and such report shall be read before the society in general meeting.

Minister may order inspection of books. 55. The Minister may, if he thinks fit, on the application of ten members of a society each of whom has been a member of of the society for not less than twelve months immediately pre-15 ceding the date of the application, appoint an accountant to inspect the books of the society and to report thereon: provided that—

Security for costs.

(a) the applicants shall deposit with the Minister such sum as security for the costs of the proposed inspection as the Minister 20 may require;

25

Payment of expenses.

(b) all expenses of and incidental to any such inspection shall be defrayed by the applicants, or out of the funds of the society, of by the members or officers, or former members or officers of the society in such proportion at the Minister may direct.

Powers of inspector.

2. A person appointed under this section shall have power to make copies of all books of the society; and to take extracts therefrom at all reasonable hours.

Result of inspection.

3. The Minister shall communicate the results of any such inspection to the applicants and to the society.

Inspection of affairs by Minister on application.

56. Upon the application of one-tenth of the whole number of members of a society, or of one hundred members in the case of a society exceeding one thousand members, the Minister may—

(a) appoint an inspector or inspectors to examine into and 35 report upon the affairs of such society;

(b) call a special meeting of the society.

Evidence and notice required. 2. Such application shall be supported by such evidence as the Minister requires before taking action, and the Minister may require that such notice as he deems necessary be given to the 40 society.

Security for costs.

3. The Minister may require the applicants to furnish security for the costs of such inspection or meeting.

Payment of expenses.

4. All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying for the same, 45 or out of the funds of the society, or by the members or officers or former members or officers of the society, in such proportion as the Minister shall direct.

5. An inspector appointed under this section may require the Powers of production of all or any of the books, accounts, securities and inspector. documents of the society, and may examine on oath its officers, members, agents and servants in relation to its business, and

5 may administer an oath accordingly.

6. The Minister may direct at what time and place a special Special meeting under this section is to be held, and what matters are held. to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the Powers 10 rules of the society, and shall in all cases have power to appoint thereof. its own chairman, any rules of the society to the contrary not-

RETURNS.

57. The society shall, on or before the first day of February Annual in each year, make out a summary, verified as hereinafter summary of the affairs of 15 required, containing as of the thirty-first day of December the society. preceding, correctly stated, the following particulars:-

(a) The corporate name of the society and the date of incor- Contents of

poration;

withstanding.

(b) The name, residence and post office address of the officers;

(c) The date upon which the last annual meeting of the society was held;

(d) The place of the registered office, giving street and num-

ber when possible;

(e) The amount of subscribed capital of the society and the

25 number of shares into which it is divided;

(f) The number of shares, if any, issued as fully paid up, as consideration for any transfer of assets, good will or otherwise; if none are so issued, this fact to be stated;

(g) The amount of calls made on each share;

(h) The total amount of calls received: (i) The total amount of shares forfeited;

(j) The number of shares subscribed for and allotted during the preceding year;

(k) The number of shares withdrawn during the preceding

- (1) The amount of bonds, debentures or other securities authorized;
- (m) The amount of bonds, debentures or other securities issued, and the amount realized thereon;

(n) A statement of the receipts and expenditure of the society during the year in respect of the several objects of the society;

(o) The number of members of the society.

2. A duplicate of such summary with an affidavit of verifica- Posting tion and the last balance sheet signed by the auditors shall be

45 posted up in a conspicious position in the registered office of the society on or before the first day of March in each year, and shall

be available for inspection by any member or creditor of the society, and the society shall keep the same so posted until another summary and balance sheet is posted under the provisions of this Act.

Verification thereof.

3. The said summary shall be verified by the affidavit of the 5 president and secretary, and if there are no such officers, or they or either of them, are, or is, at the proper time out of Canada or otherwise unable to make the said affidavit, then by the affidavit of the president or secretary and one of the officers as the case may require; and if the president or secretary do not 10 make or join in the affidavit, the reason thereof shall be stated in the substituted affidavit.

Transmission to Minister.

4. The summary, verified as aforesaid, together with the last balance sheet signed by the auditor shall, on or before the first day of March next after the time hereinbefore fixed for making 15 the summary, be transmitted to the Minister.

Returns on special subjects.

58. The Minister may, whenever he sees fit, require a society to make a return upon any special subject connected with the affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return. 20

#### AMALGAMATION.

Amalgamation of several societies. 59. Any two or more societies may, by resolution of each of the societies interested passed by a vote of two-thirds of the members of the said societies respectively at meetings thereof duly called for considering such resolution, become amalgamated as one society, with or without any dissolution or division of the 25 funds of such societies, or either of them, and upon such conditions as are set forth in the said resolutions, and the property of such societies shall become vested in the amalgamated society without the necessity of any form of conveyance other than that contained in the resolution amalgamating the societies. 30

Transfer of contracts and liabilities.

**60.** Any society may, by resolution passed by a vote of two-thirds of the members of the society at a meeting duly called for considering such resolution, transfer its assets, undertakings and liabilities to any other society which undertakes to fulfil the contracts and liabilities of the society.

35

Creditor's rights saved.

**61.** Such amalgamation or transfer shall not prejudice the rights of any creditor of any society party thereto.

Resolutions to be sent to Minister. **62.** Copies of all resolutions relating to an amalgamation or transfer, certified by the chairman of the meeting at which the resolution was passed and by the secretary of the society shall 40 be deposited with the Minister.

63. The Minister, on being satisfied that the foregoing pro-Acknowvisions of this Act respecting such amalgamation or transfer and effect. have been complied with, and that the said resolutions were duly passed by the said societies, may issue to the said societies 5 an acknowledgment of amalgamation or transfer, and give

notice thereof in The Canada Gazette, and thereupon such amal- Notice. gamation or transfer shall be deemed to take effect.

#### CANCELLATION AND SUSPENSION OF CHARTER.

64. The Minister may, at any time, upon notice in writing Cancellation

cancel the charter of a society.

(a) if it is shown that the number of the members of the 10 society has been reduced to less than seven, or that the charter of a society has been obtained by fraud, or that the society has ceased to carry on business;

(b) if he thinks fit, at the request of a society, to be evidenced

15 in such manner as he shall from time to time direct;

(c) on proof to his satisfaction that the society exists for an illegal purpose, or has wilfully, and after notice from the Minis-

ter, violated any of the provisions of this Act.

2. The Minister, in any case in which he might cancel the Suspension of 20 charter of the society, may suspend the charter, by writing charter. under his hand or seal, for any term not exceeding three months, and may renew such suspension from time to time for a like period.

3. Before such cancellation or suspension the Minister shall Notice to 25 give the society a notice of not less than two months specifying intended the ground of any proposed cancellation or suspension (except cancellation. in the case of a request by the society itself), and notice of such cancellation or suspension shall be published in The Canada Public notice. Gazette and in a newspaper published at or near the place where

30 such society last had its head office.

4. Such society shall, from the date of publication in The Absolute Canada Gazette of the said notice of cancellation or suspension, restation of society from absolutely cease to enjoy the privileges of a society, but without date of prejudice to any liability actually incurred by such society, publication. 35 which liability may be enforced as if such cancellation or suspen- Liability of sion had not taken place.

65. A society organized under this Act may be dissolved, - Dissolution. (a) by the consent of three-fourths of the members, testified

by their signatures to an instrument of dissolution;

(b) under the provisions of The Winding-up Act, chapter 144 R.S., c. 144. of the Revised Statutes, 1906.

66. Where a society is wound up under the provisions of Liability of The Winding-up Act the liability of a present or past member winding up, of the society to contribute for payment of the debts and liabili- subject to

qualifica-

ties of the society, the expenses of winding up, and the adjustment of the rights of contributors amongst themselves, shall be qualified as follows:-

(a) no individual, society or company who or which has ceased to be members for one year or upwards prior to the 5 commencement of the winding-up shall be liable to contribute;

(b) no individual, society or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceases to be a member;

(c) no individual, society or company, not a member, shall be 10 liable to contribute, unless it appears that the contributions of the existing members are insufficient to satisfy the just demands on the society;

(d) no contribution shall be required from any individual, society or company exceeding the amount, if any, unpaid of the 15 shares in respect of which he or it is liable as a past or present member:

(e) an individual, society or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for with-20 drawal.

Dissolution instrument. Contents of instrument.

**67.** Where a society is terminated by an instrument of dissolution:

(a) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and 25 the nature of their interests in the society respectively, the claims of the creditors, if any, and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award 30 of the Minister:

Alterations in instrument

(b) Alterations in the instrument of dissolution may be made with the like consents, as hereinbefore provided, and testified in the same manner:

(c) A statutory declaration shall be made by three members 35 and the scretary of the society that the provisions of this Act have been complied with, and shall be sent to the Minister with the instrument of dissolution and any alterations thereof;

(d) The instrument of dissolution and all alterations therein shall be binding upon all the members of the society;

40 (e) The Minister shall cause a notice of dissolution to be advertised at the expense of the society in The Canada Gazette and in some newspaper at or near the place of registered office of the society and unless, within three months from the date of The Canada Gazette in which such advertisement appears, a 45 member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the county

Statutory declaration to accominstrument.

Members bound.

Notice of Society dissolved, unless proceedings are taken, within three months.! in county court, and dissolution set aside.

where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been 5 duly obtained without proof of the signatures thereto;

(f) Notice shall be sent to the Minister of any proceeding to Notice to set aside the dissolution of a society, not less than seven days proceedings before it is commenced, by the person by whom it is taken, or or of order of any order setting it aside, within seven days after it is made 10 by the society.

#### OFFENCES AND PENALTIES.

68. It shall be an offence under this Act, if a society—

(a) fails to give any notice, send any return or document, or Contravento do or allow to be done any act or thing which the society is by this Act, required to give, send, do or allow to be done; or,

Offences.

(b) wilfully neglects or refuses to do any act or to furnish any Wilful neglect information required for the purposes of this Act by the Minister or refusal to or any other person authorized under this Act, or does any act information. or thing forbidden by this Act; or,

(c) makes a return or wilfully furnishes information in any False 20 respect false or insufficient; or,

(d) fails to make out and keep continuously hung up the Failure to annual return and balance sheet required by this Act.

69. Every offence by a society under this Act shall be deemed Offences by to have been also committed by every officer of the society who be also 25 is bound by the rules thereof to fulfil the duty whereof such offences by offence is a breach, or, if there be no such officer, then by every member of the committee unless such member is found to have Exception. been ignorant of, or to have attempted to prevent the commission of, such offence; and every act or default under this Act consti-30 tuting an offence, if continued, shall constitute a new offence in every week during which it continues.

70. If any person obtains possession by false representation Penalty for or imposition of any property of a society, or having it in his property by possession, withholds or mis-applies it or wilfully applies any fraud, or withholding or mis-apply
35 part thereof to purposes other than those expressed or directed or mis-apply
ing property. by the rules of the society, and authorized by this Act, he shall, ing property. on the complaint of the society, or any member authorized by the society, or by the committee thereof or by the Minister, be liable, on summary conviction, to a fine not exceeding fifty 40 dollars and costs, and to be ordered to deliver up such property

or to repay all moneys applied improperly and, in default of such delivery or repayment, or of the payment of such fine, to be imprisoned, with or without hard labour, for a term not exceeding three months; but nothing herein shall prevent any such person from being proceeded against if not previously convicted under this Act of the same offence or of an offence which includes the offence with respect to which he is so proceeded against.

Penalty for making false entries

71. If any person wilfully makes, orders or allows to be made any entry or erasure in, or omission from, any balance sheet of a society, or any contribution or collection book, or any return or document required to be sent, produced or delivered under this Act, with intent to falsify the same, or to evade any pro- 10 vision of this Act, he shall be liable, on summary conviction, to a fine not exceeding one hundred dollars.

Penalty respecting copies of society's rules.

72. It shall be an offence under this Act punishable, on summary conviction, by a fine not exceeding twenty-five dollars, if any person, with intent to mislead or defraud, gives to any other 15 person a copy of any rules other than the rules for the time being approved of by the Minister under this Act on the pretence that they are the existing rules of a society, or that there are no other rules of such society, or gives to any person any rules on the pretence that such rules are the rules of an existing 20 society when such society is not really a society incorporated under this Act.

#### REGULATIONS.

Regulations by Governor in Council.

73. The Governor in Council may make regulations respecting the procedure and forms to be adopted in carrying out the provisions of this Act, and generally for carrying this Act into 25 effect, and by such regulations may impose fines not exceeding twenty-five dollars for an infraction of the provisions thereof, and such fines shall be recoverable on summary conviction; and such regulations shall apply as soon as they have been published in The Canada Gazette.

30

Publication in Canada Gazette.

Regulations to be laid before Parliament.

74. Such regulations shall be laid before Parliament within ten days after the making thereof, if Parliament is then sitting, or, if not then sitting, then during the first ten days of the next session thereof.

### SCHEDULE A.

### CO-OPERATION ACT.

To the Secretary of State of Canada.

The application of——.

Sheweth.

1. That the undersigned desire to be incorporated as a society under the provisions of The Co-operation Act, under the name "\_\_\_\_\_, Limited."

2. That the objects of incorporation are as follows: [Set out

objects, in detail.]

3. That the undersigned have prepared rules in accordance with the said Act for the management of the said society, a copy of which are herewith attached.

Dated at———this———day of———19—

Witness.

### SCHEDULE B.

Matters to be provided for by the rules of societies incorporated under The Co-operation Act:—

1. Object, name and head office or chief place of business of

the society.

2. Terms of admission of the members, including societies or companies taking shares in the society under the provisions of this Act.

3. Mode of holding meetings, right of voting and of making,

altering and rescinding rules.

4. Appointment and removal of the committee or officers,

and their respective powers and remuneration.

- 5. Determination whether the society may contract loans or receive deposits, subject to the Act, from members, and if so, under what conditions, on what security, and what limits of amount.
- 6. Determination whether the shares or any of them shall be transferable, and regulations of the form of transfer and registration of the shares and the consent of the committee thereto; determination whether the shares of any of them shall be withdrawable and the payment of the balance due thereon withdrawing from the society.

7. Provision for audit of accounts and appointment of audi-

tors.

8. Determination whether or how members may withdraw from the society.

9. Mode of application of profits.

10. Provision for custody of seal and certifying of documents

issued by the society.

11. Determination whether and by what authority and in what manner any part of the capital may be invested.

### SCHEDULE C.

#### FORM OF BOND.

(a) Know all men by these presents, that we, A. B., of———, one of the officers of the "————Limited," herein-
after referred to as "the society," whose registered office is at
in the county of—, and C. D., of—
(as surety on behalf of the said A. B.), are jointly and severally
held and firmly bound to the society in the sum of —
dollars to be paid to the society, or its certain attorney, for which
payment well and truly to be made we jointly and severally
bind ourselves, and each of us by himself, our and each of our
heirs, executors and administrators, firmly by these presents.
Sealed with our seals.
Dated the day of 19.

the office of———of the———society, and he, together with the above-bounden C. D. as his surety, have entered into the above-written bond, subject to the condition herein-

after contained:

Now therefore the condition of the above-written bond is such, that if the said A. B. do render a just and true account of all moneys received and paid by him on account of the society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the society in his hands or custody to such person or persons as the society or the committee thereof appoint, according to the rules of the society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, but otherwise shall remain in full force.

Sealed with my seal.

And know further that I (or, we)——as surety (or, sureties) for the above named principal obligor and such obligor are jointly and severally bound to the society in the sum aforesaid to be paid to the society or its assigns, for which payment to be truly made to the society or its certain attorney or assigns we firmly bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents.

Sealed with our seal.

Dated the day of 19—.

The condition of the above-contained bond is that if the said faithfully execute the office of society during such time as he continues to hold the same in virtue either of his present appointment, or of any renewal thereof if such office is of a renewable character (without wasting embezzling, losing, misspending, misapplying or unlawfully making away with any of the moneys, goods, chattels, wares, merchandise or effects whatsoever of the society at any time committed to his charge, custody, or keeping by reason or means of said office), and render a true and full account of all moneys received or paid by him on its behalf as and when he is required by the committee of management of the society for the time being, and pay over all the moneys remaining in his hands from time to time, and assign, transfer and deliver up all securities, books, papers, property and effects whatsoever of or belonging to the society in his charge, custody or keeping, to such person or persons as the said committee may appoint, according to the rules or regulations of the society for the time being, together with the proper or legal receipts or vouchers for such payments; and in all other respects well and faithfully peform and fulfil the said office of-—to the society, according to the rules thereof, then the above written bond shall be void and of no effect; but otherwise shall remain in full force.

Sealed and delivered by the above-named-

(The words between brackets against which we have set our initials being struck out) in the presence of——and

### SCHEDULE D.

#### FORM OF STATEMENT.

to be made by a society carrying on the business of Savings and Credit.

1. Capital of the society:—

- (a) Nominal amount of each share;
- (b) Number of shares issued;
- (c) Amount paid up on shares.

2. Liabilities of the society on the first day of January (or July) last previous:-(a) On judgments;
(b) On specialty;
(c) On notes or bills.
(d) On simple contract.
(e) On estimated liabilities.

3. Assets of the society on the same date:—

- - (a) Government or other securities (stating them);
  - (b) Bills of exchange and promissory notes;
- (c) Cash at the bankers
- (d) Other securities.

& Inspersion Age

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

BILL 29.

An Act respecting Co-operation.

Fi: st reading. December 5, 1910.

Mr. Martin, (Regina.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

## BILL 30.

An Act respecting the inspection of Railway Locomotive Steam Boilers.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The Locomotive Steam Boilers Short title. 5 Inspection Act.
  - 2. In this Act, unless the context otherwise requires,— Definitions. (a) "Board" means the Board of Railway Commissioners for "Board." Canada:
- (b) "company" means a railway company, and includes every "Company." 10 such company and any person having authority to construct or operate a railway, and includes government railways;

  (c) "employees" shall be held to mean persons actually "Employees"

engaged in or connected with the movement of any train.

- 3. This Act shall be read as part of The Railway Act, and all To be read with Railway 15 powers granted to the Board shall be exercisable in connection Act. with the enforcement of this Act.
- tive engine propelled by steam power in moving traffic unless the ments and boiler of such locomotive and the appurtenances thereof com- of locomotive 20 ply with the following requirements, namely:—The boiler must boilers. be well made, of good and suitable material; the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, must be of proper dimensions and free from obstructions; the spaces between and around the flues

25 shall be sufficient for proper circulation. The boiler must be equipped with a steam-pressure guage, safety valve, guage cocks and water glass, means of removing mud and sediment from boiler, and all such other machinery and appliances as are requisite for the proper and safe operation of the boiler in the

30 service to which it is put, all of which shall be of such construction, shape, condition, arrangement and material that it may be

4. No company, or its officers or agents may use any locomo- Require-

Tests.

safely employed in the active service of the company in moving such traffic without unnecessary peril of life or limb. The boiler must be able to withstand such tests as are prescribed in the rules and regulations hereinafter provided for.

Inspector general.

Appointment, duties and

5. The Minister of Railways shall appoint an inspector 5 general of locomotive boilers, whose duty it shall be to see that the requirements of this Act, and the rules, regulations and instructions made or given hereunder, are observed. The said inspector general shall be selected with reference to his qualifications, practical knowledge of the construction and repairing of boilers, 10 and to his fitness and ability to systematize and carry into effect the provisions hereof relating to the inspection and maintenance of locomotive boilers. The said inspector general shall be attached to the staff of the Board, and shall be subject to the directions of the Board. 15

Assistant inspectors.

Appointment and examination.

6. Immediately after his appointment and qualification, the inspector general shall, with the approval of the Board, appoint one assistant inspector for each province of Canada. The said assistant inspector shall be appointed after competitive examination according to the regulations of the Civil Service Com-20 mission. In order to obtain the most competent inspectors possible it shall be the duty of the inspector general to prepare a list of questions to be propounded to applicants, with respect to construction, repair, operation, testing and inspection of locomotive boilers, which list shall be used by the Civil Service 25 Commission as a part of its examination. No person interested either directly or indirectly, in any patented article required to be used on any locomotive under supervision, or who is intemperate in his habits, shall be eligible to hold the office of either inspector general or assistant inspector. Every provincial 30 inspector must have at least five years experience as a journeyman boilermaker in the construction and repairing of steam boilers.

Disqualification of inspectors.

Experience

Rules of company for inspection to be filed and approved.

Rules made by inspector general if to comply.

7. Every company shall file its rules and instructions for the inspection of locomotive boilers with the inspector general, 35 and, after hearing and approval by the Board, such rules and instructions, with such modifications as the Board requires, shall become obligatory upon the company. Provided, however, that if a company fails to file its rules and instructions the company fails inspector general shall prepare rules and instructions, not incon- 40 sistent herewith, for the inspection of locomotive boilers, to be observed by such company; which rules and instructions, after approval by the Board, and service of a copy thereof on the president, general manager or general superintendent of such company, shall be obligatory, and a violation thereof punishable 45 as hereinafter provided. The inspector general shall also make

all needful rules, regulations and instructions, not inconsistent Regulations herewith, for the conduct of his office and for the government of of office and the provincial inspectors; provided, however, that all such rules of assistants. and instructions shall be approved by the Board before becoming 5 operative.

8. Every inspector shall become familiar, so far as practica- Duties of ble, with the conditions of each locomotive boiler ordinarily inspectors. housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the

10 inspector general or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work. Each inspector shall make such personal inspection Personal of the locomotive boilers under his care from time to time as of boilers. may be necessary to fully carry out the provisions of this Act,

15 as may be consistent with his other duties, but he shall not be required to make such inspections at stated times or at regular intervals. His first duty shall be to see that the company Enforcement makes inspections in accordance with the rules and regulations of rules of company. established or approved by the Board, and that the company

20 promptly repairs the defects which such inspections disclose. To this end, the company shall file with the inspector in charge, company to under the oath of the proper officer or employee, a duplicate of file sworn report of the report of each inspection required by such rules and regula-repairs. tions, and shall also file with such inspector, under oath of the

25 proper officer or employee, a report showing the repair of the defects disclosed by the inspection. The rules and regulations Time fixed by hereinbefore provided for shall prescribe the time at which such regulations. reports shall be made and defects repaired. Whenever any district inspector, in the performance of his duty, finds any

30 locomotive boiler or apparatus pertaining thereto not conform- Company ing to the requirements of the law or the rules and regulations repair boiler established and approved as hereinbefore stated, he shall require or apparatus such boiler or apparatus to be placed in proper condition by the found defective. company in whose service the said locomotive boiler is employed

35 and shall notify the company in writing that the locomotive is not in serviceable condition, and thereafter such boiler shall not be used until in serviceable condition and until the inspector in charge has so certified.

9. The inspector general shall make an annual report to Annual 40 the Board of the work done during the year, and shall make report to such recommendations for the betterment of the service as he may desire.

10. In the case of accident resulting from failure, from any Statement cause, of a locomotive boiler or its appurtenances resulting in by company 45 serious injury or death to one or more persons, a statement accidents. forthwith must be made in writing of the fact of such accident,

Investigation by inspector.

Parts of locomotive preserved intact.

Examination and report by inspector.

Publication.

Penalties.

by the company owning or operating the said locomotive, to the provincial inspector of the district in which such accident occurs. Whereupon the facts concerning such accident shall be investigated by the said inspector or by the inspector general or one of his assistants. And where the locomotive is disabled to the 5 extent that it cannot run by its own steam, the parts affected by the said accident shall be preserved by the company intact, so far as possible without hinderance or interference to traffic, until after such inspection. The provincial inspector or inspector general or an assistant shall examine or cause to be examined 10 thoroughly the boiler or parts affected, making full and detailed report of the cause of the accident to the inspector general, and a copy of such report shall be published as a part of the annual report of the inspector general.

11. Any company, or officer or agent of a company, violating 15 this Act or any rule or regulation made thereunder, or any lawful order of any inspector, shall be liable to a penalty of not less than one hundred dollars for each day's default, which penalty may be imposed and recovered on summary conviction before two or more justices of the peace, or before a police magis- 20 trate, a stipendiary magistrate or any person having the power or authority of two or more justices of the peace.

Liability for damages

12. The company, director, officer, agent or person shall also in any case, in addition to any such penalty, be liable to any person injured by any such act or omission for the full amount 25 of damages sustained thereby.

First reading, December 5, 1910.

An Act respecting the inspection of Railway Locomotive Steam Boilers.

THE HOUSE OF COMMONS

OF CANADA.

Session, 11th Parliament, 1 George V., 1910-1

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

MR. PARDEE.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 31.

An Act respecting the Guelph and Goderich Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1904, c. 81; by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. The Guelph and Goderich Railway Company may commence the construction of the branch line of railway from a construction of railway point in the township of Woolwich, Peel or Wellesley to the extended towns of St. Marys and Clinton, via Stratford, authorized by 10 section 7 of chapter 81 of the statutes of 1904, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or is not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 90 of the statutes of 1909 is hereby repealed.

1909, c. 90 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 31.

An Act respecting the Guelph and Goderich Railway Company.

First reading, December 6, 1910.

(PRIVATE BILL.)

MR. RANKIN.

OTTAWA
Printed by C. H. PARMBLEE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 32.

An Act to Incorporate the Security Trusts Corporation.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Aleck. Clark, Edward P. Brockman, Humphrey L. Johnson, Incorpora-Arthur H. Tasker and Charles F. Millar, all of the city of Regina, tion. in the province of Saskatchewan, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Security Trusts Corporation," Corporate hereinafter called "the Company."

name.

- 2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall directors. constitute a quorum for the transaction of business; and they

  15 may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls upon stock subscribed and Powers. receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the stock so subscribed for, or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only; and may do generally what is necessary to organize the Company.
- 3. The capital stock of the Company shall be one million Capital stock. dollars, divided into ten thousand shares of one hundred dollars 25 each.
- 4. The head office of the Company shall be in the city of Head office. Regina in the province of Saskatchewan, or such other place in Canada as the directors may from time to time determine by by-law, and the directors may from time to time establish branch Branch offices and local advisory boards at such other places in Canada offices. or elsewhere at they determine.

Commencehusiness

5. The Company shall not commence business until at least one hundred thousand dollars of stock have been subscribed and thirty-five thousand dollars paid thereon in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act.

6. The affairs of the Company shall be managed by a board of not less than seven nor more than twelve directors, a majority of whom shall be a quorum.

Qualification.

Directors.

2. No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon 10 which all calls due have been paid; and if any director makes an assignment for the benefit of creditors, or comes within the operation of any insolvent law then in force or cease to hold twenty shares in his own right, he shall ipso facto cease to be a director, and his place may be filled for the remainder of the 15 term by the directors from among the qualified shareholders of the Company.

3. The Company may, by by-law, provide that a resolution Resolution signed by all directors. in writing signed by all the directors shall be valid as if it had been passed at a meeting of the directors.

> 7. Calls on stock may be made by the directors at such times and in such proportions as they deem proper, but no call shall exceed ten per cent, and no call shall be made at a less interval than one month from the last preceding call.

Business of Company. Trust money.

8. The Company may— (a) receive money in trust for the purposes herein specified, and invest and accumulate it at such lawful rates of interest as

25

can be obtained therefor:

(b) accept and execute all such trusts of every description and nature as are entrusted to it by any government or person, 30 or committed or transferred to it by any order, judgment or decree of any court in Canada or elsewhere; execute the offices of executor, administrator, trustee, accountant, arbitrator, adjustor, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the 35 duties of such offices or trusts as fully and completely as any person so appointed could do; and in all cases where application is made to any court, judge, officer or person having authority to make an appointment to any such office or trust, such court, judge, officer or person may appoint the Company, with its 40 consent, to hold such office or trust, and may substitute, if necessary, for any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company, take, hold and accept by grant, assignment, transfer, deed, 45 will, devise, bequest, or otherwise, any real or personal estate

Calls on stock

Trustee.

upon any lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; accept from, and execute trusts for, married women in respect of their separate property, real or personal, and act as

5 agent for them in the management of such separate property; guarantee repayment of the principal or payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon; act as agents for countersigning, registering or otherwise ascertaining

10 and certifying to the genuineness of any issue of stock, bonds, debentures or other securities for money of any government, municipal or other corporate body duly authorized to issue and make the said issue, and hold the said securities as agent or trustee; and act generally as fiscal or other agent for any such govern-

15 ment or corporate body;

(c) act as agent or attorney for winding-up estates, receiving or collecting any principal, interest, rents, coupons, mortgages, Agent. debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real 20 or personal property, and generally act in all matters in the

nature of a trust or general agency;

(d) be the custodian, on such terms as are agreed upon, of Custodian. any jewellery, plate and other valuable property, and of deeds, wills, debentures and other evidence of title or indebtedness;

(e) act as investing and managing agent of estates and pro-Management perties for and on behalf of executors, administrators and trustees of estates. or other persons;

(f) receive and collect such remuneration for its services as Remuneris agreed upon or as fixed from time to time or allowed by law, ation.

30 and all usual and customary charges, costs and expenses;

(g) receive moneys for investment and allow interest thereon Investments. for a reasonable time until invested;

(h) take securities of such nature as are deemed expedient Securities

for any moneys owing to the Company;

(i) obtain from any government any rights, privileges and Rights, concessions which the Company thinks it desirable to obtain, privileges and concessions and carry out, exercise and comply with any such rights, privi-from leges and concessions, not inconsistent with the provisions of governments. this Act or of any other Act of the Parliament of Canada;

(j) hold such real estate as is necessary for the transaction of Real estate its business, not exceeding the net yearly value of ten thousand be held. dollars, and any further real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and from time to time sell, mortgage, lease or otherwise dispose thereof; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in an official capacity, within 45 seven years after such acquisition, unless such time is extended

by order of the Governor in Council, otherwise such real estate shall revert to His Majesty for the use of Canada.

Investment of trust moneys.

**9.** The Company shall invest trust moneys as follows, and may manage, sell or dispose of such investments as the terms of the trust requires.—

Mortgages of real estate.

(a) upon first mortgages of or hypothecs upon improved freehold property of ample value in Canada, the British Empire 5 or the United States, and may accept personal property or covenants by way of collateral security thereto: Provided, however, that investments in any country other than Canada shall be limited to moneys received from such country;

Stock and securities.

(b) in the stock, funds of government securities of Canada, or 10 of any province of Canada or of the United States, or guaranteed thereby respectively, or in bonds or debentures of any municipal corporations in any such province other than municipal corporations having a population of less than two thousand or an annual rate of assessment exceeding two cents on the dollar exclusive of school tax, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or of any of the colonies or dependencies thereof;

Securities (c) in such securities as are authorized by the terms of the 20 trust.

trust.

Existing securities.

2. Nothing in this section shall prevent the Company from holding securities of any other kind which form or are part of any trust estate which comes into its hands; and it may hold such securities subject to the trusts and legal obligations attached 25 thereto; but in the case of the realization of any portion thereof the proceeds shall be invested as herein directed, unless the will, deed, order or instrument creating the trust provides otherwise.

Trust funds to be kept separate.

10. The moneys and securities of any such trust shall always 30 be kept distinct from those of the Company, and in separate accounts, and so marked for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets 35 of the Company; and the Company shall, in the receipt of rent and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: provided that in the management of the money and property held by the Company as trustee, or in any 40 other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment otherwise directs, invest the trust money in the manner provided by section 9 of this Act in a general trust fund of the Company; provided always that the total amount of money of any one 45 trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

Investment of funds.

11. Moneys, properties and securities received or held by the Trust Company upon trust or as agent shall not be liable for the debts liable for or obligations of the Company.

12. The Company may invest any money forming part of its Investment of moneys of own capital or reserve or accumulated profit thereon in any of of Company. the securities mentioned in section 9 of this Act, or on the security of real estate in Canada, or any interest in such real estate, or on the security of the debentures, bonds, stock and other securities of any chartered bank or company incorporated by 10 or under the authority of the Parliament of Canada, or of the legislature of any province, as the directors deem expedient.

13. In case of the appointment of the Company to any trust Accounts to or office by any court in Canada, or any judge, officer or person by Company having lawful authority in that behalf, such court, judge, officer when made trustee by 15 or person may, from time to time, require the Company to render court. an account of its adiministration of the particular trust or office to which it has been appointed, and may from time to time appoint a suitable person to investigate the management of such particular trust by the Company, and as to the security 20 afforded to those by or for whom its engagements are held, and such person shall report thereon to such court, judge, officer or person, and the expenses of such investigation shall be borne as ordered by such court, judge or officer thereof.

14. Nothing in this Act shall be construed to authorize the Note issue 25 Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a Banking prohibited. bank, or to engage in the business of banking or of insurance.

15. The powers and authority hereby granted to the Company Provincial shall be exercised in any province subject to the laws of such govern. 30 province in that behalf, and shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of that province.

16. The Company shall prepare, and annually transmit to Annual statement the Minister of Finance, a statement in duplicate, verified by to be given 35 the oath of the president or vice-president and of the manager to Finance. or secretary, setting forth the capital stock of the Company, the portion thereof paid up, the assets and liabilities of the Company, the trust property held by it, and such other details as the Minister requires, and such statements shall be made up 40 to the thirty-first day of December in each year.

17. Part II of The Companies Act, except sections 125, 141 R.S., c. 79. and 165 thereof, shall apply to the Company, but section 134 thereof shall, so far as relates to the Company, be read as if the

words "other than a trust company," in lines one and two thereof did not occur in the said section.

Forfeiture of charter by non-user

18. The powers granted by this Act shall expire, and this Act shall cease to be in force, at the end of two years from the 5 passing thereof, unless the Company goes into actual operation within such two years.

> An Act to incorporate the Security Trust Corporation.

First reading, December 6, 1910.

(PRIVATE BILL.)

Printed by C. H. PARMELER OTTAWA

Mr. Martin, (Regina.)

Printer to the King's most Excellent Majesty 1910-11

32.

Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

### BILL 33.

An Act respecting the South Ontario Pacific Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1887, c. 85; grant the prayer of the said petition: Therefore His Majesty, 1889, c. 70; by and with the advice and consent of the Senate and House 1896 (1st Sess.), c. 35; 1910, c. 163. 5 of Commons of Canada, enacts as follows:-

1. The South Ontario Pacific Railway Company, hereinafter Railway called "the Company," may lay out, construct and operate a authorized. railway from a point at or near Guelph Junction to a point at or near Hamilton, in the province of Ontario.

10 2. The securities issued by the Company in respect of the Issue of said railway, and the other railways which the Company is securities. authorized to construct, shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract 15 to be constructed.

3. Unless the Company commences within two years and Time for completes and puts in operation within five years after the construction of railway passing of this Act the line of railway which the Company is extended. hereby authorized to construct, the powers of construction 20 conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 33.

An Act respecting the South Ontario Pacific Railway Company.

First reading, December 6, 1910.

(PRIVATE BILL.)

MR. NESBITT.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 34.

An Act respecting the Walkerton and Lucknow Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1904, c. 138;
by and with the advice and consent of the Senate and House 1909, c. 149;
1910, c. 174.

1. The Walkerton and Lucknow Railway Company may Time for commence the construction of its railway from a point at or construction near the town of Walkerton to a point at or near the village of extended. Lucknow, viâ Teeswater, authorized by section 8 of chapter 138 10 of the statutes of 1904, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced or is not completed and put in operation within the said periods respectively, the 15 powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much

2. Chapter 149 of the statutes of 1909 is hereby repealed.

of the said railway as then remains uncompleted.

1909,c. 149 repealed

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 34.

An Act respecting the Walkerton and Lucknow Railway Company.

First reading, December 6, 1910.

(PRIVATE BILL.)

MR. DONNELLY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 35.

# An Act respecting Pure Foods.

H IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. This Act may be cited as The Pure Food Act, and shall Short title.

  5 be read and construed as one with The Adulteration Act, The R.S., cc. 85, Canned Goods Act and the Inspection and Sale Act, and the said Acts and this Act may be cited together as the Pure Food Acts.
- 2. The said Acts, to the extent to which they are in and Interpreta-10 by this Act expressed to be repealed or amended, either by the fixing of standards or regulations by a Commission, are hereby repealed or amended accordingly.
  - 3. In this Act, unless the context otherwise requires,—

    (a) "Minister" means the Minister of Inland Revenue; "Minister."

    (b) "analyst" includes any member of any board or com-"Analyst."
- (b) "analyst" includes any member of any board or com-"Analyst mission appointed under the authority of this Act, or any assistant analyst to the chief analyst at Ottawa;
- (c) "appliance" includes the whole or any parts of any "Appliance." utensils, machinery, instruments, tubes, pipes, pumps,
   taps, apparatus or articles used or intended for use in or for making, keeping, preserving, preparing, handling or supplying any article of food;
- (d) "article of food" includes every article used for food "Article of or drink by man, and any article that enters into or is used in the preparation or composition of food, and also includes, spices, confectionery, flavouring substances and essences;
- (e) "authorize" means authorizing either generally or "Authorize." specially in writing by the Commission or by any authority under this Act;

"Officer."

(f) "officer" includes any officer of the Commission or any officer under the Pure Food Acts;

"Package."

(g) "package" includes every means by which goods for carriage or for sale may be cased, covered, inclosed, contained or packed;

"Premises."

(h) "premises" includes any vehicle used in connection with the business carried on in the premises;

"Sale."
"Sell."
"Sold."

(i) "sale," "sell," or "sold" includes barter and also offers or attempts to sell, or receive for sale, or have in possession for sale, or exposes for sale, or causes or suffers or 10 allows to be sold, offered or exposed for sale, and refers only to sale for human consumption or use;

"Commis-

(j) "commission" means the Pure Foods Commission constituted by this Act.

Application of Act.

4. This Act shall apply to every article of food or drug 15 which is packed, bottled, tinned or stored at any place or premises or which is sold, or offered for sale, or is made up or being included in or prepared or cooked for any meals, or meals for eating or drinking in the premises at any shop, factory, eating house, licensed house or any place or premises, or elsewhere.

Inspection by authorized officer.

5. Any authorized officer may at any time enter in or upon any wharf, pier or jetty, or any railway station or place of delivery or premises, and there inspect any animals, carcasses or articles of food or drugs which he may have reasonable ground for believing are intended to be slaughtered or sold 25 or used for food for human consumption.

Powers of inspector.

2. He may also exercise, in regard to any such animals, carcasses or articles, all or any of the powers of removal, seizure or destruction which are conferred on officers with regard to animals, carcasses or articles inspected under and pursuant to the 30 provisions of the Pure Food Acts.

Application of Pure Food Acts.

3. The provisions of the said Acts, with regard to persons claiming any animals, carcasses or articles seized under the said Acts, and the procedure with reference to any complaint made by such persons shall, so far as practicable, apply and 35 extend to persons claiming any animals, carcasses and articles inspected, removed or seized under this Act, and such provisions shall be read and construed accordingly.

Examination by inspector to determine apparent violations.

6. In order to enable any officer to exercise any powers of inspection, examination, removal, seizure or destruction of any 40 animals, carcasses or articles of food or drugs conferred by the Pure Food Acts, any such officer may count any such animals, or weigh any carcasses, or remove samples of or weigh, count, measure, gauge, mark, fasten, secure or seal any article of food or package containing any prohibited substance or appliance 45

or any article of food, the sale, preparation or manufacture of which is or appears to be contrary to the provisions of the Pure Food Acts.

7. Where, pursuant to any provisions of the Pure Food Acts, Notice of 5 any officer has seized any animal, carcass, article, appliance or seizure by inspector. substance, such officer shall forthwith give notice in writing of such seizure to the consignor thereof, if his name and address are attached to any such animal, carcass, article, appliance or substance, ar any package covering the same, and if such 10 address is in Canada, otherwise such notice shall be given to the importer or consignee of such animal, carcass, article, appliance or substance, or the agent of such importer or consignee.

8. In the case of a portion of any article of food or drug procedure 15 having been removed or seized by any officer in accordance where with any provision of the Pure Food Acts, such officer shall removed or forthwith deliver or forward a portion marked and sealed, seized. or fastened up in such a manner as its nature will permit, to the consignor or manufacturer thereof, if his name and address 20 are attached to such article of food or drug, or any package covering or inclosing the same, and if such address is situated in Canada, otherwise such portion shall be delivered or for-

25 9. Except in the case of any package of any article of food Label, tag or which has been exempted from any of the provisions of this statement to be section by regulations made on the recommendation of the attached to Commission there shall be legibly and durably printed, sten-every package. cilled, impressed or marked on or attached to every package

drug, or the agent of such importer or consignee.

warded to the importer or consignee of such article of food or

30 of any article of food packed or inclosed for sale, a label or tag or statement indicating the trade name or description, the net weight or number or true measure or volume of the contents thereof, and the name and address of the vendor or maker contents of thereof or agent therefor, or of the owner of rights of manu-statement.

35 facture, together with the words prominently displayed "Prepared under the regulations and standards of the Canadian Pure Food Acts," and no person shall, after the thirty-first day of December, one thousand nine hundred and eleven, sell in a package any article of food unless such a label or tag or state-

40 ment is printed, stencilled, impressed or attached to or marked

on such package, as required by this section.

2. In the case of any liquors paying Excise or Customs duty Liquors. the measures set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section with

45 regard to measure or volume.

Approximate weights and measures.

3. Approximate weights and measures may be allowed in the case of such articles of food as may be recommended by the Commission.

Liability of apparent importer, manufacturer or maker of unopened packages sold to officers.

10. Where an article of food, in connection with which there is a contravention of any provision of the Pure Food Acts, is 5 sold in an unopened package to any officer, any person who appears from any label or statement thereon, or tag attached thereto, to have imported or manufactured or prepared such article, or to have inclosed such article in such package shall unless he proves to the contrary, be deemed to have so imported, 10 manufactured, prepared or inclosed such article, and unless the contravention is shown to be due to the default of the person on whose premises the package is found, or to deterioration or other causes beyond the control of the person named on the package, he shall be liable to the same penalty as if he 15 had actually sold the same to such officer.

Witnesses not compelled to disclose information. 11. No witness on behalf of any prosecution under this Act shall be compelled to disclose the fact that he received any information, or the nature of such information, or the name of any person who gave such information, and no officer 20 appearing as a witness shall be compelled to produce any reports made or received by him confidentially in his official capacity, or containing confidential information.

Time limit for prosecutions.

12. When any article of food or drug, or other article or substance or compound, has been obtained or purchased from 25 any person for test purposes, any prosecution under the Pure Food Acts in respect thereof shall not be instituted after the expiration of forty-two days from the time of the purchase.

Return of summons.

2. In any prosecution concerning any article of food or drug, or other article or substance or compound, the summons shall 30 not be made returnable in less time than fourteen days from the day on which it is served.

Conditions upon which food or substance to be deemed adulterated or falsely described.

- **13.** For the purposes of the Pure Food Acts an article of food, or substance or compound or other article, shall be deemed adulterated or falsely described,—
- (a) when it contains or is mixed with or diluted with any substance in any quantity to the prejudice of the purchases or consumer, or in any proportion which diminishes in any manner its food value or nutritive properties as compared with such article in a pure or normal state, and in an undeteriorated or sound condition; or,
- (b) when it contains or is mixed with or diluted with any substance of lower commercial value than such article in pure or normal state and in an undeteriorated or sound condition; or,

45

(c) when it does not comply either wholly or in part with the standard therefor prescribed under this Act, or by any regulation or standard made thereunder; or,

(d) when it contains any substance proscribed as a prohibited

5 addition; or,

(e) when it contains any substance concerning which any restrictive regulation has been made in excess of any quantity or proportion permitted by such regulation; or,

(f) when it contains methyl alcohol, or, not having paid 10 Customs or Excise duty, it contains more than two parts of

proof spirit per centum; or,

(g) when any article of food, or other article or substance or compound, in any package is described by any stamped, or stencilled, or impressed or printed or written statement or

- 15 claim, or brand, or covering, or label, or mark, or tag, purporting to name or indicate the nature or quality or strength or purity of composition or origin or age or proportion of any article of food or ingredients or substances contained therein, which statement, claim, brand, covering, label, mark or tag is 20 false or incorrect or misleading.
  - 14. Notwithstanding any provision of the Pure Food Acts Prohibition no person shall sell wine or other spirituous liquors which wine or contain an amount of,-

(a) soluble chlorides exceeding half-a-gramme per litre or containing 25 thirty-five grains per gallon calculated as sodium chloride; or, ingredients.

(b) soluble sulphates which, calculated as potassium sulphate exceeds two grammes per litre, or one hundred and forty grains per gallon; or,

(c) free sulphurous acid exceeding twenty milligrammes per

30 litre, or one and four-tenths grains per gallon; or,

(d) total sulphurous acid (free and combined) exceeding two hundred milligrammes per litre, or fourteen grains per gallon; or,

- (e) any foreign substance specified under any regulation of 35 this Act; provided that this prohibition shall not apply to such amounts of ethers, boron compounds or glycerine as may be normally contained therein, and are not in excess of any restrictive regulation made under this Act.
- 15. After the thirteenth day of June, one thousand nine No cooking 40 hundred and eleven no person shall, unless so prescribed by appliance regulations made under this Act, sell or use in the manufacture, to be sold or used in preserving, storage or conducting of any article of food for sale making foods for any cooking utensil or any appliance,

(a) consisting wholly or in part of lead or of any metal alloy consisting of 45 containing more than ten per cent of weight of lead; or,

(b) soldered (wherein contact with any article of food) with alloy. a metal alloy containing more than a prescribed proportion of lead; or,

prohibited

liquors

(c) tinned inside with a metal alloy containing more than one

per cent by weight of lead; or,

(d) containing enamel or glass or india-rubber or gutta percha which on boiling for thirty minutes with vinegar containing four per cent by weight of acetic acid yields lead to the latter; 5 or.

(e) containing more than one-fourth of one grain of arsenicum per pound of metal alloy or enamel or glass or india-rubber or

gutta percha.

Exemptions by Minister.

2. Any article of food or any package of any article of food 10 may be exempt from any of the provisions of this section by the Minister on the recommendation of the Commission.

No toys, wall paper, or paper wrappings containing specified substances, to be made or sold.

16. No person shall manufacture or, after the thirtieth day of June one thousand nine hundred and eleven, sell any toys or wall paper or other decorative paper or paper serviettes or paper 15 used in the enclosure of any article of food in or upon which are paint, colour, facing, dressing, size or varnish containing arsenicum or lead or antimony in any form or componud, or any specified substance exceeding such allowable quantity as is prescribed by regulation.

No textile substance or leather used in clothing containing specified substances, to be made or sold. 17. No person shall manufacture, or after the thirtieth day of June one thousand nine hundred and eleven, sell any textile substance or leather intended for or capable of being used in the making of human clothing containing arsenicum or lead or antimony or barium in any form or compound or any specified 25 substance or weighting material exceeding such allowable quantity as is prescribed by regulation.

Sale of beer containing certain substances, prohibited.

"Beer" defined.

18. No person shall sell in any licensed premises, or from any brewery, any beer which contains arsenic, lead, copper, strychnine, cocculus indicus, picric acid or any substance or com- 30 pound in excess of any proportion permitted by regulation.

2. In this section, the word "beer" includes ale, porter, stout, lager beer and any beer liable to customs or excise duties.

Sale of injurious disin-fectants or antiseptic prohibited.

19. No person shall, to the prejudice of the public health or to the prejudice of the purchaser, sell any substance or compound under the name or description of or apparently with the intention that the same may be used as a disinfectant or germicide or antiseptic or preservative.

Commission may prohibit sale on notice to maker. 2. The Commission may prohibit the sale of any such substance or compound as a disinfectant or germicide or antiseptic 40 or preservative, but no such prohibition shall be made until a reasonable opportunity has been given to the manufacturer, importer or selling agent of the substance or compound to place his objections to such prohibition before the Minister, who shall thereupon refer the matter to the Commission for consideration 45 and advice.

3. The Commission may require, concerning any such sub-Commission stance or compound, such information or directions as it deems prescribe fit to be set out on any label attached or affixed to any package label. containing the same.

- 20. The provisions of the Pure Food Acts relating to the Application inspection, obtaining of samples and seizure and the examina- of Pure Food Acts. tion and analysis of articles of food or drugs shall also apply to all articles, substances and compounds referred to in this Act.
- 21. No person shall manufacture or prepare for sale soda Conditions 10 water, lithia water, lemonade or any other artificially aerated upon which aerated water or cordials unless the water used in the manufacture or waters may preparation thereof and contained therein has been passed be made or sold. through a filter or sterilizer approved by the Commission and upon the recommendation of the Commission.

22. Any person who sells or manufactures or applies a descrip- Offence in tion to or sells under any description any article of food or substance or compound or appliance or drug in any manner contrary Act. to the provisions of the Pure Food Acts shall be guilty of an offence against the said Acts, unless he proves-

(a) that having taken all reasonable precautions against com- Burden of mitting an offence against the Pure Food Acts he had, at the proof. time of the alleged offence, no reason to suspect that there was in regard to such article of food or substance or compound or

appliance or drug any contravention of the provisions of the 25 aforesaid Acts; and,

(b) that on demand by an officer he gave all the information in his power with respect to the person from whom he obtained the articles of food or substance or compound or appliance or drug; and,

(c) that otherwise he acted innocently.

2. In the case of manufacture or applying of description Reasonable reasonable precautions shall include analysis or other adequate precautions. test.

23. A warranty or invoice shall not be available as a defence Notice of 35 to any proceeding under the Pure Food Acts unless the defended defended under dant has, within seven days after service of the summons, sent warranty or to the purchaser a copy of such warranty or invoice with a invoice. written notice stating that he intends to rely on the warranty or invoice and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to such person.

2. The person by whom such a warranty or invoice is alleged Appearance to have been given shall be entitled to appear at the hearing by maker of warranty. and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.

Warranty or invoice made outside of Canada.

3. A warranty or invoice given by a person resident outside of Canada shall not be available as a defence to any proceeding under the Pure Food Acts unless the defendant proves that he had taken reasonable grounds to ascertain, and did in fact believe in, the accuracy of the statement contained in such 5 warranty or invoice.

exemption from Act by substituted names.

**24.** No article of food, substance, preparation, compound or admixture sold under any fancy or suggestive or proprietary or registered name which is a substitute or is intended to be or may be used as a substitute either wholly or in part for any article 10 of food, substance, preparation, compound or admixture shall, by reason only of being so sold under such name, be exempt from the provisions of this Act.

No food sold contrary to Act.

25. No article of food which is adulterated or falsely described or which is packed, stored, or inclosed for sale, in any manner 15 contrary to any provision of the Pure Food Acts, shall be kept for sale or sold.

Penalties.

26. If any person manufactures or prepares or sells any article of food or substance or compound in contravention of this Act, or is guilty of any offence against this Act for which a 20 penalty is not expressly provided, he shall be liable, on conviction, for the first offence to a penalty of not more than twenty dollars and for the second offence to a penalty of not less than ten dollars or more than fifty dollars, and for any subsequent offence to a penalty of not less than ten dollars or more than one 25 hundred dollars.

Imprisonment for personal default or culpable negligence.

2. Where a person guilty of an offence is liable to a penalty exceeding fifty dollars, and the offence in the opinion of the court was committed by the personal act, default or culpable negligence of the person accused, such person shall be liable (if the court is of opinion that a penalty will not meet the circumstances of the case) to imprisonment, with or without hard 30 labour, for a period not exceeding three months.

Onus of proof on defendant.

27. The onus of proof that any article of food or drug or other article or substance or compound or animal or carcass has not been offered or exposed for sale or sold for human consumption shall in every case be on the defendant.

35

Food, drug or appliance forfeited on conviction.

Extent of forfeiture.

28. In any conviction under the Pure Food Acts any article of food or drug or appliance or substance or compound to which the conviction relates shall, unless otherwise ordered by the convicting court or justices on such conviction, become and be forfeited to His Majesty, and such forfeiture shall extend to the 40 whole of the article or appliance or substance or compound and to the whole of any similar article, appliance or substance or compound and to all packages or vessels containing any similar

article or appliance or substance or compound found on the defendant's premises, or in his possession at the time of the commission of the offence.

2. All articles, drugs, appliances, substances and compounds Disposal of 5 forfeited under the Pure Food Acts shall be disposed of as the forfeited articles. Minister may direct.

29. A notification of the name of any person who has been Name of convicted by any court or justices of an offence against the Pure convicted Food Acts relating to the sale of any article of food or substance to be published, 10 or compound or appliance or drug may, if the court or justices with so direct, be published by the Minister in The Canada Gazette, particulars. together with the address of his places of business and a description of the nature of the offence, the decision of the court or justices and the penalty imposed and any forfeiture incurred.

2. In the case of a second or any subsequent conviction of Notice of any person for any such offence a copy of such notification shall conviction. be published by the Minister for public and general information in The Canada Gazette, and may, if the court or justices so direct, be published in any newspaper circulating in any part of Canada.

3. During the pendency of any appeal against a conviction No notice for any offence a notification as aforesaid shall not be published pending. by the Commission.

30. The Governor in Council may, within six months after Appointthe passing of this Act, appoint for the purposes of this Act a Commission. 25 Pure Food Commission.

2. The Commission shall be composed of fifteen members, of Constitution. whom the Chief Analyst of the Dominion shall be Chairman.

3. Of the other members of the Commission twelve shall hold Qualification. or have previously held, the position of professor or teacher of of members 30 one of the following subjects in a recognized university in mission. Canada, namely: chemistry, biology, materia medica, physiology agriculture, sanitation, bacteriology and veterinary science. The said members shall be appointed one from each of the University following faculties, namely: a University in Nova Scotia, a

35 University in Prince Edward Island, a University in New Brunswick, the University of Laval, the University of McGill, the University of Queen's, the University of Toronto, the Western University, the University of Manitoba, the University of Saskatchewan, the University of Alberta, and a University in 40 British Columbia.

4. The remaining members shall be appointed from among Other the Provincial Medical Health Officers.

5. At all meetings of the Commission the chairman shall have Vote of a vote, and in the event of a tie an additional vote.

6. Any five members of the Commission shall constitute a Quorum. quorum.

35 - 2

Removal of member

Required analysis considered.

7. Any member of the Commission may be removed by the Governor in Council.

8. Any analysis or chemical investigation required by the Commission to enable it to make recommendations or regulations under this Act, shall be considered by the Dominion analytical 5 laboratory or other approved provincial or university labor-

atory.

Meetings of Commission.

Notice of proposed changes.

Special meetings.

9. The Commission shall meet in Ottawa at least twice a year to consider the standards of foods and drugs, and the regulations for the carrying out of this Act. Notice of any addition or 10 changes proposed in the standards and regulations must be sent to the members of the Commission at least two weeks before the dates fixed for holding the meetings. Special meetings may be called by the chairman on two weeks' notice.

Regulations Commission to prescribe standards and methods of analysis, prohibit specified appliances substances, and regarding exemptions.

31. The Commission shall, subject to the approval of the 15 Governor in Council, make regulations which may vary in their application according to time and place or the distribution of the articles or substances or compounds referred to in the regulations.—

(a) prescribing standards for the composition or strength or 20 purity or quality of any article of food or drug or substance or compound, or for the nature or proportion of any substance which may be mixed with or used in the preparation or preservation thereof or prohibiting the addition of any substance to 25

any article of food:

(b) prohibiting in the manufacture, preparation, storing, preservation, packing, conducting by tubes, pipes, pumps and their connections or otherwise, or in the delivering of any article of food for sale, the use of appliances containing any substance that may be specified and any substance in any proportion that may 30 be specified;

(c) prohibiting such modes of manufacture and of preparation or preservation of articles of food as may be specified;

(d) prohibiting in the manufacture or preparation of all or any specified articles of food or of any articles or substances 35 mentioned in sections 16 and 17 of this Act intended for sale, the use of certain specified substances or of proportions of certain specified substances:

(e) prescribing any method of analysis, chemical and physical, to be applied in the analysis of any article of food or other 40 article, substance or compound submitted for analysis under the

Pure Food Acts:

(f) exempting any package from any provision of this Act

relating to labelling;

(g) prohibiting the use of substances or methods that may be 45 specified in the catching, feeding or drugging of animals shortly prior to death, if such animals are intended for sale;

(h) prescribing the methods to be employed in the storing Regulations and preservation of any article of food;

(i) for the inspection from time to time of cold storage or dealing with

other warehouses where perishable food is stored or preserved; animals prior to (j) specifying the length of time articles of food shall be death, allowed to remain in such storage, and providing that notice be specified allowed to remain in such storage, and providing that house of specimed given to the owner or owners to remove the same before deteriolished, regulating cold storage

(k) providing for the seizure or destruction of such articles as warehouses ay be kept too long or deteriorated in storage; warehouses prescribing penalties.

10 may be kept too long or deteriorated in storage;

(l) compelling the owners, managers or operators of cold and (l) compelling the owners, managers or operators of cold securing storage and other warehouses to make monthly returns under purity of coth giving a statement of the various articles held in storage food. oath, giving a statement of the various articles held in storage, the quantities of each, and the length of time the same have 15 been kept kept in such storage, and such other information as may be deemed necessary in the interest of the public; and for the publication of this information;

(m) requiring destruction or denaturation of articles of food that have become deteriorated or impoverished in such degree 20 as is specified, and of such remnants of articles of food as are

specified;

(n) requiring specified labels to be attached to articles of food or to wrappers or receptacles containing such articles, and prohibiting the use in the inscription on labels so attached of words 55 that may be specified;

(o) prescribing penalties not exceeding ten dollars for a con-

travention of any regulation; and,

(p) generally for carrying out the provisions of this Act and for securing the cleanliness, freedom from contamination and 30 adulteration of any article of food or drug or other article, substance or compound, and for securing the cleanliness of receptacles, places and vehicles used for the manufacture, preparation, storage, packing, carriage or delivery of any article of food or drug or other article, substance or compound.

2. In this section the word "specified" means specified in any "Specified" defined.

regulation.

3. All standards and regulations so made, when approved by Publication the Governor in Council, shall be published in The Canada of standards Gazette, and shall take effect from a date to be specified in such regulations. 30 regulations, and shall be laid before both Houses of Parliament Laid before within seven days after publication, if Parliament is in session, Parliament. and if not then within fourteen days after the commencement of the next session; and a copy of such regulations shall be forwarded to each member of both Houses of Parliament at least Copies for

45 fourteen days before such regulations are submitted to the members. Governor in Council for his approval.

Commission

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

BILL 35.

An Act respecting Pure Foods.

First reading, December 6, 1910.

Mr. Currie, (Simcoe.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 36.

An Act relating to the establishment and expenses of the International Joint Commission under the Waterways Treaty of January the eleventh, nineteen hundred and nine.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The International Joint Commission, when appointed Commission 5 and constituted pursuant to the Treaty of January the eleventh, may compel nineteen hundred and nine, between His Majesty and the United of witnesses. States of America, shall have power, when holding joint sessions in Canada, to compel the attendance of witnesses by application to a judge of a superior court of the province within which such

10 session is held, and such judge is hereby authorized and directed Procedure. to make all orders and issue all processes necessary and appropriate to that end.

2. The Governor in Council may appropriate annually, out of Appropriation for the Consolidated Revenue Fund, a sum not exceeding seventy-salaries and 15 five thousand dollars, toward the payment of the salaries of the expenses of Commissioners to be appointed by His Majesty on the recommendation of the Governor in Council, as well as the salaries of the Secretary and other officers and employees, and also all other expenses which may be incurred by such Commissioners 20 with the approval of the Minister of Public Works, together

with one-half share of all reasonable and necessary joint expenses of the said Commission incurred by it and, under the terms of the said Treaty, required to be paid in equal moieties by the

High Contracting Parties. 3. Each of the said Commissioners who is appointed by His Salaries of Majesty shall receive as compensation for his services an amount commissionto be fixed by the Governor in Council but not in excess of the sum paid by the Government of the United States to each of

its Commissioners, and not in any case to exceed the sum of Of Secretary, seventy-five hundred dollars per annum. The Secretary appointed by the Canadian section of the Commission under the provisions of the said Treaty shall receive as compensation for his services a sum not exceeding three thousand dollars per annum.

Expenses.

2. In addition to the said compensation the Commissioners and Secretary shall receive their actual travelling and other expenses necessarily incurred in connection with and in the course of the discharge of their official duties.

Clerical and other assistance, supplies, etc.

3. The Commissioners may from time to time employ, subject to the approval of the Minister of Public Works, such clerical and other assistance as is deemed advisable; their compensation and expenses to be fixed at such amounts as may be determined by the Commissioners and approved by the Minister of Public 15 Works, and the Commissioners are further authorized to expend an amount to be fixed by the Minister of Public Works, not in excess of three thousand dollars per annum, for office accommodation, equipment and supplies.

First reading, December 6, 1910.

Act relating to the establishment and Treaty of expenses of nineteen hundred and nine. Commission under the Waterway January the eleventh the International Join

An

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-1

OTTAWA

MR. PUGSLEY.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELES

## HOUSE OF COMMONS OF CANADA.

# BILL 36.

(Reprinted as proposed to be amended in Committee of the Whole House.)

An Act relating to the establishment and expenses of the International Joint Commission under the Waterways Treaty of January the eleventh, nineteen hundred and nine...

IIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The treaty relating to the boundary waters and to ques- Treaty in 5 tions arising along the boundary between Canada and the Schedule United States made between His Majesty and the said United States, signed at Washington the eleventh day of January, one thousand nine hundred and nine, and the protocol of the fifth day of May, one thousand nine hundred and ten, in the Schedule 10 to this Act, are hereby confirmed and sanctioned.

2. The laws of Canada and of the several provinces thereof Laws of are hereby amended and altered so as to permit, authorize and of provinces sanction the performance of the obligations undertaken by His amended in Majesty in and under the said treaty; and so as to sanction, thereto. 15 confer and impose the various rights, duties and disabilities intended by the said treaty to be conferred or imposed or to exist within Canada.

3. Any interference with or diversion from their natural Interference channel of any waters in Canada, which in their natural chan- with international 20 nels would flow across the boundary between Canada and the waters. United States or into boundary waters (as defined in the said treaty) resulting in any injury on the United States side of the boundary, shall give the same rights and entitle the injured parties to the same legal remedies as if such injury took place 25 in that part of Canada where such diversion or interference occurs, but this section shall not apply to cases existing on the

eleventh day of January, one thousand nine hundred and nine, or to cases expressly covered by special agreement between His Majesty and the Government of the United States.

Exchequer Court jurisdiction. 4. The Exchequer Court of Canada shall have jurisdiction at the suit of any injured party or person claiming under this Act in all cases in which it is sought to enforce or determine as against any person any right or obligation arising or claimed under or by virtue of this Act.

Commission may compel attendance of witnesses.

Procedure.

5. The International Joint Commission, when appointed and constituted pursuant to the said treaty shall have power, 10 when holding joint sessions in Canada, to take evidence on oath and to compel the attendance of witnesses by application to a judge of a superior court of the province within which such session is held, and such judge is hereby authorized and directed to make all orders and issue all processes necessary 15 and appropriate to that end.

Appropriation for salaries and expenses of

commission.

6. The Governor in-Council may appropriate annually, out of the Consolidated Revenue Fund, a sum not exceeding seventy-five thousand dollars, toward the payment of the salaries of the Commissioners to be appointed by His Majesty on the recommendation of the Governor in Council, as well as the salaries of the Secretary and other officers and employees, and also all other expenses which may be incurred by such Commissioners with the approval of the Minister of Public Works, together with one-half share of all reasonable and necessary joint expenses of the said Commission incurred by it and, under the terms of the said Treaty, required to be paid in equal moieties by the High Contracting Parties.

Salaries of commissioners. 7. Each of the said Commissioners who is appointed by His Majesty shall receive as compensation for his services an amount 30 to be fixed by the Governor in Council but not in excess of the sum paid by the Government of the United States to each of its Commissioners, and not in any case to exceed the sum of seventy-five hundred dollars per annum. The Secretary appointed by the Canadian section of the Commission under the 35 provisions of the said Treaty shall receive as compensation for his services a sum not exceeding three thousand dollars per annum.

Of secretary.

Expenses.

2. In addition to the said compensation the Commissioners and Secretary shall receive their actual travelling and other 40 expenses necessarily incurred in connection with and in the course of the discharge of their official duties.

Clerical and other assistance, supplies, etc.

3. The Commissioners may from time to time employ, subject to the approval of the Minister of Public Works, such clerical and other assistance as is deemed advisable; their compensation 45

and expenses to be fixed at such amounts as may be determined by the Commissioners and approved by the Minister of Public Works, and the Commissioners are further authorized to expend an amount to be fixed by the Minister of Public Works, not in 5 excess of three thousand dollars per annum, for office accommodation, equipment and supplies.

### SCHEDULE.

TREATY WITH THE UNITED STATES RELATING TO BOUNDARY WATERS AND QUESTIONS ARISING ALONG THE BOUNDARY BETWEEN CANADA AND THE UNITED STATES, SIGNED AT WASHINGTON, JANUARY 11, 1909.

Treaty relating to Boundary Waters and Questions arising along the Boundary between Canada and the United States, signed at Washington, January 11, 1909.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the United States of America, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a Treaty in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States of America, Elihu Root,

Secretary of State of the United States;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following Articles:—

## Preliminary Article.

For the purposes of this Treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

### ARTICLE 1.

The High Contracting Parties agree that the navigation of all navigable boundary waters shall for ever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation, and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this Treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan, and to all canals connecting boundary waters and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory, and may charge tolls for the use thereof; but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

### ARTICLE 2.

Each of the High Contracting Parties reserves to itself, or to the several State Governments on the one side and the Dominion or Provincial Governments on the other, as the case may be, subject to any Treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary resulting in any injury on the other side of the boundary shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

#### ARTICLE 3.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a Joint Commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

#### ARTICLE 4.

The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on

the other.

### ARTICLE 5.

The High Contracting Parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both Parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States' side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licences authorized by the Dominion of Canada and the Province of Ontario.

So long as this Treaty shall remain in force, no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of the said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes, not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of

water per second.

The prohibitions of this Article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

### ARTICLE 6.

The High Contracting Parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of

St. Mary River, or so much of such amount as constitutes

three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article 2 of this Treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly-constituted reclamation officers of the United States and the properly-constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

#### ARTICLE 7.

The High Contracting Parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six Commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

### ARTICLE 8.

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles 3 and 4 of this Treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules or principles which are adopted by the High Contracting Parties for this purpose:—

The High Contracting Parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters

hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:—

1. Uses for domestic and sanitary purposes;

2. Uses for navigation, including the service of canals for the purposes of navigation;

3. Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division cannot be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the

amount available for use on the other side.

The Commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against

injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which

may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own Government. The High Contracting Parties shall thereupon endeavour to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a Protocol and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

#### ARTICLE 9.

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both Governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own Government.

### ARTICLE 10.

Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada, either in relation to each other or to their respective inhabitants. may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor-General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said Commission is equally divided, or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the High Contracting Parties to an Umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article 45 of The Hague Convention for the pacific settlement of international disputes, dated the

18th October, 1907. Such Umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission failed to agree.

#### ARTICLE 11.

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor-General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

#### ARTICLE 12.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States' and Canadian sections of the Commission may each appoint a Secretary, and these shall act as joint Secretaries of the Commission at its joint sessions, and the Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the Secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

The Commission shall have power to administer oaths to witnesses and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employés as may be deemed advisable.

#### ARTICLE 13.

In all cases where special agreements between the High Contracting Parties hereto are referred to in the foregoing Articles, such agreements are understood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

#### ARTICLE 14.

The present Treaty shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington, the 11th day of January, in the year of our Lord one thousand nine hundred and nine.

(L.S.) JAMES BRYCE. (L.S.) ELIHU ROOT.

The above Treaty was approved by the United States' Senate on the 3rd March, 1909, with the following Resolutions:—

Resolved,—That the Senate advise and consent to the ratification of the Treaty between the United States and Great Britain, providing for the settlement of international differences between the United States and Canada, signed on the 11th day of January, 1909.

Resolved further (as a part of this ratification),—That the United States approves this Treaty with the understanding that nothing in this Treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's River at Sault Ste. Marie, in the use of the waters flowing over

such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this Treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this Treaty as conveying the true meaning of the Treaty, and will in effect, form part of the Treaty.

#### PROTOCOL OF EXCHANGE.

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between Great Britain and the United States, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual

form

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, one thousand nine hundred and ten.

JAMES BRYCE, (Seal.) PHILANDER C. KNOX, (Seal.)

(Reprinted as proposed to be amended i Committee of the Whole House.)

Act relating to the establishment an expenses of the International Join Commission under the Waterway Treaty of January the eleventh nineteen hundred and nine.

THE HOUSE OF COMMONS OF CANADA. Srd Session, 11th Parliament, 1 George V., 1910-1

OTTAWA

Printed by C. H. PARMELES

Printer to the King's most Excellent Majesty
1910-11

MR. PUGSLEY.

36.

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 37.

An Act to amend the Dominion Elections Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. Paragraph (b) of section 96, and sections 97 and 98, of R.S., c. 6 5 The Dominion Elections Act, chapter 6 of the Revised Statutes, amended. Deposit. 1906, are repealed.
  - 2. Section 131 of the said Act is amended by striking out Polling day. of the said section all the words after the word "place" in the fifth line thereof.
- 3. The said Act is further amended by inserting the following Section section immediately after section 1:31:—
  - "131A. The day on which the poll for taking the votes of Polling day the electors at a general Domin on election is to be held shall a public be a public holiday throughout Canada."
- 15 4. Section 136 of the said Act is repealed and the following New s. 136. is substituted therefor:—
  - \*"136. In cities, towns and incorporated villages the poll Hours of shall be opened at the hour of six of the clock in the forenoon cities, towns, and kept open until eight of the clock in the evening of the etc.
  - "2. In places other than cities, towns and incorporated villages In other the poll shall be opened at the hour of nine of the clock in the places. forenoon and kept open until five of the clock in the afternoon of the same day.
- of the same day.

  25 "3. Each deputy returning officer shall, during the time the Deputy poll is open, in the polling station assigned to him receive, in returning officer to the manner hereinafter prescribed, the votes of the electors receive votes. duly qualified to vote at such polling station."

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

BILL 37.

An Act to amend the Dominion Election Act.

First reading December 7, 1910.

MR. MACDONELL.

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

## HOUSE OF COMMONS OF CANADA.

# BILL 38.

An Act to amend the Dominion Elections Act.

IS Majesty, by and with the advice and consent of the His majesty, by and more of Canada, enacts as follows:-

1. The Dominion Elections Act is amended by inserting the R.S., c. 6. 5 following section immediately after section 143 thereof:

"143A. In any election in which request may be made to Polls to be the returning officer by or on behalf of any candidate, or by or opened at on behalf of any elector or electors who are employees in the certain points for train service of any railway operated in Canada, including railway

10 electors who are employed as express or mail clerks upon any employees. such railway, such number of polls shall be held at convenient divisional or other suitable points along any railway in any electoral district in which the service of such electors require them to be on election day, as are necessary to poll the votes of

15 such electors as are entitled to vote in the electoral district in respect of which such request has been made who, in the discharge of his duties, are required during the day of election to be outside of the polling division in which such electors are resident and entitled to vote.

"2. The divisional or other points where booths may be opened Points to be for polling the votes of railway employees, who by certificate selected by Governor in are entitled to vote outside of the district in which they reside, Council. shall be selected and established by the Governor in Council.

"3. The Clerk of the Crown in Chancery shall appoint, by a Appointment 25 commission under his hand, in form KK in the Schedule to this of deputy returning Act, the deputy returning officers for the polls to be held at the officer, and divisional or other points established according to this Act, and instructions to returning he shall instruct the returning officer for the electoral district officer. in which such employees are entitled to vote to forward to such

30 deputy returning officer a ballot box and such ballots, poll books, forms of oath, envelopes and stamps as are requisite for the election in the electoral district for which such returning officer is appointed, and shall instruct the returning officer to label the ballot box as follows: 'Ballot box in which the ballots

of voters, being railway employees, for the riding ofshall be deposited.'

Certificate of transfer of vote. "4. The returning officer for any electoral district shall, at the request of any railway employee who is an elector resident and entitled to vote in such electoral district, grant such elector a certificate in form LL in the Schedule to this Act, entitling him to vote at the polling booth established at any divisional or other 5 suitable point, as designated in the certificate of the returning officer.

Declaration of voter.

"5. The deputy returning officer to whom such certificate is presented on the day for holding the poll shall require the person presenting it to sign a declaration, in form MM in the 10 Schedule to this Act, that he is the person named in such certificate.

Duties of deputy returning officer after close of poll. "6. At the close of the poll the deputy returning officer shall proceed to count the votes cast for each electoral district represented at such poll in the same manner, as far as possible, as is 15 provided in sections 172 to 182, inclusive, of this Act, and he shall forthwith send each ballot box, sealed and locked as provided in section 181 of this Act, to the returning officer of the electoral district from whom he received such ballot box.

Votes to be counted in respective counties.

"7. Such returning officer shall count such votes in the 20 returns for the respective candidates in the electoral district in which such railway employees are resident and entitled to vote."

Schedule amended.

2. The Schedule to the said Act is amended by adding thereto the following forms:—

#### "KK.

"Commission of a Deputy Returning Officer.

"To G. H. (insert his legal addition and residence).

"Know you, that in my capacity of Clerk of the Crown in Chancery, I hereby appoint you to be deputy returning officer for the polling division number— -, atthere to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election for the said polling division on the--day of--, at nine o'clock in the forenoon at (here describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place, by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after counting the votes given and performing the other duties required of you by law, to return to the returning officer of the electoral district

from whom you received them, the ballot box sealed with your seal, and the ballots, envelopes, list of voters, poll book, and other documents required by law, together with this commission.

### "LL.

"Certificate of Transfer of Railway Employee's Vote.

"Dated at——this——day of——19—.

A. B.,

"Returning officer for the electoral district of——.

### "MM.

#### "Declaration of Railway Employee.

"I.	_, of
railway employee, do solemn	
of—, railway	employee, the person named in the
certificate of—	, returning officer for the
electoral district of-	
"Declared before me at-	in the electoral dis-
trict of——,	this day of
<del>19</del> .	
C	. D.
	Justice of the Peace.
	3. H.
	Deputy Returning Officer.
7	T

Poll Clerk."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 38.

An Act to amend the Dominion Elections Act.

First reading, December 7, 1910.

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 39.

An Act to amend the Juvenile Delinquents Act, 1908.

H IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Section 19 of The Juvenile Delinquents Act, 1908, chapter 1908, c. 40, 5 40 of the statutes of 1908, is amended by adding thereto the smended. following subsection:-

"3. No child of a religious faith other than the Protestant or As to Roman Catholic shall be committed to the care of either a children of religious Protestant or Roman Catholic children's aid society or be placed faith other in any Protestant or Roman Catholic children's aid society or be placed faith other than Protestant or Roman Catholic children's and society of be placed than 10 in any Protestant or Roman Catholic family as its foster home Protestant or Roman Catholic family as it unless there is within the municipality no children's aid society or Roman Catholic. or no suitable family of the same religious faith as that professed by the child or by its family, and, if there is no children's aid society or suitable family of such faith to which the care of such 15 child can properly be given, the disposition of such child shall be in the discretion of the court.'

2. Section 23 of the said Act is amended by adding thereto S. 23 the following subsection:-

"4. In the case of a child of a religious faith other than the When child 20 Protestant or Roman Catholic the court shall appoint three or of religious faith other more suitable persons to be the Juvenile Court Committee as than regards such child, such persons to be of the same religious faith or Roman as the child if there are such suitable persons resident within Catholic. the municipality willing to act."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 39.

An Act to amend the Juvenile Delinquents Act, 1908.

First reading, December 7, 1910.

MR. BICKERDIKE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

# BILL 40.

An Act to amend the Criminal Code respecting homicide while hunting.

HIS Majesty, by and with the advice and consent of the \* Senate and House of Commons of Canada, enacts as follows:—

1. The Criminal Code, chapter 146 of the Revised Statutes, R. S., c. 146. 5 1906, is amended by inserting the following section immediately Section after section 273:—

\* "273A. Every one is guilty of an indictable offence and Homicide liable to two years' imprisonment who injures by shooting any while person although the person charged believed the object he was 10 aiming at was a deer, moose, or other animal."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# **BILL** 40.

An Act to amend the Criminal Code respecting homicide while hunting.

First reading, December 9, 1910.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMMLEN
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 41.

An Act respecting Wireless Telegraphy on Ships.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Every sea-going and coasting passenger ship over four Certain 5 hundred tons gross tonnage, registered in Canada, and every vessels to be sea-going and coasting freight ship over twelve hundred tons with wireless gross tonnage, registered in Canada, shall be equipped with an telegraph apparatus. apparatus for wireless telegraphy.

2. Every owner of any such ship who neglects to equip it Penalty 10 with the said apparatus shall be guilty of an offence, punishable for non-compliance. on summary conviction or on indictment, and be liable to a penalty of not less than one hundred dollars and not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

# BILL 41.

An Act respecting Wireless Telegraphy on Ships.

First reading, December 9, 1910.

Mr. Lewis.

OTTAWA
Printed by C. H. PARMELEN
Printer to the King's most Excellent Majesty
1910-11

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 42.

An Act respecting the Collingwood Southern Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1909, c. 77, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. The Collingwood Southern Railway Company may com-Time for mence the construction of its railway, and expend fifteen per construction cent of the amount of its capital stock thereon, within two years extended. after the passing of this Act, and may complete its railway 10 and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, and if the said railway is not so completed and put in operation within the said periods, respectively, the powers of construction conferred upon the 15 said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 74 of the statutes of 1909 is repealed.

1909, c. 74 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# **BILL 42.**

An Act respecting the Collingwood Southern Railway Company.

First reading, December 12, 1910.

(PRIVATE BILL.)

MR. PARDEE.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

#### BILL 43.

An Act respecting a patent of Conduits Company, Limited.

WHEREAS Conduits Company, Limited, a body corporate, Preamble. having its chief place of business at the city of Toronto, in the province of Ontario, has by its petition represented that it is the owner of a patent, number sixty-six thousand six 5 hundred and eighty-six, dated the twenty-first day of March, one thousand nine hundred, issued under the seal of the Patent Office, for new and useful improvements in electro galvanized tubing and other manufactures, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant 10 the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Notwithstanding anything in The Patent Act, or in the Extension of patent mentioned in the preamble, the Commissioner of Patents time for payment 15 may receive from the holder of the said patent an application for of fees. a certificate of payment of further fees and the usual fees for the second and third terms for the said patent, and may grant and issue to such holder certificates of payment of further fees, R.S., c. 69, provided for by *The Patent Act*, and extensions of the term of s. 23.

20 duration of the said patent in as full and ample a manner as if the application therefor had been duly made within the first Extension of duration of six years from the date of the issue of the said patent.

patent.

2. If any person, other than any licensee, has, in the period Saving of between the expiry of six years from the date of the said acquired. 25 patent and the twenty-ninth day of October, one thousand nine hundred and ten, commenced to manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to manufacture, use or sel such invention, in as full and ample a manner as if this Act had not 30 been passed; provided that the exemption shall not extend to any person who has commenced the construction or manufacture of the said invention before the expiry of the said patent without the consent of the holder of the said patent.

3rd Session, 11th Parliament, 1 George V., 1910

THE HOUSE OF COMMONS OF CANADA.

BILL 43.

An Act respecting a patent of Conduit Company, Limited.

First reading, December 12, 1910.

(PRIVATE BILL.)

Mr. Clarke, (Essex.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 44.

An Act respecting the Lachine, Jacques Cartier and Maisonneuve Railway Company.

WHEREAS the Lachine, Jacques Cartier and Maisonneuve Preamble. Railway Company has by its petition represented that it is incorporated by chapter 99 of the statutes of Quebec of 1909, Que. 1909, and has prayed that it be enacted as hereinafter set forth, and c. 99. 5 it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The railway authorized to be constructed by chapter 99 of Declaratory. the statutes of 1909 of Quebec by the said the Lachine, Jacques 10 Cartier and Maisonneuve Railway Company is declared to be a work for the general advantage of Canada.

2. The said company may commence the construction of Extension the said railway within two years after the passing of this of time for construction Act, and may complete the said railway and put it into opera- of railway. 15 tion within five years after the passing of this Act; and if the said railway is not so commenced, or is not completed and put into operation within the said periods, respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the 20 said railway as then remains uncompleted.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 44.

An Act respecting the Lachine, Jacques Cartier and Maisonneuve Railway Company.

First reading, December 12, 1910.

(PRIVATE BILL.)

MR. GEOFFRION.

OTTAWA .
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, I George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

## **BILL 44.**

An Act respecting the Lachine, Jacques Cartier and Maisonneuve Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS the Lachine, Jacques Cartier and Maisonneuve Preamble.
Railway Company, hereinafter called "the Company,"
has by its petition represented that it is incorporated by chapter c. 99.

99 of the statutes of Quebec of 1909, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The railway authorized by chapter 99 of the statutes of Declaratory.
 10 1909 of Quebec to be constructed by the Company is declared to be a work for the general advantage of Canada.

2. The Company may commence the construction of the said railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, of railway.

15 and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so completed and put in operation within the said periods respectively, the powers of construction within the said periods respectively, the powers of construction conferred upon the Company shall cease and be null and void as respects so much of the said railway as then remains

uncompleted.

3. Nothing in this Act shall in any way affect the notarial Agreement agreement made between the Company and the city of Montreal Montreal.

25 dated the twenty-ninth day of January one thousand nine Que. 1910, hundred and ten, as ratified by section 55 of chapter 48 of the c. 48, s. 55.

statutes of Quebec of 1910.

Agreements with other companies.

Que. 1909, c. 99, ss. 10, 11, 12.

4. In lieu of the provisions of sections 10, 11 and 12 of the said chapter 99 of the statutes of Quebec of 1909, the Company may, subject to the provisions of sections 361, 362 and 363 of The Railway Act, enter into agreements with the Grand Trunk Railway Company of Canada and the Grand Trunk Pacific Railway Company, or either of them, for any of the purposes specified in the said section 361.

Reprinted as amended and reported by the Railway Committee.

An Act respection the Lachine, Jacques

Cartier and Maisonneuve Railway

Company.

(PRIVATE BILL.)

MR. GEOFFRION.

OTTAWA

Printer to the King's most Excellent Majesty Printed by C. H. PARMELES

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS

OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

### BILL 45.

An Act respecting the Montreal Park and Island Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1896, c. 28; by and with the advice and consent of the Senate and House 1906, c. 129. 5 of Commons of Canada, enacts as follows:-

1. The Montreal Park and Island Railway Company may Time for continue the construction of its undertaking and shall complete construction it before the first day of July, one thousand nine hundred and undertaking

sixteen, to which date the time for completion of its railway is extended. 10 extended (provided always that it shall not construct any railway in Mount Royal Park), and if the said undertaking is not completed before the said first day of July, one thousand nine hundred and sixteen, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said undertaking as then remains 15 uncompleted.

2. Section 6 of chapter 84 of the statutes of 1894 is repealed, 1894, c. 84,

and the following is substituted therefor:-

"6. The annual general meeting of the shareholders shall be Annual 20 held on the third Thursday in October, or on such day and at meeting. such place as the directors of the Company may decide. Notice of such annual general meeting shall be given at least one month previously in two newspapers in the city of Montreal, one in the English and the other in the French language, or in such other manner as may be prescribed by by-law."

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

# BILL 45.

An Act respecting the Montreal Park an Island Railway Company.

First reading, December 12, 1910.

(PRIVATE BILL.)

MR. ECREMENT.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 45.

An Act respecting the Montreal Park and Island Railway Company.

(Reprinted as amended and reported by the Committee of the Whole House.)

WHEREAS a petition has been presented praying that it be Preamble enacted as hereinafter set forth, and it is expedient to 1894, c. 84; grant the prayer of the said petition: Therefore His Majesty, 1896, c. 28; by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

- 1. The Montreal Park and Island Railway Company, herein-Time for after called "the Company," may, subject to the provisions of contained in section 1 of chapter 129 of the statutes of 1906, undertaking continue the construction of its undertaking and shall complete
- 10 it before the first day of July, one thousand nine hundred and sixteen, to which date the time for completion of its railway is extended (provided always that it shall not construct any railway in Mount Royal Park), and if the said undertaking is not completed before the said first day of July, one thousand nine
- 15 hundred and sixteen, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said undertaking as then remains uncompleted.
- 2. The Company shall not construct or operate its railway Consent of 20 along or across any highway, street or other public place without municipalities. first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

3. The Company shall not construct or operate its railway Consent of along or across any highway which remains under the control Turnpike of the Montreal Turnpike Trust without first obtaining the con- Trust. sent of the said Trust.

Agreements with other companies.

4. The Company may enter into an agreement with the Montreal Street Railway Company, the Montreal Terminal Railway Company, the Public Service Corporation and Montreal Tramways Company for conveying or leasing to such companies or corporation, or any of them, in whole or in part, its under- 5 taking, including its charter, contracts, franchises, rights, powers, privileges, exemptions, and also the lands, railways, tramways, rights of way, surveys, plans, works, plant, machinery and other property to it belonging, or for a consolidation with any of such companies or such corporation, on such terms and 10 conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first sanctioned by the majority of the shareholders of the Company present or represented by proxy at a special general meeting of the Company duly called to consider such agreement. 15

> THE HOUSE OF COMMONS OF CANADA.

An Act respecting the Montreal Park and Island Railway Company.

Reprinted as amended and reported by Committee of the Whole House.)

the

(PRIVATE BILL.)

MR. ECREMENT.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

3rd Session, 11th Parliament, 1 George V., 1910-11

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 46.

An Act respecting the Ottawa, Northern and Western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1901, c. 80;
by and with the advice and consent of the Senate and House 1909, c. 118;
5 of Commons of Canada, enacts as follows:—

1. The Ottawa, Northern and Western Railway Company Time for may commence the construction of the extension of its main construction of railway line from Maniwaki to a point at or near James's Bay, authorized by paragraph (a) of section 11 of chapter 87 of the statutes 10 of 1894, and the extension to Lake Temiskamingue, authorized by paragraph (b) of the said section, within two years after the passing of this Act, and may complete the said extensions and put them in operation within five years after the passing of this Act; and if the said extensions are not so commenced, or 15 are not completed and put in operation within the said periods respectively, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said extensions as then remains un-

2. Chapter 118 of the statutes of 1909 is repealed.

completed.

1909, c. 118 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 46.

An Act respecting the Ottawa, Northern and Western Railway Company.

First reading, December 12, 1910.

(PRIVATE BILL.)

MR. McGIVERIN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 47.

An Act to amend the Immigration Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (d) of section 2 of The Immigration Act, chapter 1910, c. 27, 5 27 of the statutes of 1910, is repealed and the following is sub-stituted therefor:—

"(d) domicile means the place in which a person has his "Domicile" present home, or in which he resides, or to which he returns as defined. his place of present permanent abode and not for a mere special

10 or temporary purpose.

15

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30

"(i) Canadian domicile [can only be] acquired, for the purposes Canadian of this Act, by a person having his domicile for at least domicile, three years in Canada after having been landed therein acquired. within the meaning of this Act, [except in the case of a person who entered Canada before the passing of this Act, and in such case Canadian domicile can only be acquired by such person having his domicile in Canada for at least two years immediately following such entry into Canada:] Provided that the time spent by a person in any penitentiary, goal, reformatory, prison or asylum for the insane in Canada shall not be counted in the period of residence in Canada which is necessary in order to acquire Canadian domicile.

"(ii) Canadian domicile is lost, for the purposes of this Act, How lost.

by a person voluntarily residing out of Canada not for a mere special or temporary purpose but with the present intention of making his permanent home out of Canada unless and until something which is unexpected, or the happening of which is uncertain, shall occur to

induce him to return to Canada."

Explanatory Note.—The words within brackets are new. The present wording of the first line of subparagraph (i) is "Canadian domicile is acquired, etc." The words "can only be" are substituted for the word "is" owing to the doubt expressed by the Appellate Court in British Columbia as to the word "is" being sufficiently exclusive. Referring to this word in the case of Murphy v. Corbett,

on appeal, it was said by Judge Martin: "The expression 'Canadian domicile s acquired', in para. (d) is far from being of certain import, and one would think that, if it were the intention of the Legislature to make an exclusive definition, language would have been used which would have avoided all doubt." The words within brackets in lines 4 to 9 of subparagraph (i) are added to maintain the rights and liabilities of persons who had not had two years residence in Canada at the time of the passing of *The Immigration Act*—two years having been the period of domicile required under the former Act (R.S., c. 93).

New s. 40.

2. Section 40 of the said Act is repealed and the following is substituted therefor:—

Duty of officer to send complaint to Minister regarding undesirable immigrants.

"40. Whenever any person, other than a Canadian citizen, within three years after landing in [or entering] Canada has been convicted of a criminal offence in Canada, or has become a prostitute or an inmate of a house of ill-fame, or by common repute has become a procurer or pimp or person living on the avails of prostitution, or has become a professional beggar or a public charge, or an inmate of a penitentiary, goal, reformatory, prison, hospital, insane asylum or public charitable institution, 10 or enters or remains in Canada contrary to any provision of this Act, it shall be the duty of any officer cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister or Superintendent of Immigration, giving full particulars."

Explanatory Note.—The words within brackets are new. The intention is to make s. 40 apply to persons now in Canada who entered Canada before the passing of the Act, and who have not been "landed" in Canada within the meaning of the Act. These are the persons referred to in the Explanatory Note to clause 1 of this Bill.

S. 42 amended. 3. Subsection 4 of section 42 of the said Act is repealed and the following is substituted therefor:—

Penalty for rejected or deported person remaining in or re-entering Canada.

"4. Any person rejected or deported under this Act who enters or remains in or returns to Canada after such rejection 20 or deportation without a permit under this Act or other lawful excuse, or who refuses or neglects to leave Canada when ordered so to do by the Governor in Council as provided for in this section, shall be guilty of an offence against this Act, and may forthwith be arrested by any officer and be deported on an 25 order from the Minister or the Superintendent of Immigration, or may be prosecuted for such offence, and shall be liable [on summary conviction, to a term of imprisonment not exceeding one year], and immediately after expiry of any sentence imposed for such offence, may be again deported or ordered to 30 leave Canada under this section."

Explanatory Note.—This subsection is amended by striking out of lines 9 and 10 the words "on conviction, to two years imprisonment," and substituting the words "on summary conviction to a term of imprisonment not exceeding one year."

S. 45% amended.
Deportation.

4. Section 45 of the said Act is amended by adding at the end thereof the words "as may be directed by the officer in charge."

Explanatory Note.—The section to which the above words are added relates to the deportation of persons who have been brought into Canada by a transportation company.

5. Section 46 of the said Act is repealed and the following is New s. 46. substituted therefor:-

"46. Every transportation company which refuses or Penalty on neglects to comply with the order of the Minister or Superin-tion 5 tendent of Immigration or Board of Inquiry, or officer acting company refusing to as such [Board] to take on board, guard safely, and return to return person the [place in the] country whence he came, or to the country ordered to be of his birth or citizenship, [as may be directed by such order,] any passenger or other person brought to Canada by such 10 transportation company, and ordered to be deported under the

provisions of this Act, shall be liable to a fine of not more than five hundred dollars and not less than fifty dollars, in each

Explanatory Note.—The words within brackets are new. The words "place in the" in the 5th line are added to meet the point raised in some recent legal proceedings that it would be sufficient compliance with the Act if the company returned a passenger merely to the border of the country to which he was being deported. The intention of the Act is that such passenger shall be returned to the place from which the company is responsible for taking him. The words "as may be directed by such order" in the 6th line are intended to remove any doubt as to the discretion of the Immigration authorities to direct the manner, time and place of deportation.

6. Subsections 1, 2, 3 and 4 of section 76 of the said Act are s. 76 amended. repealed and the following are substituted therefor:-

"76. Any officer may institute summary proceedings before Prosecutions. any police [or stipendiary] magistrate, recorder, or [any two justices] of the peace, against any transportation company, or 20 director, official or employee thereof, [or against any other person] charged with an offence against this Act, at the place where such offence was committed [in Canada], or at the place where such company has an office or place of business in Canada, or where such person then is.

Explanatory Note.—Subclause 1 provides for summary proceedings before a stipendiary magistrate or two justices of the peace. The words within brackets show the changes. In the Act at present a stipendiary magistrate is not mentioned, and a single justice of the peace is empowered to act instead of two justices. The words "or against any other person" in the 4th and 5th lines are needed in order to make sure that private individuals as well as transportation companies and their officials are liable to summary prosecution for offences against the Act.

"2. Such magistrate, recorder, or [justices] of the peace Costs. may, in addition to any fine or penalty imposed, award costs against any such company or person as in ordinary cases of summary proceedings, and in default of payment thereof may award imprisonment for a term not exceeding three months, to Imprison-

30 terminate on payment of the fine or penalty and costs incurred, ment. and may, in his discretion, award any part of such fine or Award of penalty, when recovered, to [any one] aggrieved by or through penalty. the act or neglect of such company or person.

"3. Subject to such award to [any one] aggrieved, all fines Application 35 and penalties recovered under this Act shall be paid to the of fines and minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada.

Lien on property of transportation companies.

"4. Every duty and every fine or penalty imposed under authority of this Act upon a transportation company, or upon any director, official or employee thereof, [or upon any other person], shall, until payment thereof, be a lien upon any and all property of such company [or person] in Canada, and may be 5 enforced and collected by the seizure and sale of all or any such property under the warrant or process of the magistrate or court before whom it has been sued for, and shall be pre-

ferred to all other liens or hypothecations except wages."

Explanatory Note.—The changes in subclauses 2, 3 and 4 are consequent upon those in subclause 1. The word "justices" in the 1st line of subclause 2 takes the place of "justice;" the words "any one" in the 8th line of subclause 2 are used instead of "the person." so as to clearly distinguish from the "person" referred to in the line following. The explanatory note to subclause 1 applies also to subclause 4.

THE HOUSE OF COMMONS OF CANADA.

An Act to amend the Immigration Act.

First reading, December, 12, 1910.

MR. OLIVER.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

47.

Session, 11th Parliament, 1 George V., 1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

## BILL 48.

An Act to amend the Montreal Harbour Commissioners' Act, 1894.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (d) of section 6 of The Montreal Harbour 1894, c. 48, 5 Commissioners' Act, 1894, as the said section is enacted by s. 6 amended. section 2 of chapter 24 of the statutes of 1909, is amended by Error in striking out the word "southern" in the fifth line of the said description paragraph and substituting therefor the word "eastern."

Explanatory Note.—The amendment is to correct an error in the description of the harbour.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 48.

An Act to amend the Montreal Harboun Commissioners' Act, 1894.

First reading, December 12, 1910.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 49.

# An Act respecting Water-powers.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Water-power Act.

Short title.

- 2. In this Act "the Commission" means the Commission of Definition. Conservation.
- 3. No water-power, easement, servitude, right of user, Alienation of or usufruct upon or about any river, stream, rapid or water-powers restricted. course belonging to or controlled by the Crown shall be alienated 10 or in any way dealt with except as provided herein.
  - 4. The alienation shall be by lease only and for a period not Alienation by exceeding fifty years.
- 5. The Governor in Council may, upon its own motion, or Offer of use of upon petition to that effect of an interested party, or upon the water-power by Governor 15 recommendation of the Commission, decide to offer the use, for in Council. industrial or other purposes, of a water power under the control of the Crown, and in such case, preliminary to disposal of such conditions. water-power,-

(a) a report shall be procured from the Commission setting Report by forth, as accurately as possible, a description of the water- Commission. 20 power in question, its possible development, its industrial opportunities and value, its availability, its proximity to important centres and all other useful information in the possession of the Commission; and,

25 (b) a recommendation shall be obtained from the Commission Recommenas to the rental, terms and conditions of development which dation by Commission. ought to be imposed upon the lessee of such water-power by the Crown as well as regards the duration of a lease thereof, and any other conditions deemed advisable in the 30 public interest; and,

Statement by Commission.

(c) a statement shall be obtained from the Commission of what, in its estimation, would be a fair and reasonable horse-power charge during the existence of the said lease:

Observations by Commission in public interest.

(d) the Commission may make such other observations, and call attention to such special features in connection with the said proposed alienation as seem calculated to conserve the public interest in the utilization of the waterpower to be alienated.

Public notice of proposed alienation.

6. The proposed alienation shall be announced in The Canada 10 Gazette and in a daily newspaper three times a week in the electoral division where the said power is situated for two consecutive months previous to the disposal thereof, calling attention to the proposed alienation and the recommendations filed by the Commission. 15

Tender for

7. Any person may, during the period of the said announcewater-power. ment, and up to a date to be determined in the advertisement. tender for the power thus to be disposed of, subject to the conditions set forth in the notice, but the Governor in Council shall not be bound to accept the lowest or any tender made for the 20 property in question.

Provisions of lease or alienation.

8. The instrument of lease or alienation of any power dealt with under this Act shall, in addition to the formal clauses and stipulations, contain a special clause providing for failure by the lessee to fulfil the obligations entered into by him, and such 25 other conditions common to all such leases as have been adopted by regulations made under order in council upon report of the Commission.

Department to make special yearly statement.

9. Every department of the Government which has made a lease under this Act shall include in its yearly report a special 30 statement setting forth the condition of the property leased, the payment of rent, and whether the lessee has conformed to all the clauses and stipulations of his agreement.

Department to furnish to Commission.

10. Any such department shall, if required by the Commisrequired data sion, furnish to the Commission all data, information, maps, 35 plans, reports of surveys and measurements in its possession concerning any water-course, water-fall or water-power, and the head of every such department shall, as far as possible, place its officers at the disposal of the Commission for the purpose of securing information or preparing data required by the Com- 40 mission.

Officers at disposal of Commission.

> 11. The Commission may make regulations respecting— (a) the keeping a complete register of information and entries respecting water-powers, water-courses and watersheds;

Regulations. Register and entries.

(b) reports, data and returns which users of water-powers Reports and under the control of the Government shall furnish the Com-returns. mission:

(c) the conduct to be followed by officers acting in regard to Conduct of

water-powers and water-courses;

(d) the conditions under which power will be furnished to the Conditions of public in cases of alienation of water-power, with the supply of power. privilege to the grantee of furnishing electrical energy to municipalities, companies or individuals.

2. The said regulations shall come into force as soon as they Approval and have been approved by the Governor in Council and have been publication.

published in The Canada Gazette.

12. The lessee under this Act of any water-power shall Returns by lessee. furnish to the Government the statement or return required by 15 the regulations made under this Act, under pain of such penalties Penalty for default. and forfeitures as are determined by such regulations.

13. No assignment, sale or transfer of any lease made or Transfers acquired under this Act shall be made without the approval of approved. the Governor in Council.

14. In all cases where the time and conditions of the develop- If time not ment are not determined by the terms of the lease, the lessee specified, term of lease shall have five years within which to construct the necessary to be five works and lines for the development and transmission of at years. least twenty-five per cent of the power leased, failing which the Lapse of 25 lease shall lapse.

15. All money derived from rentals accruing under leases Disposition and agreements entered into under this Act shall form part of of rentals. the Consolidated Revenue Fund.

16. At any time within five years and not less than two Appraise-30 years previous to the expiration of any lease entered into under ment of power and this Act, the Governor in Council shall cause to be made an improveappraisement of the power privileges afforded by the lands ments on unexpired leased, and the improvements thereon, separately, and a new lease. lease thereof covering a period not exceeding

35 shall be offered to the original lessee on equitable terms based New lease on the said appraisal of privileges. In the event of such lessee offered. declining or neglecting to accept such renewal within one year thereafter, the privileges in question shall be sold at public Sale by public auction at an upset price to be based on the appraisal of the auction of

40 privileges and improvements, and the original lessee shall lessee. thereupon be entitled to be compensated to the extent of the sum received for improvements only: Provided that if the Proviso. lessee deems unreasonable the terms of renewal offered him, for any period of such lease, he may institute proceedings in

Proceedings for equitable terms.

any superior court for the district in which the power site is situate, for the determination of equitable terms and charges.

All existing leases cancelled if conditions not fulfilled.

Disposal of power privileges.

17. Upon the passing of this Act, all leases, sales or concessions of power privileges granted by the Crown, wherein the lessee or concessionnaire has not conformed to the conditions 5 or terms of his grant respecting works of development or payment of rent or other obligations, shall be void and be cancelled, and the said power privileges may be dealt with by the Crown as if such lease, sale or concession had never been entered into. and they may be disposed of according to the provisions of this 10

An Act respecting Water-powers.

First reading, December 14, 1910.

3rd Session, 11th Parliament, 1 George V., 1910

49.

THE HOUSE OF COMMONS OF CANADA.

Printer to the King's most Excellent Majest; 1910-11 Printed by C. H. PARMELEN OTTAWA

MR. MONK.

# THE HOUSE OF COMMONS OF CANADA.

## BILL 50.

# An Act respecting Banks and Banking.

(New matter is printed in italics.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

#### SHORT TITLE.

1. This Act may be cited as The Bank Act, 1911. 53 V., Short title. 5 c. 31, s. 1.

#### INTERPRETATION.

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2. In this Act, unless the context otherwise requires,—

(a) "Association" means the Canadian Bankers' Association, incorporated by chapter 93 of the statutes of 1900, intituled An Act to incorporate the Canadian Bankers' Association:

(b) "bank" means any bank to which this applies; "Bank."

(c) "bill of lading" includes all receipts for goods, wares "Bill of or merchandise, accompanied by an undertaking to transport the same from the place where they were received to some other place, by any mode of carriage whatever, whether by land or water, or partly by land and partly by water;

(d) "Circulation Fund" means the fund heretofore estab- "Circulation lished and continued by the authority of this Act under Fund." the name of the Bank Circulation Redemption Fund;

(e) "curator" means any person appointed under the "Curator." authority of this Act by the Canadian Bankers' Association to supervise the affairs of any bank which has suspended payment in specie or Dominion notes of any of its liabilities as they accrue;

(f) "goods, wares and merchandise" includes, in addition to "Goods, the things usually understood thereby, saw-logs, railway wares and ties and other timber, deals, boards, staves and other disc."

lumber, petroleum, crude oil, and all agricultural produce

and other articles of commerce;

"Manufacturer.

(q) "manufacturer" includes manufacturers of logs, timber or lumber, maltsters, distillers, brewers, refiners and producers of petroleum, tanners, curers, packers, canners of 5 meat, pork, fish, fruit or vegetables, and any person who produces by hand, art, process or mechanical means any goods, wares or merchandise;

"Minister."

(h) "Minister" means the Minister of Finance and Receiver General:

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"President." "Products of the forest."

(i) "president" does not include an honorary president:

(i) "products of \* \* \* the forest" includes saw logs, railway ties and other timber, deals, boards, staves and other lumber;

"Warehouse receipt."

(k) "warehouse receipt"

(i) means any receipt given by any person for any goods, wares or merchandise in his actual, visible and continued possession as bailee thereof in good faith and not as of his own property, and

(ii) includes receipts, given by any person who is the 20 owner or keeper of a harbour, cove, pond, wharf, yard, warehouse, shed, storehouse or other place for the storage of goods, wares or merchandise, for goods, wares and merchandise delivered to him as bailee, and actually in the place or in one or more of the places owned 25 or kept by him, whether such person is engaged in other business or not, and

(iii) includes also receipts given by any person in charge of logs or timber in transit from timber limits or other lands to the place of destination of such logs or timber; 30

2. Where by this Act any public notice is required to be given the notice shall, unless otherwise specified, be given by advertisement—

(a) in one or more newspapers published at the place where the chief office of the bank is situate; and,

(b) in The Canada Gazette. 53 V., c. 31, ss. 2, 54 and 102; 63-64 V., c. 26, ss. 3 and 24; 4-5 E. VII., c. 4, s. 4. Am.

3. When by this Act notice of any call is required to be given to the shareholders the notice shall, unless otherwise specified, be sufficiently given by mailing the notice in the post office, registered 40 and post paid, to the last known address of the respective shareholders, at least thirty days prior to the day on which the call is payable.

#### APPLICATION.

#### General.

3. The provisions of this Act apply to the several banks 45 banks this enumerated in Schedule A to this Act, and to every bank in-Act applies.

Public notice, how given.

Notice of call. corporated after the first day of January, one thousand nine hundred and nine, whether this Act is specially mentioned in its Act of incorporation or not, but not to any other bank, except as hereinafter specially provided. 53 V., c. 31, s. 3. Am.

4. The charters or Acts of incorporation, and any Acts in Bank amendment thereof, of the several banks enumerated in Schedule continued to A to this Act are continued in force until the first day of July, July 1st, 1921, as to one thousand nine hundred and twenty-one, so far as regards, some as to each of such banks,-

(a) the incorporation and corporate name;

(b) the amount of the authorized capital stock; (c) the amount of each share of such stock; and,

(d) the chief office;

subject to the right of each of such banks to increase or reduce 15 its authorized capital stock in the manner hereinafter provided.

2. As to all other particulars this Act shall form and be the As to other charter of each of the said banks until the first day of July, one particulars.

thousand nine hundred and twenty-one.

3. Nothing in this section shall be deemed to continue in Forfeited or 20 force any charter or Act of incorporation, if, or in so far as it void charters is, under the terms thereof, or under the terms of this Act or of continued. any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of incorporation, or by reason of insolvency, or 25 for any other reason. 63-64 V., c. 26, s. 6. Am.

Banks in course of winding-up.

5. The provisions of this Act shall continue to apply to the Act banks named in Schedule A to The Bank Act, chapter 29 of The continues to Revised Statutes, 1906, and not named in Schedule A to this purposes of Act, but only in so far as may be necessary to wind up the winding-up.

30 business of the said banks respectively; and the charters or Acts of incorporation of the said banks, and any Acts in amendment thereof, or any Acts in relation to the said banks now in force, shall respectively continue in force for the purposes of windingup, and for such purposes only. 63-64 V., c. 26, s. 5. Am.

# The Bank of British North America.

6. The sections of this Act which apply to the Bank of Sections applicable British North America are sections, to Bank of British one; North two; America.

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thirty-nine; forty-five:

fifty-seven to sixty-one, both inclusive; sixty-three to one hundred and twenty-four, both inclusive; one hundred and thirty;

one hundred and thirty-two to one hundred and fifty-seven, both inclusive.

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Sections not opplicable.

2. The other sections of this Act do not apply to the Bank of British North America. 53 V., c. 31, s. 6; 63-64 V., c. 26, s. 7. Am.

Chief office at Montreal. 7. For the purposes of the several sections of this Act made applicable to the Bank of British North America, the chief office 10 of the Bank of British North America shall be the office of the bank at Montreal in the province of Quebec. 53 V., c. 31, s. 7.

#### INCORPORATION AND ORGANIZATION OF BANKS.

Particulars of Act of incorporation. 8. The capital stock of every bank hereafter incorporated, the name of the bank, the place where its chief office is to be situated, and the name of the provisional directors, shall be 15 declared in the Act of incorporation of every such bank respectively. 53 V., c. 31, s. 9.

Form thereof.

9. An Act of incorporation of a bank in the form set forth in Schedule B to this Act shall be construed to confer upon the bank thereby incorporated all the powers, privileges and im-20 munities, and to subject it to all the liabilities and provisions set forth in this Act. 53 V., c. 31, s. 9.

Capital stock and shares.

10. The capital stock of any bank hereafter incorporated shall be not less than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. 53 V., 25 c. 31, s. 10.

Provisional directors.

11. The number of provisional directors shall be not less than five.

Tenure of office.

2. The provisional directors shall hold office until directors are elected by the subscribers to the stock, as hereinafter pro-30 vided. 53 V., c. 31, s. 11; 4-5 E. VII., c. 4, s. 1.

Opening of stock books.

12. For the purpose of organizing the bank, the provisional directors may, after giving ten days public notice thereof, cause stock books to be opened, in which shall be recorded the subscriptions of such persons as desire to become shareholders in 35 the bank.

Where.

2. The stock books shall be opened at the place where the chief office of the bank is to be situate, and may, in the discretion of the provisional directors, be opened elsewhere in Canada or in the United Kingdom, or in any of the British colonies or posses-40 sions.

3. Each subscriber shall at the time of subscription give his post Particulars office address, and description, and these particulars shall appear entered. in the stock books in connection with the name of the subscriber and

the number of shares subscribed for.

4. There shall be printed in small pica type, or type of larger Notice of size, on each page in the stock books upon which subscriptions are double liability. recorded, and on every power of attorney authorizing the recording of a subscription in the stock books, on such part of the page and of the power of attorney as may be readily seen by the person 10 recording or authorizing the recording of his subscription, a copy

of section 125\* of this Act.

5. The stock books may be kept open for such time as the Time stock provisional directors deem necessary. 53 V., c. 31, s. 12. Am.

13. Whenever a sum not less than five hundred thousand First meeting 15 dollars of the capital stock of the bank has been bona fide sub- of sub-scribers. scribed, and at least ten per cent of each subscription has been paid in money by each subscriber, the total of such payments being a sum not less than two hundred and fifty thousand dollars, and as soon thereafter as the provisional directors have paid thereout 20 to the Minister the sum of two hundred and fifty thousand

dollars, the provisional directors may, by public notice, published for at least four weeks, call a meeting of the subscribers to the said stock, to be held in the place named in the Act of incorporation as the chief office of the bank, at such time and at such

25 place as is set forth in the said notice.

30

2. The subscribers shall, at such meeting,-

Business thereat.

(a) determine the day upon which the annual general meeting of the bank is to be held; and,

(b) elect such number of directors, duly qualified under this Act, not less than five, as they think necessary.

3. Such directors shall hold office until the annual general Tenure of directors.

meeting in the year next succeeding their election.

4. Upon the election of directors as aforesaid the functions of Provisional the provisional directors shall cease. 53 V., c. 31, s. 13; 4-5 E. cease. 35 VII., c. 4, s. 2. Am.

14. The bank shall not issue notes or commence the business Permission to of banking until it has obtained from the Treasury Board a commence business. certificate permitting it to do so.

2. No application for such certificate shall be made until No certificate shall be mad 40 directors have been elected by the subscribers to the stock directors

in the manner hereinbefore required. 53 V., c. 31, s. 14.

15. No certificate shall be given by the Treasury Board When certiuntil it has been shown to the satisfaction of the Board, by be granted affidavit or otherwise, that all the requirements of this Act

<sup>\*</sup>The section providing for the double liability of shareholders.

and of the special Act of incorporation of the bank, as to the subscriptions to the capital stock, the payment of money by subscribers on account of their subscriptions, the payment required to be made to the Minister, the election of directors, deposit for security for note issue, or other preliminaries, have been 5 complied with, and that the sum so paid is then held by the Minister.

Within one year.

2. No such certificate shall be given except within one year from the passing of the Act of incorporation of the bank applying for the said certificate. 53 V., c. 31, s. 15. Am.

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If certificate not granted, powers to cease.

16. If the bank does not obtain a certificate from the Treasury Board within one year from the time of the passing of its Act of incorporation, all the rights, powers and privileges conferred on the bank by its Act of incorporation shall thereupon cease and determine, and be of no force or effect what-15 ever.

Ordinary disbursements allowed, but other expenses subject to resolution. 2. If stock books have been opened and subscriptions in whole or in part paid, but no certificate from the Treasury Board obtained within the time limited by the preceding subsection, no part of the money so paid, or accrued interest thereon, shall be disbursed 20 for commissions, salaries, charges for services or for other purposes, except a reasonable amount for payment of clerical assistance, office rental, stationery, postage and expenses of travel, if any, unless it is so provided by resolution of such subscribers at a meeting convened after notice, at which a majority in interest 25 of such subscribers are present or represented by proxy.

Application to court to settle amount of disbursements. 3. If the amount allowed by such resolution for commissions, salaries or charges for services be deemed insufficient by the provisional directors, or if for any reason no resolution for such purpose be passed after a meeting has been duly called, then the 30 provisional directors may apply to a judge of any superior or county court having jurisdiction where the chief office of the bank is fixed by its Act of incorporation, to settle and determine all charges and the reasonableness of the amount of the disbursements already made to which such money and interest, if any, shall be 35 subject before distribution of the balance to the subscribers.

Notice of meeting and application to court, with statement.

4. Notice of the meeting and notice of the application referred to in the next preceding sub-section shall be given by mailing the notice in the post office, registered and post paid, at least twenty-one days prior to the date fixed for such meeting or the hearing of 40 such application, to the several subscribers at their respective post office addresses as contained in the stock books; and each of such notices shall contain a statement, in summary form, of the several amounts for commissions, salaries, charges for services and disbursements which it is proposed shall be provided by resolution 45 for payment, or settled and determined by a judge, as the case may be.

Voting.

5. Votes of subscribers may be given at such meeting by proxy, the holder of such proxy to be a subscriber, and subscribers may

be heard either in person or by counsel on such application. 53 V., c. 31, s. 16. Am.

17. Upon the issue of the certificate in manner hereinbefore Deposit, how provided, the Minister shall forthwith pay to the bank the disposed of if 5 amount of money so deposited with him as aforesaid, without granted. interest, after deducting therefrom the sum of five thousand dollars required to be deposited under the provisions of this Act for the securing of the notes issued by the bank.

2. In case no certificate is issued by the Treasury Board If certificate 10 within the time limited for the issue thereof, the amount so not granted.

deposited shall be returned to the person depositing the same.

3. In no case shall the Minister be under any obligation Minister not to see to the proper application in any way of the amount so bound. returned. 53 V., c. 31, s. 17.

#### INTERNAL REGULATIONS.

15 18. The shareholders of the bank may regulate, by by-law, Regulations the following matters incident to the management and admin-by by-laws. istration of the affairs of the bank, that is to say:—

(a) The day upon which the annual general meeting of the

shareholders for the election of directors shall be held;

20 (b) The record to be kept of proxies, and the time, not exceeding thirty days, within which proxies must be produced and recorded prior to a meeting in order to entitle the holder to vote thereon;

(c) The number of the directors, which shall be not less than five, and the quorum thereof, which shall be not less than

three:

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(d) Subject to the provisions hereinafter contained, the qualifications of directors;

(e) The method of filling vacancies in the board of directors,

whenever the same occur during each year;

(f) The time and proceedings for the election of directors, in case of a failure of any election on the day appointed for it;

(g) The remuneration of the president, vice-president and

other directors; and,

(h) The amount of discounts or loans which may be made to directors, either jointly or severally, or to any one firm or person, or to any shareholder, or to corporations.

2. The shareholders may authorize the directors to establish Guarantee 40 guarantee and pension funds for the officers and employees of and pension the bank and their families, and to contribute thereto out of the funds of the bank.

3. Until it is otherwise prescribed by by-law under this Existing section, the by-laws of the bank on any matter which may be by-laws continued 45 regulated by by-law under this section shall remain in force,

Exception.

except as to any provision fixing the qualification of directors at an amount less than that prescribed by this Act. 53 V., c. 31, s. 18; 4-5 E. VII., c. 4, s. 3.

Board of directors.

19. The stock, property, affairs and concerns of the bank shall be managed by a board of directors, who shall be elected 5 annually in manner hereinafter provided, and shall be eligible for re-election. 53 V., c. 31, s. 19.

Qualifica-

20. Each director shall,-

(a) when the paid-up capital stock of the bank is one million dollars or less, hold stock of the bank on which not less 10 than three thousand dollars have been paid up;

(b) when the paid-up capital stock of the bank is over one million dollars and does not exceed three million dollars, hold stock of the bank on which not less than four thousand dollars have been paid up;

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(c) when the paid-up capital stock of the bank exceeds three million dollars, hold stock of the bank on which not less

than five thousand dollars have been paid up.

Required stock holdings.

2. No person shall be elected or continue to be a director unless he holds stock paid up to the amount required by this 20 Act, or such greater amount as is required by any by-law in that behalf.

Majority to be British subjects.

3. A majority of the directors shall be natural born or naturalized subjects of His Majesty. 53 V., c. 31, ss. 18 and 19.

Election of directors.

21. The directors shall be elected by the shareholders at the 25 annual general meeting.

At chief office.

2. The election shall take place at the chief office of the bank.

3. Public notice of the election shall be given by the directors by publishing such notice, for at least four weeks previously to the time of holding the election, in a newspaper published at the 30 place where the *chief* office of the bank is situate. 53 V., c. 31, s. 19. Am.

Who shall be directors. 22. The persons, to the number authorized to be elected, who have the greatest number of votes at any election, shall be directors. 53 V., c. 31, s. 19.

Provision in case of equality of votes.

23. If it happens at any election that two or more persons have an equal number of votes, and the election or non-election of one or more of such persons as a director or directors depends on such equality, then the directors who have a greater number of votes, or the majority of them, shall, in order to complete the 40 full number of directors, determine which of the said persons so having an equal number of votes shall be a director or directors. 53.7., c. 31, s. 19.

24. The directors, as soon as may be after their election, shall Election of proceed to elect, by ballot, two of their number to be president president and viceand vice-president respectively. president.

2. The directors may also elect by ballot one of their number Honorary 5 to be honorary president. 53 V., c. 31, s. 19; 4-5 E. VII., c. 4, president.

s. 4.

25. If a vacancy occurs in the board of directors the vacancy vacancies, shall be filled in the manner provided by the by-laws: Provided how filled. that, if the vacancy is not filled, the acts of a quorum of the Proviso. 10 remaining directors shall not be thereby invalidated. 53 V., c. 31, s. 19.

- 26. If a vacancy occurs in the office of the president or vice- Vacancy in president, the directors shall, from among themselves, elect a presidency or vicepresident or vice-president, who shall continue in office for the presidency. 15 remainder of the year. 53 V., c. 31, s. 19.
  - 27. If an election of directors is not made on the day ap-Postponed pointed for that purpose, such election may take place on any directors. other day, according to the by-laws made by the shareholders in that behalf.

2. The directors in office on the day appointed for the election Continuance of directors shall remain in office until a new election is made. in office. 53 V., c. 31, s. 20.

28. The president, or in his absence the vice-president, shall Meetings of directors. preside at all meetings of the directors.

2. If at any meeting of the directors both president and vice-Temporary

president are absent, one of the directors present, chosen to act pro tempore, shall preside.

3. The president, vice-president or president pro tempore, so Voting. presiding, shall vote as a director, and shall, if there is an equal

30 division on any question, also have a casting vote. 53 V., c. 31, s. 21.

29. The directors may make by-laws and regulations, not General repugnant to the provisions of this Act or to the laws of Canada, directors. with respect to-

(a) the management and disposition of the stock, property, affairs and concerns of the bank;

(b) the duties and conduct of the officers, clerks and servants employed therein; and,

(c) all such other matters as appertain to the business of a

40 2. All by-laws of the bank heretofore lawfully made and now Existing in force with regard to any matter respecting which the directors continued. may make by-laws under this section, including any by-laws for the establishing of guarantee and pension funds for the em-

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ployees of the bank, shall remain in force until they are repealed or altered by other by-laws made under this Act. 53 V., c. 31, s. 22.

Appointment of officers. 30. The directors may appoint as many officers, clerks and servants as they consider necessary for the carrying on of the 5 business of the bank.

Branches.

2. The directors may also appoint a director or directors for any branch of the bank.

Salaries.

3. Such officers, clerks and servants may be paid such salaries and allowances as the directors consider necessary.

Security.

4. The directors shall, before permitting any general manager, manager, officer, clerk or servant of the bank to enter upon the duties of his office, require him to give a bond, guarantee or other security to the satisfaction of the directors, for the due and faithful performance of his duties. 53 V., c. 31, s. 23. Am. 15

Special general meeting.

31. A special general meeting of the shareholders of the bank may be called at any time by—

(a) the directors of the bank or any four of them; or,

(b) any number not less than twenty-five of the share-holders, acting by themselves or by their proxies, who are 20 together proprietors of at least one-tenth of the paid-up capital stock of the bank.

Notice.

2. Such directors or shareholders shall give six weeks' previous public notice, specifying therein the object of such meeting.

Place.

3. Such meeting shall be held at the usual place of meeting of the shareholders.

Removal of president, vice-president or director.

Another to replace.

4. If the object of the special general meeting is to consider the proposed removal, for maladministration or other specified and apparently just cause, of the president or vice-president, 30 or of a director of the bank, and if a majority of the votes of the shareholders at the meeting is given for such removal, a director to replace him shall be elected or appointed in the manner provided by the by-aws of the bank, or, if there are no by-laws providing therefor, by the shareholders at the 35 meeting.

Choosing another president

or vice-

president.

5. If it is the president or vice-president who is removed, his office shall be filled by the directors in the manner provided in case of a vacancy occurring in the office of president or vice-president. 53 V., c. 31, s. 24.

One vote for each share.

**32.** Every shareholder shall, on all occasions on which the votes of the shareholders are taken, have one vote for each share held by him for at least thirty days before the time of meeting.

Ballot.

2. In all cases when the votes of the shareholders are taken, 45 the voting shall be by ballot.

3. All questions proposed for the consideration of the share-Majority to holders shall be determined by a majority of the votes of the determine. shareholders present or represented by proxy.

4. The chairman elected to preside at any meeting of the Casting vote.

5 shareholders shall vote as a shareholder only, unless there is a tie, in which case he shall, except as to the election of a director, have a casting vote.

5. If two or more persons are joint holders of shares, any As to joint one of the joint holders may be empowered, by letter of attorney holders of shares.

10 from the other joint holder or holders, or a majority of them,

to represent the said shares, and to vote accordingly.

6. Shareholders may vote by proxy, but no person other than Proxies. a shareholder eligible to vote shall be permitted to vote or act as proxy.

7. No general manager, manager, clerk or other subordinate officer not officer of the bank shall vote either in person or by proxy, or to vote.

hold a proxy for the purpose of voting.

8. No appointment of a proxy to vote at any meeting of Renewal of the shareholders of the bank shall be valid for that purpose, proxies.

20 unless it has been made or renewed in writing within the two

years last preceding the time of such meeting.

9. No shareholder shall vote, either in person or by proxy, Calls must on any question proposed for the consideration of the share-be paid before holders of the bank at any meeting of the shareholders, or voting.

25 in any case in which the votes of the shareholders of the bank are taken, unless he has paid all calls made by the directors which are then due and payable. 53 V., c. 31, s. 25. Am.

#### CAPITAL STOCK.

33. The capital stock of the bank may be increased, from Increase of time to time, by such percentage, or by such amount, as is capital.

30 determined upon by by-law passed by the shareholders at the annual general meeting, or at any special general meeting called for the purpose.

2. No such by-law shall come into operation, or be of any Approval of force or effect, unless and until a certificate approving thereof Board.

35 has been issued by the Treasury Board.

3. No such certificate shall be issued by the Treasury Board Conditions unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Treasury Board that a copy of the 40 by-law, together with notice of intention to apply for the certificate, has been published for at least four weeks in The Canada Gazette, and in one or more newspapers published in the place

4. Nothing herein contained shall be construed to prevent Treasury 45 the Treasury Board from refusing to issue such certificate if Board may refuse.

it thinks best so to do. 53 V., c. 31, s. 26.

where the chief office of the bank is situate.

Allotment.

To present shareholders.

**34.** Any of the original unsubscribed capital stock, or of the increased stock of the bank, shall, at such time as the directors determine, be allotted to the then shareholders of the bank pro rata, and at such rate as is fixed by the directors: Provided that—

(a) no fraction of a share shall be so allotted; and,

(b) in no case shall a rate be fixed by the directors, which will make the premium, if any, paid or payable on the stock so allotted, exceed the percentage which the rest or reserve fund of the bank then bears to the paid-up capital 10 stock thereof.

To the public.

2. Any of such allotted stock which is not taken up by the shareholder to whom the allotment has been made, within six months from the time when notice of the allotment was mailed to his address, or which he declines to accept, may, 15 subject to the provisions of this Act, be offered for subscription to the public, in such manner and on such terms as the directors prescribe. 53 V., c. 31, s. 27. Am.

Reduction of capital.

35. The capital stock of the bank may be reduced by by-law passed by the shareholders at the annual general meeting, or at 20 a special general meeting called for the purpose.

Approval of Treasury Board. 2. No such by-law shall come into operation or be of force or effect until a certificate approving thereof has been issued by the Treasury Board.

Conditions for approval.

3. No such certificate shall be issued by the Treasury Board 25 unless application therefor is made within three months from the time of the passing of the by-law, nor unless it appears to the satisfaction of the Board that—

(a) the shareholders voting for the by-law represent a majority in value of all the shares then issued by the 30

bank; and,

(b) a copy of the by-law, together with notice of intention to apply to the Treasury Board for the issue of a certificate approving thereof, has been published for at least four weeks in *The Canada Gazette*, and in one or more news- 35 papers published in the place where the chief office of the bank is situate.

Treasury Board may refuse. 4. Nothing herein contained shall be construed to prevent the Treasury Board from refusing to issue the certificate if it thinks best so to do.

Statements to be submitted to Treasury Board.

5. In addition to evidence of the passing of the by-law, and of the publication thereof in the manner in this section provided, statements showing.—

(a) the amount of stock issued;

(b) the number of shareholders represented at the meeting 45 at which the by-law passed;

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(c) the amount of stock held by each such shareholder;(d) the number of shareholders who voted for the by-law;

(e) the amount of stock held by each of such last mentioned shareholders;

(f) the assets and liabilities of the bank in full; and,

(g) the reasons and causes why the reduction is sought; 5 shall be laid before the Treasury Board at the time of the application for the issue of a certificate approving the by-law.

6. The passing of the by-law, and any reduction of the capital Not to affect stock of the bank thereunder, shall not in any way diminish or shareholders. interfere with the liability of the shareholders of the bank to

10 the creditors thereof at the time of the issue of the certificate

approving the by-law.

7. If in any case legislation is sought to sanction any reduction If legislation of the capital stock of any bank, a copy of the by-law or resolu- is asked to tion passed by the shareholders in regard thereto, together with reduction.

15 statements similar to those by this section required to be laid before the Treasury Board, shall, at least one month prior to the introduction into Parliament of the bill relating to such reduction, be filed with the Minister.

8. The capital shall not be reduced below the amount of two Limit of 20 hundred and fifty thousand dollars of paid-up stock. 53 V., reduction.

c. 31, s. 28.

35A. The capital stock of any bank heretofore incorporated Re-division which is at the date of the passing of this Act divided into shares of shares into higher of fifty dollars each may be re-divided into shares of one hundred values. 25 dollars each, by by-law passed by the shareholders at any annual general meeting or at any special general meeting called for the purpose.

2. Each shareholder shall be entitled on any re-division made in Allotment pursuance of the next preceding subsection to an allotment of one of shares, and new 30 share of one hundred dollars for each two shares of fifty dollars certificates. then held by him, and the bank may call in the existing certificates

of stock, and issue new certificates in lieu thereof.

3. As soon as may be after such re-division the bank shall call Sale of shares for tenders for the purchase of the share of persons who continue of holders 35 to hold respectively only one fifty dollar share by giving public dollar share notice for four weeks, and the advertisement shall state the total and public number of shares so offered; and a copy of such advertisement shall notice. be mailed in the post office, registered and post paid, to the last known address of each of such shareholders at least twenty-one days

40 before the last day fixed thereby for receipt of tenders, and the tenders shall be for two such fifty dollars shares or multiples thereof, and the highest tenderers shall be entitled, on payment of the amount tendered, to one one hundred dollar share for each two fifty dollar shares in respect of which they were the highest bidders.

45 4. The proceeds derived from the sale of the shares referred Distribution to in the next preceding subsection shall, without deduction for of proceeds. costs or charges, be distributed rateably among the former shareholders entitled thereio, and the payment of the amounts shall

relieve the bank from all liability to such shareholders in respect of the shares so sold.

Allotment of unsubscribed capital.

5. Any of the original unsubscribed capital stock, or of the and increased increased capital stock of a bank whose shareholders have passed a by-law under subsection 1 of this section, shall when issued be allotted in shares of one hundred dollars each.

#### SHARES AND CALLS.

Shares personalty. 36. The shares of the capital stock of the bank shall be

personal property.

Books of subscription.

2. For the purpose of disposing of stock which may be offered for subscription to the public under section 34 of this Act, stock 10 books may be opened at the chief office of the bank, or at such of its branches, or at such other places in Canada or in the United Kingdom or in any of the British colonies or possessions, as the directors prescribe.

Particulars and notices.

3. The provisions of subsections 3 and 4 of section 12 of this 15 Act shall apply to subscriptions for shares of the capital stock of the bank made under this section as fully and completely as if the said subsections were repeated and re-enacted in this section.

Transfers.

4. The shares, whether subscribed for under section 12 of this Act or under this section, or otherwise acquired, shall be assignable 20 and transferable at any of the places aforesaid, according to such form and subject to such rules and regulations as the directors prescribe.

Dividends.

5. The dividends accruing upon any share of the capital stock of the bank may be made payable at the chief office of the bank, 25 or at any of its branches, or at such other places in Canada or in the United Kingdom or in any of the British colonies or possessions, as the directors prescribe.

Agents.

6. The directors may appoint such agents in the United Kingdom or in any of the British colonies or possessions, for 30 the purposes of this section, as they deem necessary. 53 V, c. 31, s. 29. Am.

Payment of shares.

37. The shares of the capital stock shall be paid in by such instalments and at such times and places as the directors 35

Cancellation for non-payment.

2. The directors may cancel any subscription for any share, unless a sum equal to ten per cent at least on the amount subscribed for is actually paid at or within thirty days after the time of subscribing.

Not to relieve if bank insolvent.

3. Such cancellation shall not, in the event of insolvency, 40 relieve the subscriber, as hereinafter provided, from his liability to creditors. 53 V., c. 31, s. 30.

Calls on shares.

38. The directors may make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as they find necessary. 45 2. Such calls shall be made at intervals of not less than thirty Intervals days.

3. Notice of any such call shall be given to the shareholders. Notice.

- 4. No such call shall exceed ten per cent of each share sub-Limitation. 5 scribed. 53 V., c. 31, s. 31. Am.
- 39. If any part of the paid-up capital is lost the directors Capital lost shall, if all the subscribed stock is not paid up, forthwith make to be called calls upon the shareholders to an amount equivalent to the loss: Provided that all net profits shall be applied to make good 10 such loss.
  - 2. Any such loss of capital and the calls, if any, made in Returns to respect thereof, shall be mentioned in the next return made by Minister. the bank to the Minister. 53 V., c. 31, s. 48.
- 40. In case of the non-payment of any call, the directors Recovery 15 may, in the corporate name of the bank, sue for, recover, collect of calls. and get in any such call, or may cause and declare the shares in respect of which any such call is made to be forfeited to Forfeiture. the bank. 53 V., c. 31, s. 32.
- 41. If any shareholder refuses or neglects to pay any instal-Fine for 20 ment upon his shares of the capital stock at the time appointed pay call, therefor, such shareholder shall incur a penalty, to the use of the bank, of a sum of money equal to ten per cent of the amount of such shares.
- 2. If the directors declare any shares to be forfeited to the Sale of bank they shall, within six months thereafter, without any shares at previous formality, other than thirty days' public notice of public their intention so to do, sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient 30 to pay the unpaid instalments due on the remainder of the said shares, and the amount of penalties incurred upon the whole.

3. The president, vice-president, or general manager of the Transfer, bank shall execute the transfer to the purchaser of the shares how executed. so sold; and such transfer shall be as valid and effectual in 35 law as if it had been executed by the original holder of the

shares thereby transferred.

4. The directors, or the shareholders at a general meeting, Remission may, notwithstanding anything in this section contained, remit, of forfeiture either in whole or in part, and conditionally or unconditionally, any forfeiture or penalty incurred by the non-payment of instalments as aforesaid. 53 V., c. 31, s. 33. Am.

42. In any action brought to recover any money due on Recovery any call, it shall not be necessary to set forth the special matter in the declaration or statement of claim, but it shall be 45 sufficient to allege that the defendant is the holder of one share Allegations. or more, as the case may be, in the capital stock of the bank,

Proof.

and that he is indebted to the bank for a call or calls upon such share or shares, in the sum to which the call or calls amount, as the case may be, stating the amount and number of the calls.

2. It shall not be necessary, in any such action, to prove the appointment of the directors. 53 V., c. 31, s. 34.

#### TRANSFER AND TRANSMISSION OF SHARES.

Conditions for transfer of shares. 43. No assignment or transfer of the shares of the capital stock of the bank shall be valid unless—

(a) made, registered and accepted by the person to whom the transfer is made in a book or books kept for that purpose; and,

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(b) the person making the assignment or transfer has, if required by the bank, previously discharged all his debts or liabilities to the bank which exceed in amount the remaining stock, if any, belonging to such person, valued at the then current rate.

Fraction of share not transferable.

2. No fractional part of a share, or less than a whole share, shall be assignable or transferable. 53 V., c. 31, s. 35.

List of transfers.

44. A list of all transfers of shares registered each day in the books of the bank, showing, in each case, the parties to such transfers and the number of shares transferred, shall be made 20 up at the end of each day.

For inspection.

2. Such lists shall be kept at the chief office of the bank, for the inspection of its shareholders. 53 V., c. 31, s. 36. Am.

Requirements for valid transfer.

45. All sales or transfers of shares, and all contracts and agreements in respect thereof, hereafter made or purporting to 25 be made, shall be null and void, unless the person making the sale or transfer, or the person in whose name or behalf the sale or transfer is made, at the time of the sale or transfer,—

(a) is the registered owner in the books of the bank of the share or shares so sold or transferred, or intended or pur- 30

porting to be so sold or transferred; or,

(b) has the registered owner's assent to the sale.

Contract to state number. 2. The distinguishing number or numbers, if any, of such share or shares shall be designated in the contract of agreement of sale or transfer.

Purchasers without notice.

35 3. Notwithstanding anything in this section contained, the rights and remedies under any contract of sale, which does not comply with the conditions and requirements in this section mentioned, of any purchaser who has no knowledge of such non-compliance, are hereby saved. 53 V., c. 31, s. 37.

Sale of shares under execution.

46. When any share of the capital stock has been sold under a writ of execution, the officer by whom the writ was executed shall, within thirty days after the sale, leave with

the bank an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made.

2. The president, vice-president or general manager of Transfer, 5 the bank shall execute the transfer of the share so sold to the how executed. purchaser, but not until after all debts and liabilities to the bank of the holder of the share, and all liens in favour of the bank existing thereon, have been discharged as by this Act provided.

3. Such transfer shall be to all intents and purposes as valid validity. and effectual in law as if it had been executed by the holder of

the said share. 53 V., c. 31, s. 38. Am.

47. If the interest in any share in the capital stock of any Transmission bank is transmitted by or in consequence of,—

(a) the death, bankruptcy, or insolvency of any shareholder;

or,

(b) the marriage of a female shareholder; or,

(c) any lawful means, other than a transfer according to

the provisions of this Act;

20 the transmission shall be authenticated by a declaration in Howauthenwriting, as hereinafter mentioned, or in such other manner as ticated. the directors of the bank require.

2. Every such declaration shall distinctly state the manner Declaration.

in which and the person to whom the share has been trans-

25 mitted, and shall be made and signed by such person.

3. The person making and signing the declaration shall Acknowledge acknowledge the same before a judge of a court of record, or ment. before the mayor, provost or chief magistrate of a city, town, borough or other place, or before a notary public, where the 30 same is made and signed.

4. Every declaration so signed and acknowledged shall be left To be left with the *general* manager, or other officer or agent of the bank, with bank, who shall thereupon enter the name of the person entitled under

the transmission in the register of shareholders.

35 5. Until the transmission has been so authenticated, no per-Exercise of son claiming by virtue thereof shall be entitled to participate in rights as shareholder. the profits of the bank, or to vote in respect of any such share of the capital stock. 53 V., c. 31, s. 39. Am.

- 48. If the transmission of any share of the capital stock has Transmission 40 taken place by virtue of the marriage of a female shareholder, of female the declaration shall be accompanied by a copy of the register shareholder. of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such Declaration. share, and shall be made and signed by such female shareholder is and her husband.
  - 2. The declaration may include a statement to the effect if separate that the share transmitted is the separate property and under property of wife.

the sole control of the wife, and that she may, without requiring the consent or authority of her husband, receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself.

Revocation.

3. The declaration shall be binding upon the bank and persons making the same, until the said persons see fit to revoke it by a written notice to the bank to that effect.

Omission not to invalidate.

4. The omission of a statement in any such declaration that the wife making the declaration is duly authorized by her husband to make the same shall not invalidate the declaration. 10 53 V., c. 31, s. 40.

Authentication of declaration and papers in certain cases. 49. Every such declaration and instrument as are by the last two preceding sections required to perfect the transmission of a share in the bank shall, if made in any country other than Canada, the United Kingdom or a British colony,—

(a) be further authenticated by the clerk of a court of record under the seal of the court, or by the British consul or vice-consul, or other accredited representative of His Majesty's Government in the country where the declaration or instrument is made; or,

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(b) be made directly before such British consul, vice-consul

or other accredited representative.

Further evidence.

2. The directors, general manager or other officer or agent of the bank may require corroborative evidence of any fact alleged in any such declaration. 53 V., c. 31, s. 39. Am.

Transmission by will or intestacy. **50.** If the transmission has taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the letters of administration, or act of curatorship or tutorship, or an official extract therefrom, shall, together with the declaration, be produced and left with the general manager 30 or other officer or agent of the bank.

Entry.

2. The general manager or other officer or agent shall thereupon enter in the register of shareholders the name of the person entitled under the transmission. 53 V., c. 31, s. 41. Am.

Transmission by decease.

51. Notwithstanding anything in this Act, if the transmis-35 sion of any share of the capital stock has taken place by virtue of the decease of any shareholder, the production to the directors

and the deposit with them of—

(a) any authenticated copy of the probate of the will of the deceased shareholder, or of letters of administration of his 40 estate, or of letters of verification of heirship, or of the act of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, or any British colony, or of any testament, testamentary or testament dative expede in 45 Scotland; or,

(b) an authentic notarial copy of the will of the deceased shareholder, if such will is in notarial form according to the

law of the province of Quebec; or,

(c) if the deceased shareholder died out of His Majesty's dominions, any authenticated copy of the probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters;

shall be sufficient justification and authority to the directors for 10 paying any dividend, or for transferring or authorizing the transfer of any share, in pursuance of and in conformity to the probate, letters of administration, or other such document as

aforesaid. 53 V., c. 31, s. 42. Am.

## SHARES SUBJECT TO TRUSTS.

52. The bank shall not be bound to see to the execution of Bank not 15 any trust, whether expressed, implied or constructive, to which bound to see any share of its stock is subject.

2. The receipt of the person in whose name any such share Receipt. stands in the books of the bank, or, if it stands in the names of

more persons than one, the receipt of one of such persons, shall 20 be a sufficient discharge to the bank for any dividend or any other sum of money payable in respect of such share, unless, previously to such payment, express notice to the contrary has been given to the bank.

3. The bank shall not be bound to see to the application of Bank not 5 the money paid upon such receipt, whether given by one of bound.

such persons or all of them. 53 V., c. 31, s. 43.

53. No person holding stock in the bank as executor, admin- Executors or istrator, guardian, trustee, tutor or curator of or for any estate, trustees not personally trust or person named in the books of the bank as being so liable as 30 represented by him, shall be personally subject to any liability shareholders. as a shareholder; but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such estate and funds would be, if living and competent to hold the stock in his own

2. If the trust is for a living person, such person shall also Cestui que himself be liable as a shareholder.

3. If the estate, trust or person so represented is not so named Executor in the books of the bank, the executor, administrator, guardian, or trustee 40 trustee, tutor or curator shall be personally liable in respect of trust not the stock, as if he held it in his own name as owner thereof. 63-64 V., c. 26, s. 8.

#### ANNUAL AND SPECIAL STATEMENTS.

Statement
to be laid
before annual
meeting.

54. At every annual general meeting of the shareholders for the election of directors, the out-going directors shall submit a clear and full statement of the affairs of the bank, exhibiting on the one part, the liabilities of the bank, and, on the other part, the assets and resources thereof, and the statement shall be signed 5 on behalf of the board by the general manager and three at least of the directors of the bank.

Liabilities.

2. The statement shall include and show, on the one part, the amount of the—

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(a) capital stock paid in,

(b) rest or reserve fund,

(c) dividends declared and unpaid,

(d) balance of profits, as per profit and loss account herewith,

(e) notes of the bank in circulation,(f) deposits not bearing interest,

(g) deposits bearing interest, including interest accrued to date of statement,

(h) balances due to other banks in Canada.

(i) balances due to banks and banking correspondents in the United Kingdom and foreign countries, 20

(j) liabilities not included in the foregoing;

and the statement shall include and show, on the other part, the amount of—

Assets.

(a) current coin held by the bank,

(b) Dominion notes held,(c) notes of and cheques on other banks,

(d) balances due by other banks in Canada,

(e) balances due by banks and banking correspondents elsewhere than in Canada,

(f) Dominion and provincial government securities, (g) railway and other bonds, debentures and stocks,

(h) current loans in Canada on bonds, debentures and stocks,

(i) call and short loans elsewhere than in Canada,

(j) other current loans and discounts in Canada (less rebate of interest),

(k) other current loans and discounts elsewhere than in Canada (less rebate of interest),

(1) real estate other than bank premises,

(m) over due debts, estimated loss provided for,

(n) bank premises, at cost, less amounts (if any) written off, 40

(o) deposit with the Minister for the purposes of the Circulation Fund,

(p) other assets not included in the foregoing.

Other particulars. 3. Any other or further particulars than those called for by subsection 2 of this section, which, in the opinion of the directors, 45 are necessary to a full and clear statement of the affairs of the bank shall also be included and shown in such statement, and

compliance with the said subsection shall not be deemed to restrict the generality of the requirement of subsection 1 of this section.

4. The statement shall also include and show a profit and loss Profit and account for the financial year of the bank next preceding the date of loss account.

5 the annual general meeting.

5. At or after such meeting any shareholder shall be entitled, Copies, on application, to be furnished by the directors with a copy of the statement, and a copy thereof shall be sent to the Minister. 53 V., c. 31, s. 45. Am.

55. The directors shall also submit to the shareholders such Further further statements of the affairs of the bank as the shareholders statements require by by-law passed at the annual general meeting, or at by by-law. any special general meeting of the shareholders called for the

purpose.

2. The statements so required shall be submitted at the When to be annual general meeting, or at any special general meeting submitted. called for the purpose, or at such time and in such manner as is set forth in the by-law of the shareholders requiring such statements. 63-64 V., c. 26, s. 9. Am.

# SHAREHOLDERS' AUDIT.

56. The shareholders may, at any annual general meeting, Appointment appoint an auditor or auditors to hold office until the next annual of auditors by shareholders. general meeting.

2. If an appointment of auditors is not made at an annual By council of

general meeting, the executive council of the Association may, association on 25 on the written application of shareholders, the aggregate of whose shareholders. paid-up capital stock is equal to at least one-twentieth of the paid-up capital stock of the bank, appoint an auditor or auditors of the bank to hold office until the next annual general meeting, and the executive council shall fix the remuneration to be paid by the 30 bank for the services of the auditor or auditors so appointed.

3. A director or officer of the bank shall not be capable of being officers

appointed auditor of the bank.

4. A person, other than a retiring auditor, shall not be capable Notice

of being appointed auditor at an annual general meeting unless required of intention 35 written notice of an intention to nominate that person to the office to nominate of auditor has been given by a shareholder to the bank at its chief auditor. office, not less than twenty-one days before the annual general meeting, and the bank shall deliver a copy of any such notice to the retiring auditor, if any, and shall give notice of the names Retiring

40 of the persons eligible for nomination at said meeting, and by auditor notified. whom such persons are respectively intended to be nominated, to every shareholder of the bank by mailing the notice in the post Notice to office, post paid, to the last known post office address of the share-shareholders. holder at least fourteen days prior to the annual general meeting.

Vacancies.

Special meeting.

Public notice by advertisement. 5. If any casual vacancy occurs in the office of auditor the surviving or continuing auditor or auditors, if any, may act, but if there is no surviving or continuing auditor the directors shall, as hereafter in this section provided, call a special general meeting of the shareholders for the purpose of filling the vacancy.

6. Before calling such special general meeting the directors shall, as soon as may be after the vacancy occurs, give public notice by advertisement in six consecutive issues of one or more daily newspapers published in the place where the chief office of the bank is situate, and if no daily newspaper is published 10 at that place, then by advertisement in two consecutive issues of a newspaper published weekly in that place, of the vacancy in the office of auditor, and that the vacancy will be filled in the manner provided by this Act.

Notice of nomination to fill vacancy.

7. A person shall not be capable of being appointed auditor 15 to fill such vacancy unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the bank at its chief office not less than ten days after the last publication of the notice called for by the next preceding subsection.

Special general meeting.

Notice to shareholders.

shareholders

Remuneration of auditors.
Powers and rights of auditors.

Audit of branches or agencies. 8. The directors shall, as soon as may be after the expiry of the ten days mentioned in the next preceding subsection, call a special general meeting of the shareholders for the purpose of filling the vacancy, and notice of such meeting specifying the object, and embodying the names of the persons eligible for nomi-25 nation, and by whom such persons are respectively intended to be nominated, shall be given to every shareholder of the bank by mailing the notice in the post office, post paid, to the last known post office address of the shareholder, at least fourteen days prior to the date fixed for the meeting.

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The remuneration of the auditors shall be fixed by the share-

9. The remuneration of the auditors shall be fixed by the share-holders at the time of their appointment.

10. Every auditor of a bank shall have a right of access to the books and accounts, cash, securities, documents and vouchers of the bank, and shall be entitled to require from the directors and 35 officers of the bank such information and explanation as may be necessary for the performance of the duties of the auditors.

11. If the bank has branches or agencies it shall be sufficient for all the purposes of this section if the auditors are allowed access to the returns, reports and statements and to such copies of extracts 40 from the books and accounts of any such branch or agency as have been transmitted to the chief office, but the auditors may in their discretion visit any branch or agency for the purpose of examining the books and accounts, cash, securities, documents and vouchers at the branch or agency.

12. It shall be the duty of the auditors once at least during their term of office, in addition to such checking and verification as may be necessary for their report upon the statement submitted to the shareholders under section 54 of this Act, to check the cash and

Duty of auditors to check cash and verify securities. verify the securities of the bank at the chief office of the bank against the entries in regard thereto in the books of the bank, and, should they deem it advisable, to check and verify in the same manner the

cash and securities at any branch or agency.

5 13. The auditors shall make a report to the shareholders on the Report of accounts examined by them, on the checking of cash and verification shareholders. of securities referred to in the next preceding subsection, and on the statement of the affairs of the bank submitted by the directors to the shareholders under section 54 of this Act during their tenure of 10 office, and the report shall state,—

(a) whether or not they have obtained all the information and Particulars.

explanation they have required;

(b) whether their checking of cash and verification of securities required by subsection 12 of this section agreed with the entries

in the books of the bank with regard thereto; and,

(c) whether, in their opinion, the statement referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the bank's affairs according to the best of their information and the explanations given to them, and as shown by the books of the bank.

14. The auditors' report shall be attached to the statement sub-Attached mitted by the directors to the shareholders under section 54 of this statement Act, and the report shall be read before the shareholders in the and read.

annual general meeting.

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25 15. At or after such meeting any shareholder shall be entitled on Copies for application to be furnished by the directors with a copy of such and Minister. statement and report, and a copy of the report shall be forwarded to the Minister.

16. Any further statement of the affairs of the bank submitted Audit and 30 by the directors to the shareholders under section 55 of this Act report on shall be subject to audit and report, if auditors appointed under statements. this section are then in office, and the report of the auditors thereon shall state,—

(a) whether or not they have obtained the information and ex- Particulars.

35 planation they have required;

(b) whether, in their opinion, such further statement is properly drawn up so as to exhibit a true and correct view of the affairs of the bank, in so far as the by-law requires a statement thereof, according to the best of their information and the explanations given to them, and as shown by the books of the bank.

17. The report shall be attached to the further statement referred Attached to to in the next preceding subsection, and shall be read before the statement shareholders at the meeting to which such further statement is submitted, and a copy of the statement and report shall be sent by Copies.

45 the directors at and after the meeting to any shareholder applying therefor.

#### DIVIDENDS.

Quarterly or half yearly dividends.

57. The directors of the bank shall, subject to the provisions of this Act, declare quarterly or half yearly dividends of so much of the profits of the bank as to the majority of them seems advisable.

Notice.

2. The directors shall give at least thirty days' public notice 5 of the payment of such dividends previously to the date fixed for such payment.

Books closed.

3. The directors may close the transfer books during a certain time, not exceeding fifteen days, before the payment of each dividend. 53 V., c. 31, s. 47.

Liability of bank.

4. The liability of any bank under any law, custom or agreement to pay dividends heretofore or hereafter declared and payable on its capital stock shall continue notwithstanding any statute of limitations or any enactment or law relating to prescription. 53 V., c. 31, s. 90; R.S., c. 29, s. 126.

No prescription.

Dividend not to impair capital. Directors liable for such

dividend.

58. No dividend or bonus shall ever be declared so as to

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impair the paid-up capital of the bank.

2. The directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus, whereby the paid-up capital of the bank is impaired, shall be 20 jointly and severally liable for the amount of such dividend or bonus, as a debt due by them to the bank. 53 V., c. 31, s. 48.

Dividend limited unless there is a certain reserve. **59.** No division of profits, either by way of dividends or bonus, or both combined, or in any other way, exceeding the rate of eight per cent per annum, shall be made by the bank, 25 unless, after making the same, the bank has a rest or reserve fund, equal to at least thirty per cent of its paid-up capital after deducting all bad and doubtful debts. 53 V., c. 31, s. 49.

## CASH RESERVES.

Cash reserves in Dominion notes. Supply of Dominion notes.

60. The bank shall hold in Dominion notes not less than forty per cent of the cash reserves which it has in Canada. 30

2. The Minister shall make such arrangements as are necessary for ensuring the delivery of Dominion notes to any bank, in exchange for an equivalent amount of gold coin lawfully current at the several branch offices of the Department of Finance at which Dominion notes are redeemable, in Toronto, Montreal, 35 Halifax, St. John, Winnipeg, Victoria and Charlottetown, respectively.

Redemption.

3. Such notes shall be redeemable at any of the branch offices mentioned in subsection 2 hereof, subject to such regulations with regard to the manner of presenting for redemption as may be pre-40 scribed by the Treasury Board. 53 V., c. 31, s. 50. Am.

61. The bank may issue and re-issue its notes payable to Issue of bearer on demand and intended for circulation: Provided that,— notes.

(a) the bank shall not, during any period of suspension of Proviso. payment of its liabilities issue or re-issue any of its notes;

(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so to do.

2. No such note shall be for a sum less than five dollars, or \$5, or multiples.

for any sum which is not a multiple of five dollars.

3. The total amount of such notes in circulation at any time shall not exceed the amount of the unimpaired paid-up capital limited. of the bank: Provided that, during the usual season of moving

15 the crops, that is to say, from and including the first day of Additional issue during October in any year to and including the thirty-first day of moving of January next ensuing, in addition to the said amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes to an amount not exceeding fifteen per

20 cent of the combined unimpaired pa'd-up capital and rest or reserve fund of the bank as stated in the statutory monthly return made by the bank to the Minister for the month immediately preceding that in which the additional amount is issued.

4. Whenever, under the authority of the proviso to the next Notice of 25 preceding subsection of this section, the issue of an additional issue. amount of notes of the bank has been made, the general manager, or other principal officer next in authority in the management of the affairs of the bank for the time being, shall forthwith give notice thereof by registered letter addressed to the Minister and

30 to the president of the Association.

5. While its notes in circulation are in excess of the amount Interest on of its unimpaired paid-up capital, the bank shall pay interest issue. to the Minister at such rate, not exceeding five per cent per annum, as is fixed by the Governor in Council, on the amount

35 of its notes in circulation in excess from day to day; and the interest so paid shall form part of the Consolidated Revenue

Fund of Canada.

6. A return shall be made and sent by the bank to the Minister Return by showing the amount of its notes in circulation for each juridical

40 day during any month in which any amount of notes in excess

as aforesaid has been issued or is outstanding.

7. Such return shall be made up and sent within the first Time and fifteen days of the month next after that in which any such return. amount in excess has been issued or is outstanding, and shall be

45 accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule E to this Act, and shall be signed by the chief accountant, and by Signatures thereto. the president or vice-president or the director then acting as president, and by the general manager or other principal officer next in

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authority in the management of the affairs of the bank at the time at which the declaration is signed.

False return.

8. The provisions of section 153 of this Act shall apply to the return mentioned in the next preceding subsection.

Bank of British North America. 9. Notwithstanding anything in this section hereinbefore contained, the total amount of such notes of the Bank of British North America in circulation at any time shall not exceed seventy-five per cent of the unimpaired paid-up capital of the bank: Provided that,—

(a) the bank may issue its notes in excess of the said seventyfive per cent upon depositing with the Minister, in respect of the excess, in cash or securities of the Dominion of
Canada, an amount equal to the excess; and the cash or
securities so deposited shall, in the event of the suspension
of the bank, be available by the Minister for the redemption 15
of the notes issued in excess as aforesaid; and

(b) the total amount of such notes of the bank in circulation at any time shall not, except as in paragraph (c) of this subsection authorized, exceed its unimpaired paid-up capital;

(c) the Bank may, during the said season of moving of crops, in addition to the circulation of its notes hereinbefore in this subsection authorized, issue its notes to an amount not exceeding ten per cent of the combined unimpaired paid-up capital and rest or reserve fund of the bank as 25 stated in the statutory return made by the bank for the month immediately preceding that in which the said additional amount is issued; and the said additional amount shall be otherwise subject to all the provisions of this section respecting circulation in addition to or in excess of 30 the unimpaired paid-up capital permitted to other banks.

10. All notes issued or re-issued by any bank, and now in circulation, which are for a sum less than five dollars, or for a sum which is not a multiple of five dollars, shall be called in and cancelled as soon as practicable. 53 V., c. 31, s. 51; 63-64 35

V., c. 26, s. 10; 7-8 E. VII., c. 7, s. 1. Am.

Note issue at agency in British possessions other than Canada.

Calling

in of notes

under \$5 or not

multiples

of \$5.

62. Notwithstanding the provisions of the last preceding section any bank may issue and re-issue, at any office or agency of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and in-40 tended for circulation in such colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars each, or for any multiple of such sum, of the dollars in commercial use in such colony or possession, if the issue or re-issue of such notes is not forbidden by 45 the laws of such colony or possession.

Governor in Council to fix rate for circulation. 2. No issue of notes of the denomination of five such dollars, or any multiple thereof, shall be made in any such British colony or possession unless nor until the Governor in Council,

on the report of the Treasury Board, determines the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the notes in circulation

within the meaning of the last preceding section.

3. The notes so issued shall be redeemable at par at any office Redemption. or agency of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as in this section specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each 10 note so issued.

4. In the event of the bank ceasing to have an office or agency Redemption in any such British colony or possession, all notes issued in such if agency is abolished. colony or possession under the provisions of this section shall become payable and redeemable at the rate of four dollars and

15 eighty-six and two-thirds cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by this section, in the same manner as notes 20 of the bank issued in Canada are payable and redeemable.

5. The amount of the notes at any time in circulation in any Total such colony or possession, issued under the provisions of this amount of circulation. section, shall, at the rate mentioned in the last preceding subsection, form part of the total amount of the notes in circula-

25 tion within the meaning of the last preceding section, and, except as herein otherwise specially provided, shall be subject to all the provisions of this Act.

6. No notes issued for circulation in a British colony or pos- No re-issue session other than Canada shall be re-issued in Canada.

7. Nothing in this section shall be construed to authorize section any bank.-

(a) to increase the total amount of its notes in circu ation in Canada and elsewhere beyond the 'imit fixed by the last preceding section; or,

(b) to issue or re-issue in Canada notes payable to bearer on demand, and intended for circulation, for a sum less than five dollars, or for a sum which is not a multiple of

five dollars. 4 E. VII., c. 3, ss. 1, 2, 3 and 4.

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63. The bank shall not pledge, assign, or hypothecate its Pledge of 40 notes; and no advance or loan made on the security of the notes prohibited. notes of a bank shall be recoverable from the bank or its assets. 53 V., c. 31 s. 52.

64. The moneys heretofore paid to and now deposited Bank with the Minister by the banks to which this Act applies, con-45 stituting the fund known as the Bank Circulation Redemption fund Fund, shall continue to be held by the Minister for the purposes continued. and subject to the provisions in this section mentioned and contained.

\$5,000 to be retained upon issue

2. The Minister shall, upon the issue of a certificate under this Act authorizing a bank to issue notes and commence the of certificate. business of banking, retain, out of any moneys of such bank then in his possession, the sum of five thousand dollars, which sum shall be held for the purposes of this section, until the 5 annual adjustment hereinafter provided for takes place in the year then next following.

Adjustment.

3. The amount at the credit of such bank shall, at such next annual adjustment, be adjusted by payment to or by the bank of such sum as is necessary to make the amount of money at 10 the credit of the bank equal to five per cent of the average amount of its notes in circulation from the time it commenced business to the time of such adjustment and such sum shall thereafter be adjusted annually as hereinafter provided.

Five per cent of average circulation.

Circulation

fund.

4. The amounts heretofore and from time to time hereafter 15 paid, to be retained and held by the Minister as by this section provided, shall continue to form and shall form the Circulation Fund.

Its purposes.

5. The Circulation Fund shall continue to be held as heretofore for the sole purpose of payment, in the event of the 20 suspension by a bank of payment in specie or Dominion notes of any of its liabilities as they accrue, of the notes then issued or re-issued by such bank, intended for circulation, and then in circulation, and interest thereon.

Fund to bear interest.

6. The Circulation Fund shall bear interest at the rate of 25 three per cent per annum.

Adjustment annually.

7. The Circulation Fund shall be adjusted, as soon as possible after the thirtieth day of June in each year, in such a way as to make the amount at the credit of each bank contributing thereto, unless herein otherwise specially provided, 30 equal to five per cent of the average note circulation of such bank during the then last preceding twelve months.

Average note circulation, determined.

8. The average note circulation of a bank during any period shall be determined from the average of the amount of its notes in circulation, as shown by the monthly returns for such period 35 made by the bank to the Minister; and where, in any return the greatest amount of notes in circulation at any time during the month is given, such amount shall, for the purposes of this section, be taken to be the amount of the notes of the bank in circulation during the month to which such return relates.

Rights of Minister.

Proviso.

9. The Minister shall, with respect to all notes paid out of the Circulation Fund, have the same rights as any other holder of notes of the bank: Provided that all such notes, and all interest thereon, so paid by the Minister, after the amount at the credit of such bank in the Circulation Fund, and all interest 45 due or accruing due thereon, has been exhausted, shall bear interest, at the rate of three per cent per annum, from the time such notes and interest are paid until such notes and interest are repaid to the Minister by or out of the assets of such bank. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 13.

65. In the event of the suspension by a bank of payment Notes of in specie or Dominion notes of any of its liabilities as they suspending accrue, the notes of the bank, issued or re-issued, intended for payment to circulation, and then in circulation, shall bear interest at the 5 rate of five per cent per annum, from the day of the sus-

pension to such day as is named by the directors, or by the liquidator, receiver, assignee or other proper official, for the payment thereof.

2. Notice of such day shall be given by advertisement in at Notice of 10 least three consecutive issues of a daily newspaper, published payment. in the place in which the chief office of the bank is situate, and if there is no daily newspaper published there, then by advertisement in two consecutive issues of any weekly newspaper published in that place.

3. If any notes presented for payment on or after any day As to notes named for payment thereof are not paid, all notes then unpaid not then presented. and in circulation shall continue to bear interest until such further day as is named for payment thereof, of which day notice shall be given in manner hereinbefore provided.

20 4. If the directors of the bank or the liquidator, receiver, Notes not assignee or other proper official fails to make arrangements, redeemed to be paid within two months from the day of the suspension of payment out of by the bank, for the payment of all of its notes and interest fund. thereon, the Minister may make arrangements for the payment

25 out of the Circulation Fund, of the notes remaining unpaid and all interest thereon, and the Minister shall give such notice of the payment as he thinks expedient.

5. Notwithstanding anything herein, all interest upon such Interest to notes shall cease upon and from the date named by the cease.

30 Minister for such payment.

6. Nothing herein shall be construed to impose any liability Government upon the Government of Canada, or upon the Minister, beyond not liable. the amount available from time to time out of the Circulation Fund. 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 11. Am.

66. All payments made from the Circulation Fund shall be Payments without regard to the amount contributed thereto by the bank from fund. in respect of whose notes the payments are made.

2. If the payments from the Circulation Fund exceed the If fund amount contributed to the Circulation Fund by the bank so sus-exceeded.

40 pending payment, and all interest due or accruing due to such bank thereon, the other banks to which this Act applies shall, on demand, make good to the Circulat on Fund the amount of the excess, proportionately to the amount which each such other bank had or should have contributed to the Circulation Fund,

45 at the time of the suspension of the bank in respect of whose Proviso. notes the payments are made: Provided that,-

(a) each of such other banks shall only be called upon to make good to the Circulation Fund its share of the excess

in payments not exceeding, in any one year, one per cent of the average amount of its notes in circulation;

(b) such circulation shall be ascertained in such manner as the Minister decides; and,

(c) the Minister's decision shall be final.

Amounts how distributed.

3. All amounts recovered and received by the Minister from the bank on account of which such payments were made shall, after the amount of such excess has been made good as aforesaid, be distributed among the banks contributing to make good such excess, proportionately to the amount contributed by each. 10 53 V., c. 31, s. 54; 63-64 V., c. 26, s. 12.

Refund of deposit if wound-up.

67. In the event of the winding-up of the business of a bank by reason of insolvency or otherwise, the Treasury Board may, on the application of the directors, or of the liquidator, receiver, assignee or other proper official, and on being satisfied that 15 proper arrangements have been made for the payment of the notes of the bank and any interest thereon, pay over to the directors, liquidator, receiver, assignee or other proper official, the amount of the Circulation Fund at the credit of the bank, or such portion thereof as it thinks expedient. 53 V., c. 31, s. 54. 20

Treasury Board rules.

68. The Treasury Board may make all such rules and regulations as it thinks expedient with reference to-

(a) the payment of any moneys out of the Circulation Fund, and the manner, place and time of such payments;

(b) the collection of all amounts due to the Circulation 25 Fund:

(c) all accounts to be kept in connection therewith; and,

(d) generally the management of the Circulation Fund and all matters relating thereto. 53 V., c. 31, s. 54.

Minister may enforce payments.

69. The Minister may, in his official name, by action in the 30 Exchequer Court of Canada, enforce payment, with costs of action, of any sum due and payable by any bank which should form part of the Circulation Fund. 53 V., c. 31, s. 54.

Arrangements to be made for circulation at par, and redemption.

**70.** The bank shall make such arrangements as are necessary to ensure the circulation at par, in any and every part of Canada, 35 of all notes issued or re-issued by it and intended for circulation; and towards this purpose the bank shall establish agencies for the redemption and payment of its notes at Toronto, Montreal, Halifax, St. John, Winnipeg, Victoria, Charlottetown, Regina and Edmonton, and at such other places as are, from time to 40 time, designated by the Treasury Board. 53 V., c. 31, s. 55. Am.

Bank must take its own notes.

71. The bank shall always receive in payment its own notes at par at any of its offices, and whether they are made payable 45 there or not.

- 2. The chief office of the bank shall always be one of the At chief places at which its notes are made payable. 53 V., c. 31, s. 56. office.
- 72. The bank, when making any payment, shall, on the Payment in 5 request of the person to whom the payment is to be made, pay notes. the same, or such part thereof, not exceeding one hundred dollars, as such person requests, in Dominion notes for one, two, or four dollars each, at the option of such person.

2. No payment, whether in Dominion notes or bank notes, No torn or defaced 10 shall be made in bills that are torn or partially defaced by notes. excessive handling. 53 V., c. 31, s. 57.

73. The bonds, obligations and bills, obligatory or of credit, Bonds, of the bank under its corporate seal, signed by the president or and bills vice-president, and countersigned by the general manager or other to be 15 principal officer next in authority in the management of the affairs assignable by endorsement.

of the bank, which are made payable to any person, shall be

assignable by endorsement thereon.

2. The bills or notes of the bank signed by the president, Bills or notes vice-president, general manager or other officer appointed by the though not 20 directors of the bank to sign the same, promising the payment sealed. of money to any person, or to his order, or to the bearer, though not under the corporate seal of the bank, shall be binding and obligatory on the bank, in like manner and with the like force and effect as they would be upon any private person, if issued

25 by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person in

his natural capacity.

3. The directors of the bank may, from time to time, authorize Directors or depute the general manager, a manager or other officer of the officer to 30 bank, or any director other than the president or vice-president, sign. or any manager or local director of any branch or office of discount and deposit of the bank, to sign the notes of the bank intended for circulation. 53 V., c. 31, s. 58. Am.

74. All bank notes and bills whereon the name of any person Bills may be 35 entrusted or authorized to sign such notes or bills on behalf of signed by machinery. the bank is impressed by machinery provided for that purpose, by or with the authority of the bank, shall be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person entrusted or 40 authorized by the bank to sign the same respectively, and shall be bank notes and bills within the meaning of all laws and statutes whatever, and may be described as bank notes or bills

Provided that at least one signature to each note or bill must One signature 45 be in the actual handwriting of a person authorized to sign to be handwritten. such note or bill. 53 V., c. 31, s. 59.

in all indictments and civil or criminal proceedings whatever:

Counterfeit notes to be stamped.

75. Every officer charged with the receipt or disbursement or fraudulent of public moneys, and every officer of any bank, and every person acting as or employed by any banker, shall stamp or write in plain letters, upon every counterfeit or fraudulent note issued in the form of a Dominion or bank note, and intended 5 to circulate as money, which is presented to him at his place of business, the word "Counterfeit," "Altered" or "Worthless."

If wrongfully stamped

2. If such officer or person wrongfully stamps any genuine note he shall, upon presentation, redeem it at the face value thereof. 53 V., c. 31, s. 62.

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THE BUSINESS AND POWERS OF A BANK.

Business and powers of bank.

**76.** The bank may,—

(a) open branches, agencies and offices;

(b) engage in and carry on business as a dealer in gold and

silver coin and bullion:

(c) deal in, discount and lend money and make advances 15 upon the security of, and take as collateral security for any loan made by it, bills of exchange, promissory notes and other negotiable securities, or the stock, bonds, debentures and obligations of municipal and other corporations, whether secured by mortgage or otherwise, or Dominion, 20 provinc al, British, foreign and other public securities; and,

(d) engage in and carry on such business generally as apper-

tains to the business of banking.

Exceptions.

2. Except as authorized by this Act, the bank shall not, either directly or indirectly,-

(a) deal in the buying or selling, or bartering of goods, wares and merchandise, or engage or be engaged in any trade or business whatsoever:

(b) purchase, or deal in, or lend money, or make advances upon the security or pledge of any share of its own capital 30

stock, or of the capital stock of any bank; or,

(c) lend money or make advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise. 53 V., c. 31, 35 s. 64.

Bank to have lien upon the debtors.

77. The bank shall have a privileged lien, for any debt or liability for any debt to the bank, on the shares of its own capital stock, and on any unpaid dividends of the debtor or person liable, and may decline to allow any transfer of the shares 40 of such debtor or person until the debt is paid.

Sale of shares.

Notice.

2. The bank shall, within twelve months after the debt has accrued and become payable, sell such shares: Provided that notice shall be given to the holder of the shares of the intention of the bank to sell the same, by mailing the notice, 45 in the post office, post paid, to the last known address of the holder, at least thirty days prior to the sale.

3. Upon the sale being made the president, vice-president, Transfer.

or general manager shall execute a transfer of the shares to the

5 purchaser thereof in the usual transfer book of the bank.

4. Such transfer shall vest in the purchaser all the rights Effect of in or to the said shares which were possessed by the holder transfer. thereof, with the same obligation of warranty on his part as if he were the vendor thereof, but without any warranty from the 10 bank or by the officer of the bank executing the transfer. 53 V., c. 31, s. 65. Am.

78. The stock, bonds, debentures or securities, acquired and collateral held by the bank as collateral security, may, in case of default securities may be sold.

in the payment of the debt, for the securing of which they were 15 so acquired and held, be dealt with, sold and conveyed, either in like manner and subject to the same restrictions as are herein provided in respect of stock of the bank on which it has acquired a lien under this Act, or in like manner as and subject to the restrictions under which a private individual might in 20 like circumstances deal with, sell and convey the same: Pro-

20 like circumstances deal with, sell and convey the same: Provided that the bank shall not be obliged to sell within twelve months.

2. The right so to deal with and dispose of such stock, bonds, Right of debentures or securities in manner aforesaid may be waived or sale may be 25 varied by any agreement between the bank and the owner of the stock, bonds, debentures or securities, made at the time at which such debt was incurred, or, if the time of payment of the debt has been extended, then by an agreement made at the time of the extension. 53 V., c. 31, s. 66.

30 **79.** The bank may acquire and hold real and immoveable pro-Acquisition perty for its actual use and occupation and the management of of real estate. its business, and may sell or dispose of the same, and acquire other property in its stead for the same purpose. 53 V., c. 31, s. 67.

35 **80.** The bank may take, hold and dispose of mortgages and Mortgages hypotheques upon real or personal, immovable or movable pro- and hypothèques perty, by way of additional security for debts contracted to the of realty. bank in the course of its business.

2. The rights, powers and privileges which the bank is by As to 40 this Act declared to have, or to have had, in respect of real or personalty. immovable property mortgaged to it, shall be held and possessed by it in respect of any personal or movable property which is mortgaged or hypothecated to the bank. 53 V., c. 31, s. 68.

**81.** The bank may purchase any lands or real or immovable Purchases 45 property offered for sale,—

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(a) under execution, or in insolvency, or under the order or decree of a court, as belonging to any debtor to the bank;

(b) by a mortgagee or other encumbrancer, having priority over a mortgage or other encumbrance held by the bank; 5

(c) by the bank under a power of sale given to it for that

purpose;

in cases in which, under smillar circumstances, an individual could so purchase, without any restriction as to the value of the 10 property which it may so purchase, and may acquire a title thereto as any individual, purchasing at sheriff's sale, or under a power of sale, in like circumstances could do, and may take have, hold and dispose of the same at pleasure. 53 V., c. 31, 15 s. 69.

Bank may acquire mortgaged premises.

82. The bank may acquire and hold an absolute title in or absolute title to real or immovable property mortgaged to it as security for a debt due or owing to it, either by the obtaining of a release of the equity of redemption in the mortgaged property, or by procuring a foreclosure, or by other means whereby, as between 20 individuals, an equity of redemption can, by law, be barred, and may purchase and acquire any prior mortgage or charge on such property.

No Act or law to prevent.

2. Nothing in any charter, Act or law shall be construed as ever having been intended to prevent or as preventing the bank 25 from acquiring and holding an absolute title to and in any such mortgaged real or immovable property, whatever the value thereof, or from exercising or acting upon any power of sale contained in any mortgage given to or held by the bank, authorizing or enabling it to sell or convey away any property so mort- 30 gaged. 53 V., c. 31, s. 71; 63-64 V., c. 26, s. 14.

Property to be sold within certain time.

83. No bank shall hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as in this section 35 provided, and such property shall be absolutely sold or disposed of, within such period or extended period, as the case may be, so that the bank shall no longer retain any interest therein unless by way of security.

Extension of time.

2. The Treasury Board may direct that the time for the sale 40 or disposal of any such real or immovable property shall be extended for a further period or periods, not to exceed five

Twelve years.

3. The whole period during which the bank may so hold such property under the foregoing provisions of this section shall not exceed twelve years from the date of the acquisition thereof.

4. Any real or immovable property, not required by the bank Property not lead the bank property not sold liable for its own use, held by the bank for a longer period than au-sold liable to forfeiture. thorized by the foregoing provisions of this section shall be liable to be forfeited to His Majesty for the use of the Dominion

5 of Canada: Provided that,-

(a) no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the bank by the Minister of the intention of His Majesty to claim the forfeiture; and,

10 (b) the bank may, notwithstanding such notice, before the forfeiture is effected sell or dispose of the property free

from liability to forfeiture.

5. The provisions of this section shall apply to any real or Provisions immovable property heretofore acquired by the bank and held apply to realty now 15 by it at the time of the coming into force of this Act. 63-64 V., held.

84. The bank may lend money upon the security of standing Loans on timber, and the rights or licenses held by persons to cut or standard timber.

remove such timber.

2. The bank may lend money to a receiver, to a receiver and Loans to 20 manager, or to a liquidator appointed under any general winding-liquidator up Act, provided such receiver, receiver and manager or liquidator under Winding-up has been duly authorized or empowered to borrow; and, in respect Acts. of any money so lent, the bank may take security, with or without 25 personal liability, from such receiver, receiver and manager, or liquidator, to such an amount, in such form and upon such property and assets, as may be lawfully directed or authorized by any Security fixed court of competent jurisdiction. 63-64 V., c. 26, s. 16. Am.

85. Every bank advancing money in aid of the building of Advances for 30 any ship or vessel shall have the same right of acquiring and ships. holding security upon such ship or vessel, while building and when completed, either by way of mortgage, hypothèque, hypothecation, privilege or lien thereon, or purchase or transfer thereof, as individuals have in the province wherein the ship 35 or vessel is being built.

2. The bank may, for the purpose of obtaining and enforcing Rights and such security, avail itself of all such rights and means, and shall obligations. be subject to all such obligations, limitations and conditions, as are, by the law of such province, conferred or imposed upon in-

40 dividuals making such advances. 53 V., c. 31, s. 72.

**86.** The bank may acquire and hold any warehouse receipt Warehouse or bill of lading as col ateral security for the payment of any receipts and debt incurred in its favour, or as security for any liability lading. 45 incurred by it for any person, in the course of its banking business.

Effect of taking.

- 2. Any warehouse receipt or bill of lading so acquired shall vest in the bank, from the date of the acquisition thereof,—
  - (a) all the right and title to such warehouse receipt or bill of lading and to the goods covered thereby of the previous holder or owner thereof; or,
  - (b) all the right and title to the goods, wares and merchandise mentioned therein of the person from whom the same were received or acquired by the bank, if the warehouse receipt or bill of lading is made directly in favour of the bank, instead of to the previous holder or owner of such 10 goods, wares and merchandise. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15.

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When previous holder is an agent

- 87. If the previous holder of such warehouse receipt or bill of lading is any person,--
  - (a) entrusted with the possession of the goods, wares and 15 merchandise mentioned therein, by or by the authority of the owner thereof; or,
  - (b) to whom such goods, wares and merchandise are, by or by the authority of the owner thereof, consigned; or,
  - (c) who, by or by the authority of the owner of such goods, 20 wares and merchandise, is possessed of any bill of lading, receipt, order or other document covering the same, such as is used in the course of business as proof of the possession or control of goods, wares and merchandise, or as authorizing or purporting to authorize, either by endorsement or by 25 delivery, the possessor of such a document to transfer or receive the goods, wares and merchandise thereby repre-

the bank shall be, upon the acquisition of such warehouse receipt or bill of lading, vested with all the right and title of 30 the owner of such goods, wares and merchandise, subject to the right of the owner to have the same retransferred to him if the debt or liability, as security for which such warehouse receipt or bill of lading is held by the bank, is paid.

Presumption

- 2. Any person shall be deemed to be the possessor of such 35 of possession. goods, wares and merchandise, bill of lading, receipt, order or other document as aforesaid,-
  - (a) who is in actual possession thereof: or.
  - (b) for whom, or subject to whose control, the same are held by any person. 53 V., c. 31, s. 73; 63-64 V., c. 26, s. 15.

Loans to wholesale shippers or dealers.

Upon security.

88. The bank may lend money to any wholesale purchaser or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live stock or dead stock and the products thereof, upon the security of such pro- 45 ducts, or of such live stock or dead stock and the products thereof.

2. The bank may lend money to any person engaged in Loans to business as a wholesale manufacturer of any goods, wares and wholesale manufacmerchandise, upon the security of the goods, wares and mer-turers. chandise manufactured by him, or procured for such manu-5 facture.

3. The bank may allow the goods, wares and merchandise Removal covered by the security referred to in the preceding subsections of goods. of this section to be removed and other goods, wares and merchandise, such as mentioned in the said subsections, to be respec-

10 tively substituted therefor, if the goods, wares and merchandise so substituted are of substantially the same character, and of Substitution. substantially the same value as, or of less value than, those for which they have been so substituted; and the goods, wares and merchandise so substituted shall be covered by such security Security.

15 as if originally covered thereby.

4. Any such security, as mentioned in the foregoing provi-Owner may sions of this section, may be given by the owner of the said give the goods, wares and merchandise, stock or products.

5. The security may be taken in the form set forth in Schedule Form of

20 C to this Act, or to the like effect.

6. The bank shall, by virtue of such security, acquire the same rights same rights and powers in respect of the goods, wares and as upon merchandise, stock or products covered thereby, as if it had receipts. acquired the same by virtue of a warehouse receipt. 53 V., 25 c. 31, s. 74; 63-64 V., c. 26, s. 17. Am.

89. If goods, wares and merchandise are manufactured or Goods produced from the goods, wares and merchandise, or any of manufacthem, included in or covered by any warehouse receipt, or articles

included in or covered by any security given under the last pledged 30 preceding section, while so covered, the bank holding such warehouse receipt or security shall hold or continue to hold such goods, wares and merchandise, during the process and after the completion of such manufacture or production, with the same right and title, and for the same purposes and upon 35 the same conditions, as it held or could have held the original

goods, wares and merchandise.

2. All advances made on the security of any bill of lading Prior claim or warehouse receipt, or of any security given under the last of bank over unpaid preceding section, shall give to the bank making the advances vendor.

40 a claim for the repayment of the advances on the goods, wares and merchandise therein mentioned, or into which they have been converted, prior to and by preference over the claim of any unpaid vendor: Provided that such preference shall not Proviso. be given over the claim of any unpaid vendor who had a lien

45 upon the goods, wares and merchandise at the time of the acquisition by the bank of such warehouse receipt, bill of lading, or security, unless the same was acquired without knowledge on the part of the bank of such lien.

Sale of goods on non-payment of debt.

3. In the event of the non-payment at maturity of any debt or liability secured by a warehouse receipt or bill of lading, or secured by any security given under the last preceding section, the bank may sell the goods, wares and merchandise mentioned therein, or so much thereof as will suffice to pay such debt or liability with interest and expenses, returning the surplus, if any, to the person from whom the warehouse receipt, bill of lading, or security, or the goods, wares and merchandise mentioned therein, as the case may be, were acquired: Provided that such power of sale shall be exercised subject to the follow- 10 ing provisions, namely:-

Proviso.

Notice of sale of saw-logs railway ties and lumber.

(a) No sale, without the consent in writing of the owner of any saw-logs, railway ties or other timber, boards, deals, staves, or other lumber, shall be made under this Act until notice of the time and place of such sale has been given by 15 a registered letter, mailed in the post office, post paid, to the last known address of the pledger thereof, at least thirty

days prior to the sale thereof;

Notice of sale of goods. (b) No goods, wares and merchandise, other than saw-logs, railway ties or other timber, boards, deals, staves, or other 20 lumber, shall be sold by the bank under this Act without the consent of the owner, until notice of the time and place of sale has been given by a registered letter, mailed in the post office, post paid, to the last known address of the pledger thereof, at least ten days prior to the sale thereof;

Sale by auction. (c) Every sale, under such power of sale, without the consent of the owner, shall be made by public auction, after notice thereof by advertisement, in at least two newspapers published in or nearest to the place where the sale is to be made, stating the time and place thereof; and, if the sale 30 is in the province of Quebec, then at least one of such newspapers shall be a newspaper published in the English language, and one other such newspaper shall be a newspaper published in the French language. 53 V., c. 31, ss. 76, 77 and 78; 63-64 V., c. 26, s. 19. Am. 35

Conditions under which bank may security.

90. The bank shall not acquire or hold any warehouse receipt or bill of lading, or any such security as aforesaid, to secure the payment of any bill, note, debt, or liability, unless such bill, note, debt or liability is negotiated or contracted,-

(a) at the time of the acquisition thereof by the bank; or, (b) upon the written promise or agreement that such ware-

house receipt or bill of lading or security would be given to

Proviso.

Provided that such bill, note, debt, or liability may be renewed, or the time for the payment thereof extended, without affecting 45 any such security.

Exchanging of warehouse

2. The bank may,

(a) on shipment of any goods, wares and merchandise for

which it holds a warehouse receipt, or any such security as receipt for aforesaid, surrender such receipt or security and receive a bill of lading and vice

bill of lading in exchange therefor; or,

(b) on the receipt of any goods, wares and merchandise for which it holds a bill of lading, or any such security as aforesaid, surrender such bill of lading or security, store the goods, wares and merchandise, and take a warehouse receipt therefor, or ship the goods, wares and merchandise, or part of them, and take another bill of lading therefor. 53 V., c. 31, s. 75; 63-64 V., c. 26, s. 18.

91. The bank may stipulate for, take, reserve or exact any Interest at rate of interest or discount, not exceeding seven per cent per 7 per cent may be annum, and may receive and take in advance any such rate, charged. but no higher rate of interest shall be recoverable by the bank. 15 53 V., c. 31, s. 80.

92. The bank may allow any rate of interest whatever upon Any rate money deposited with it. 53 V., c. 31, s. 80.

2. The liability of the bank, under any law, custom or agree- Liability of ment to repay moneys heretofore or her after deposited with it bank on deposits. 20 and interest, if any, shall continue, notwithstanding any statute of limitations, or any enactment or law relating to prescription. 53 V., c. 31, s. 90; R. S., c. 29, s. 126.

93. When any note, bill, or other negotiable security or Percentage paper, payable at any of the bank's places or seats of business, for collection. 25 branches, agencies or offices of discount and deposit in Canada, is discounted at any other of the bank's places or seats of business, branches, agencies or offices of discount and deposit, the bank may, in order to defray the expenses attending the collection thereof, receive or retain, in addition to the discount there-30 on, a percentage calculated upon the amount of such note, bill, or other negotiable security or paper, not exceeding, if the note,

bill, or other negotiable security or paper is to run,-

(a) for less than thirty days, one-eighth of one per cent; (b) for thirty days or over but less than sixty days, one-

fourth of one per cent;

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(c) for sixty days or over but less than ninety days, threeeighths of one per cent; and,

(d) for ninety days or over, one-half of one per cent. 53 V., c. 31, s. 82.

94. The bank may, in discounting any note, bill or other Agency negotiable security or paper, bona fide payable at any place in charges. Canada, other than that at which it is discounted, and other than one of its own places or seats of business, branches, agencies or offices of discount and deposit in Canada, receive and 45 retain, in addition to the discount thereon, a sum not exceeding

one-half of one per cent on the amount thereof, to defray the expenses of agency and charges in collecting the same. 53 V., c. 31, s. 83.

be received from persons unable to contract.

95. The bank may, subject to the provisions of this section, without the authority, aid, assistance or intervention of any other person or official being required,—

(a) receive deposits from any person whomsoever, whatever his age, status or condition in life, and whether such person is qualified by law to enter into ordinary contracts or not; and,

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(b) from time to time repay any or all of the principal thereof, and pay the whole or any part of the interest thereon to such person, unless before such repayment the money so deposited in the bank is lawfully claimed as the property of some other person.

Payments by consent.

2. In the case of any such lawful claim the money so deposited may be paid to the depositor with the consent of the claimant, or to the claimant with the consent of the depositor.

Deposit limited to \$500.

3. If the person making any such deposit could not, under the law of the province where the deposit is made, deposit and 20 withdraw money in and from a bank without this section, the total amount to be received from such person on deposit shall not, at any time, exceed the sum of five hundred dollars. 53 V., c. 31, s. 84.

Bank not bound to see to trust in deposits.

**96.** The bank shall not be bound to see to the execution 25 of any trust, whether expressed, implied or constructive, to which any deposit made under the authority of this Act is subject.

Receipt of one of two joint depositors sufficient.

2. Except only in the case of a lawful claim, by some other person before repayment, the receipt of the person in whose 30 name any such deposit stands, or, if it stands in the names of two persons, the receipt of one, or, if it stands in the names of more than two persons, the receipt of a majority of such persons, shall, notwithstanding any trust to which such deposit is then subject, and whether or not the bank sought to be charged 35 with such trust, and with which the deposit has been made, had notice thereof, be a sufficient discharge to all concerned for the payment of any money payable in respect of such deposit.

Or of a majority.

> 3. The bank shall not be bound to see to the application of the money paid upon such receipt. 53 V., c. 31, s. 84.

Application.

If depositor

\$500, how proved.

97. If a person dies, having a deposit with the bank not dies, claim not exceeding exceeding the sum of five hundred dollars, the production to the bank and deposit with it of,—

(a) any authenticated copy of the probate of the will of the deceased depositor, or of letters of administration of his 45 estate, or of letters of verification of heirship, or of the act

of curatorship or tutorship, granted by any court in Canada having power to grant the same, or by any court or authority in England, Wales, Ireland, or any British colony, or of any testament, testamentary or testament dative expede in Scotland; or,

(b) an authentic notarial copy of the will of the deceased depositor, if such will is in notarial form, according to the

law of the province of Quebec; or,

(c) if the deceased depositor died out of His Majesty's dominions, any authenticated copy of the probate of his will, or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters;

shall be sufficient justification and authority to the directors 15 for paying such deposit, in pursuance of and in conformity to such probate, letters of administration, or other documents as

aforesaid. 63-64 V., c. 26, s. 20.

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# DOMINION GOVERNMENT CHEQUES.

98. The bank shall not charge any discount or commission Dominion for the cashing of any official cheque of the Government of government Canada or of any department thereof whether described to 20 Canada or of any department thereof, whether drawn on the be paid at bank cashing the cheque or an any other bank. 53 V., c. 31, par. s. 103.

### THE PURCHASE OF THE ASSETS OF A BANK.

99. Any bank may sell the whole or any portion of its Bank may assets to any other bank which may purchase such assets; and sell assets to 25 the selling and purchasing banks may, for such purposes, enter bank. into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with the sale and purchase of such assets. 63-64 V., c. 26, s. 33.

100. The consideration for any such sale and purchase Considera-30 may be as agreed upon between the selling and purchasing tion. banks.

2. If the consideration, or any portion thereof, is shares If in shares of the capital stock of the purchasing bank, the agreement shall of capital stock. provide for the amount of the shares of the purchasing bank

35 to be paid to the selling bank.

3. Until such shares so paid to the selling bank have been Not sold by such bank, or have been distributed among and accepted considered issued until by the shareholders of such bank, they shall not be considered issued until issued shares of the purchasing bank for the purposes of its distributed. 40 note circulation. 63-64 V., c. 26, s. 34.

101. The agreement of sale and purchase shall be sub-Agreement 00 - 6

of sale to be submitted to selling shareholders at meeting. Copy to each shareholder by mail.

mitted to the shareholders of the selling bank, either at the annual general meeting of such bank or at a special general

meeting thereof called for the purpose.

2. A copy of the agreement shall be mailed, postpaid, to each shareholder of such bank to his last known address, at 5 least four weeks previously to the date of the meeting at which the agreement is to be submitted, together with a notice of the time and place of the holding of such meeting. 63-64 V., c. 26, s. 35.

Agreement may be executed if they approve.

102. If at such meeting the agreement is approved by 10 resolution carried by the votes of shareholders, present or represented by proxy, representing not ess than two-thirds of the amount of the subscribed capital stock of the bank, the agreement may be executed under the seals of the banks, parties thereto, and application may be made to the Governor in Council, 15 through the Minister, for approval thereof.

2. Until the agreement is approved by the Governor in Council it shall not be of any force or effect. 63-64 V., c. 26, s. 36.

shareholders of purcha ing bank

Approval of

Governor in Council.

103. If the agreement provides for the payment of the 20 consideration for such sale and purchase, in whole or in part, in shares of the capital stock of the purchasing bank, and for such purpose it is necessary to increase the capital stock of such bank, the agreement shall not be executed on behalf of the purchasing bank, unless nor until it is approved by the share-25 holders thereof at the annual general meeting, or at a special general meeting of such shareholders. 63-64 V., c. 26, s. 37.

Necessary increase of stock may be approved.

**104.** The Governor in Council may, on the application for his approval of the agreement, approve of the increase of the capital stock of the purchasing bank, which is necessary to pro- 30 vide for the payment of the shares of such bank to the selling bank, as provided in the said agreement. 63-64 V., c. 26, s. 38.

Ordinary provisions for increase not to apply.

105. The provisions of this Act with regard to,—

(a) the increase of the capital stock of the bank by by-law of the shareholders approved by the Treasury Board; and, 53

(b) the allotment and sale of such increased stock; shall not apply to any increase of stock made or provided for under the authority of the last two preceding sections. V., c. 26, s. 38.

Conditions on which Governor in Council may approve agreement.

**106.** The approval of the Governor in Council shall not be 40 given to the agreement, unless,-

(a) the approval thereof is recommended by the Treasury Board:

(b) the application for approval thereof is made, by or on

behalf of the bank executing it, within three months from

the date of execution of the agreement; and,

(c) it appears to the satisfaction of the Governor in Council that all the requirements of this Act in connection with the approval of the agreement by the shareholders of the selling and purchasing banks have been complied with, and that notice of the intention of the banks to apply to the Governor in Council for the approval of the agreement has been published for at least four weeks in The Canada Gazette, and in one or more newspapers published in places where the chief offices of the banks are situate.

2. Such banks shall afford all information that the Minister Information.

requires.

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3. Nothing herein contained shall be construed to prevent Approval to the Governor in Council or the Treasury Board from refusing may be refused. to approve of the agreement or to recommend its approval. 63-64 V., c. 26, s. 39.

107. The agreement shall not be approved of unless it Further appears that,—

conditions.

(a) proper provisions have been made for the payment of the

liabilities of the selling bank;

(b) the agreement provides for the assumption and payment by the purchasing bank of the notes of the selling bank issued and intended for circulation, outstanding and in

circulation; and,

(c) the amounts of the notes of both the purchasing and selling banks, issued for circulation, outstanding and in circulation, as shown by the then last monthly returns of the banks, do not together exceed the then paid-up capital of the purchasing bank; or, if the amount of such notes does exceed such paid-up capital, an amount in cash, equal to the excess of such notes over such paid-up capital, has been deposited by the purchasing bank with the Minister.

2. The amount so deposited as aforesaid shall be held by the Deposit
Minister as security for the redemption of the said excess of notes; and, when such excess, or any portion thereof, has been redeemed and cancelled, the amount so deposited, or an amount equal to the amount of excess so redeemed and cancelled, shall, from time to time, be repaid by the Minister to the purchasing bank, but without interest, on the application of such bank, and on the production of such evidence as the Minister may require to show that the notes in regard to which such repayment is asked have been redeemed and cancelled. 63-64 V., c. 27, s. 1.

paid by the purchasing bank shall, on the approval of the agree-selling bank to become ment, be deemed to be, for all intents and purposes, notes of the notes of purchasing bank issued for circulation; and the purchasing bank bank.

shall be liable in the same manner and to the same extent as if it had issued them for circulation.

Circulation fund.

2. The amount at the credit of the selling bank in the Circulation Fund shall, on the approval of the agreement, be transferred to the credit of the purchasing bank.

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Notes to be called in.

3. The notes of the selling bank shall not be re-issued, but shall be called in, redeemed and cancelled as quickly as possible. 63-6 · V., c. 26, s. 41.

Evidence of approval by Governor in Council.

109. The approval by the Governor in Council of the agreement shall be evidenced by a certified copy of the order in 10 council approving thereof.

Order in Council conclusive.

2. A copy of such order in council or extract thereof, and a copy of such agreement, purporting to be certified to be true by the clerk or assistant or acting clerk of the King's Privy Council for Canada shall, in all courts of justice and for all purposes, be prima facie 15 evidence of the said agreement, and of its due execution, and of its approval by the Governor in Council, and of the regularity of all proceedings in connection therewith. 63-64 V., c. 26, s. 42. Am.

On approval of Governor in Council the assets pass.

110. On the agreement being approved of by the Governor 20 in Council, the assets therein referred to as sold and purchased shall, in accordance with and subject to the terms thereof, and without any further conveyance, become vested in the purchasing bank.

Further assurance.

2. The selling bank shall, from time to time, subject to the 25 terms of the agreement, execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as are reasonably required to confirm or evidence the vesting in the purchasing bank of the full title or ownership of the assets referred to in the agreement. 63-64 V., c. 26, s. 43. 30

Selling bank business and

111. As soon as the agreement is approved of by the Governor in Council, the selling bank shall cease to issue or re-issue notes be wound up. for circulation, and shall cease to transact any business, except such as is necessary to enable it to carry out the agreement, to realize upon any assets not included in the agreement, to pay 35 and discharge its liabilities, and generally to wind up its business; and the charter or Act of incorporation of such bank, and any Acts in amendment thereof then in force, shall continue in force only for the purposes in this section specified. 63-64 V., c. 26, 40 s. 44.

#### RETURNS.

Monthly returns

112. Monthly returns shall be made by the bank to the Minister in the form set forth in Schedule D to this Act.

2. Such returns shall be made up and sent in within the first Within first fifteen days of each month, and shall exhibit the condition of 15 days. the bank on the last juridical day of the month last preceding.

3. Such returns shall be signed by the chief accountant and How signed.

5 by the president, or vice-president, or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in the management of the affairs of the bank at the time at which the declaration is signed.

4. As soon as may be after the annual general meeting there Names of 10 shall be sent to the Minister the names of the directors elected directors, president thereat and the names of the president and vice-president, and and viceshould any casual vacancy occur in the membership of the board president, of directors, or in the office of president, or vice-president, the Minister. Minister shall forthwith be notified of the name of the person by Vacancies.

15 whom the vacancy has been filled.

5. If any change is made in the holder of the office of chief Notice to accountant or of general manager, the Minister shall forthwith be change of notified of the name of the person by whom the vacancy has been officers. filled.

20 6. In the case of the Bank of British North America the returns Monthly called for by this section shall be signed by the officer of that bank returns of Bank of known as the general manager's clerk in the place of the chief British North America, accountant as hereinbefore in this section prescribed, and by the how signed. general manager at the chief office of that bank under this Act, in

25 the place of the president and general manager as hereinbefore prescribed, and the part of such return containing the respective forms of declaration in Schedule D shall, for the purposes of returns by the said bank, be modified accordingly.

7. Any other returns required to be made by a bank under the Other returns 30 provisions of this Act shall in like manner in the case of the Bank British North of British North America be signed by the officers of that bank who America. are referred to in the next preceding subsection; and the part of such returns containing the respective forms of declaration shall, for the purposes of returns by the said bank, be modified accordingly. 35 53 V., c. 31, s. 85. Am.

113. The Minister may also call for special returns from any Special bank, whenever, in his judgment, they are necessary to afford a full and complete knowledge of its condition.

2. Such special returns shall be made and signed in the How made.

40 manner and by the persons specified in the last preceding section.

3. Such special returns shall be made and sent in within thirty Within 30 days from the date of the demand therefor by the Minister: days from demand. Provided that the Minister may extend the time for sending in such special returns for such further period, not exceeding 45 thirty days, as he thinks expedient. 53 V., c. 31, s. 86.

114. The bank shall, within twenty days after the close Annual

returns of unpaid dividends and balances.

of each calendar year, transmit or deliver to the Minister a return.—

(a) of all dividends which have remained unpaid for more

than five years; and,

(b) of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid, during the five years prior to the date of such return:

Provided that, in the case of moneys deposited for a fixed period, the said term of five years shall be reckoned from the 10 date of the termination of such fixed period.

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What return shall show.

- 2. The return mentioned in the last preceding subsection shall set forth.—
  - (a) the name of each shareholder or creditor to whom such dividends, amounts or balances are, according to the books 15 of the bank, payable;

(b) the last known address of each such shareholder or creditor:

(c) the amount due to each such shareholder or creditor;

(d) the branch or agency of the bank at which the last trans-20 action took place;

(e) the date of such last transaction; and,

(f) if such shareholder or creditor is known to the bank to be dead, the names and addresses of his legal representatives, so far as known to the bank.

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Further annual return.

Particulars.

3. The bank shall likewise, within twenty days after the close of each calendar year, transmit or deliver to the Minister a return of all drafts or bills of exchange, issued by the bank to any person, and remaining unpaid for more than five years prior to the date of such return, setting forth so far as known,—30

(a) the names of the persons to whom, or at whose request such drafts or bills of exchange were issued;

(b) the addresses of such persons;

(c) the names of the payees of such drafts or bills of exchange; 35

(d) the amounts and dates of such drafts or bills of exchange;

(e) the names of the places where such drafts or bills of exchange were payable; and,

(f) the branches or agencies of the bank respectively from 40

which such drafts or bills of exchange were issued.

Declarations and signatures.

4. The returns required by the foregoing provisions of this section shall be accompanied by declarations which shall be a part of the return, and the declarations shall be in the form set forth in Schedule E to this Act, and shall be signed by the chief 45 accountant, and by the president or vice-president or the director then acting as president, and by the general manager or other principal officer of the bank next in authority in the

management of the affairs of the bank at the time at which the

declaration is signed.

5. The bank shall, within twenty days after the close of each Certified calendar year, transmit or deliver to the Minister a list, certified annual list 5 by the general manager or other principal officer of the bank next in of shareholders authority in the management of the affairs of the bank at the time at transmitted which the list is certified, and by the officer of the bank in charge of the register of shareholders, to be a correct list and in accordance with the books of the bank with regard thereto; and the list shall

to Minister.

(a) the names of the shareholders of the bank on the last day of such calendar year, with their last known post office addresses and descriptions;

(b) the number of shares then held by them respectively;

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(c) the value at par of such shares, and the amount paid

6. The Minister shall lay such returns and lists before Par- Laid before liament at the next session thereof. 53 V., c. 31, ss. 87 and parliament. 20 88; 63-64 V., c. 26, s. 21. Am.

# PAYMENTS TO THE MINISTER UPON WINDING UP.

115. If, in the event of the winding-up of the business of Unclaimed the bank in insolvency, or under any general winding-up Act, moneys paid to Minister or otherwise, any moneys payable by the liquidator, either to on shareholders or depositors, remain unclaimed,-

winding-up of bank

(a) for the period of three years from the date of suspension of payment by the bank; or,

(b) for a like period from the commencement of the winding-

up of such business; or,

(c) until the final winding-up of such business, if the business is finally wound up before the expiration of the said three years;

such moneys and all interest thereon shall, notwithstanding any With statute of limitations or other Act relating to prescription, be interest. paid to the Minister, to be held by him subject to all rightful

35 claims on behalf of any person other than the bank.

2. If a claim to any moneys so paid is thereafter established Governor in to the satisfaction of the Treasury Board, the Governor in Council may Council shall, on the report of the Treasury Board, direct pay-payment to ment thereof to be made to the person entitled thereto, together entitled.

40 with interest on the principal sum thereof, at the rate of three per cent per annum for a period not exceeding six years Interest. from the date of payment thereof to the Minister as aforesaid: Provided that no such interest shall be paid or payable on such principal sum unless interest thereon was payable by the bank 45 paying the same to the Minister.

3. Upon payment to the Minister as herein provided, the Bank

bank and its assets shall be held to be discharged from further liability for the amounts so paid. 53 V., c. 31, s. 88.

Circulation outstanding at distribution of assets.

116. Upon the winding-up of a bank in insolvency or under any general winding-up Act, or otherwise, the assignees, liquidators, directors, or other officials in charge of such winding-up, shall, before the final distribution of the assets, or within three years from the commencement of the suspension of payment by the bank, whichever shall first happen, pay over to the Minister a sum, out of the assets of the bank, equal to the amount then outstanding of the notes intended for circulation issued by the 10 bank.

Bank relieved. 2. Upon such payment being made, the bank and its assets shall be relieved from all further liability in respect of such outstanding notes.

Minister to redeem.

3. The sum so paid shall be held by the Minister and applied 15 for the purpose of redeeming, whenever presented, such outstanding notes, without interest. 53 V., c. 31, s. 88.

## THE CURATOR.

Association to appoint curator.

117. The Association, shall, if a bank suspends payment in specie or Dominion notes of any of its liabilities as they accrue, forthwith appoint a curator to supervise the affairs of such 20 bank.

Removal.

2. The Association may at any time remove the curator, and may appoint another person to act in his stead. 63-64 V., c. 26, s. 24.

Appointment by Association. 118. The appointment of the curator shall be made in the 25 manner provided for in the by-law of the Association made in that behalf as hereinafter provided.

If no by-law.

2. If there is no such by-law the appointment shall be made in writing by the president of the Association, or by the person acting as president. 63-64 V., c. 26, s. 25.

Powers and duties of curator.

119. The curator shall assume supervision of the affairs of the bank, and of all necessary arrangements for the payment of the notes of the bank issued for circulation, and, at the time of his appointment, outstanding and in circulation.

Generally.

2. The curator shall generally have all powers and shall take 35 all steps and do all things necessary or expedient to protect the rights and interests of the creditors and shareholders of the bank, and to conserve and ensure the proper disposition, according to law, of the assets of the bank; and, for the purposes of this section, he shall have free and full access to all books, 40 accounts, documents and papers of the bank.

S upervision.

3. The curator shall continue to supervise the affairs of the bank until he is removed from office, or until the bank resumes

business, or until a liquidator is duly appointed to wind up the business of the bank. 63-64 V., c. 26, s. 26.

- ager, managers, clerks and officers of the bank shall give and assist of afford to the curator all such information and assistance as he curator. For equires in the discharge of his duties. 63-64 V., c. 26, s. 27.
- affairs or management of the bank, passed, made or done by the directors valid unless directors during the time the curator is in charge of the bank, approved by shall be of any force or effect until approved in writing by the curator. 63-64 V., c. 26, s. 27.
- 122. The curator shall make all returns and reports, and Curator to shall give all information to the Minister, touching the affairs as required of the bank, that the Minister requires of him. 63-64 V., c. 26, by Minister. 15 s. 28.
- 123. The remuneration of the curator for his services, and Remunerahis expenses and disbursements in connection with the discurator. charge of his duties, shall be fixed and determined by the Association, and shall be paid out of the assests of the bank, and, in 20 case of the winding-up of the bank, shall rank on the estate equally with the remuneration of the liquidator. 63-64 V., c. 26, s. 29.

### BY-LAWS OF THE CANADIAN BANKERS' ASSOCIATION.

124. The Association may, at any meeting thereof, with By-laws. the approval of two-thirds in number of the banks represented 25 at such meeting, if the banks so approving have at least two-thirds in par value of the paid-up capital of the banks so represented, make by-laws, rules and regulations respecting,—

(a) all matters relating to the appointment or removal of As to what

the curator, and his powers and duties;

30 (b) the supervision of the making of the notes of the banks which are intended for circulation, and the delivery thereof to the banks;

(c) the inspection of the disposition made by the banks of

such notes;

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(d) the destruction of notes of the banks; and,

(e) the imposition of penalties for the breach or non-observance of any by-law, rule or regulation made by virtue of this section.

2. No such by-law, rule or regulation, and no amendment Approval of 40 or repeal thereof, shall be of any force or effect until approved Board. by the Treasury Board.

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Notice to other banks.

3. Before any such by-law, rule or regulation, or any amendment or repeal thereof is so approved, the Treasury Board shall submit it to every bank which is not a member of the Association, and give to each such bank an opportunity of being heard before the Treasury Board with respect thereto.

Enforcement of by-laws.

4. The Association shall have all powers necessary to carry out, or to enforce the carrying out, of any by-law, rule or regulation, or any amendment thereof, so approved by the Treasury Board. 63-64 V., c. 26, ss. 30 and 31.

# INSOLVENCY.

Double liability of shareholders.

125. In the event of the property and assets of the bank 10 being insufficient to pay its debts and liabilities, each shareholder of the bank shall be liable for the deficiency, to an amount equal to the par value of the shares held by him, in addition to any amount not paid up on such shares. 53 V., c. 31, s. 89.

Suspension for 90 days to constitute insolveney.

126. Any suspension by the bank of payment of any of 15 its liabilities as they accrue, in specie or Dominion notes, shall, if it continues for ninety days consecutively, or at intervals within twelve consecutive months, constitute the bank insolvent, and work a forfeiture of its charter or Act of incorporation, so far as regards all further banking operations. 53 V., c. 31, 20 s. 91.

Charter to remain in and winding up.

127. The charter or Act of incorporation of the bank shall, force for calls in the case mentioned in the next preceding section, remain in force only for the purpose of enabling the directors, or other lawful authority, to make and enforce the calls mentioned in the next 25 following section of this Act, and to wind up the business of the bank. 53 V., c. 31, s. 91. Am.

If no proceedings within 3 months thereafter directors to make calls.

128. If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank, continues for three months after the expiration 30 of the time which, under the two last preceding sections, would constitute the bank insolvent, and if no proceedings are taken under any Act for the winding-up of the bank, the directors shall make calls on the shareholders thereof, to the amount they deem necessary to pay all the debts and liabilities of the bank, 35 without waiting for the collection of any debts due to the bank or the sale of any of its assets or property.

Intervals. Notice.

2. Such calls shall be made at intervals of thirty days. 3. Notice of any such call shall be given to the shareholders.

Number.

4. Any number of such calls may be made by one resolution. 40 5. No such call shall exceed twenty per cent on each share.

Amount. Payment.

6. Payment of such calls may be enforced in like manner as payment of calls on unpaid stock may be enforced.

7. The first of such calls may be made within ten days after First call.

the expiration of the said three months.

8. In the event of proceedings being taken, under any Act, Procedure. for the winding-up of the bank in consequence of the insol-5 vency of the bank, the said calls shall be made in the manner prescribed for the making of such calls in such Act.

9. Any failure on the part of any shareholder liable to any Forfeiture such call to pay the same when due, shall work a forfeiture by for such shareholder of all claim in or to any part of the assets of ment.

- 10 the bank: Provided that such call, and any further call there-Proviso. after, shall nevertheless be recoverable from him as if no such forfeiture had been incurred. 53 V., c. 31, ss. 92, 93 and 94. Am.
- 129. Nothing in the four sections last preceding shall be Liability of construed to alter or diminish the additional liabilities of the diminished. 15 directors as herein mentioned and declared. 53 V., c. 31, s. 95.
  - 130. (a) Persons who, having been shareholders of the Liability of bank, have only transferred their shares, or any of them, to shareholders who have others, or registered the transfer thereof, within sixty days transferred before the commencement of the suspension of payment by the bank; and,

(b) Persons whose subscriptions to the stock of the bank Or whose have been cancelled, in manner hereinbefore provided, subscriptions within the said period of sixty days before the commence-cancelled.

ment of the suspension of payment by the bank;

25 shall be liable to all calls on the shares held or subscribed for by them, as if they held such shares at the time of such suspension of payment, saving their recourse against those by whom such shares were then actually held. 53 V., c. 31, s. 96.

131. In the case of the insolvency of any bank,—
(a) the payment of the notes issued or re-issued by such bank, intended for circulation, and then in circulation, together with any interest paid or payable thereon as hereinbefore provided, shall be the first charge upon the assets of the bank;

35 (b) the payment of any amount due to the Government of Dominion Canada, in trust or otherwise, shall be the second charge

upon such assets;

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(c) the payment of any amount due to the government of Provincial any of the provinces, in trust or otherwise, shall be the governments.

third charge upon such assets; and,

(d) the amount of any penalties for which the bank is liable Penalties. shall not form a charge upon the assets of the bank, until all other liabilities are paid. 53 V., c. 31, s. 53.

#### OFFENCES AND PENALTIES.

## Payments to or by Provisional Directors.

Offences by provisional directors.

131A. It shall be an offence against this Act for any provisional director to receive any money, or be a party to the payment of any money, contrary to the provisions of section 16 of this Act.

## Commencement of Business.

Commencing business without certificate.

132. Every director or provisional director of any bank and every other person who, before the obtaining of the certificate 5 from the Treasury Board, by this Act required, permitting the bank to issue notes or commence business, issues or authorizes the issue of any note of such bank, or transacts or authorizes the transaction of any business in connection with such bank, except such as is by this Act authorized to be transacted before 10 the obtaining of such certificate, is guilty of an offence against this Act. 53 V., c. 31, s. 14.

Offence.

# Sale and Transfer of Shares.

Sale and transfer of shares contrary to requirements.

133. Any person, whether principal, broker or agent, who wilfully sells or transfers or attempts to sell or transfer,

(a) any share or shares of the capital stock of any bank by 15

a false number; or,

(b) any share or shares of which the person making such sale or transfer, or in whose name or on whose behalf the same is made, is not at the time of such sale, or attempted sale, the registered owner: or.

(c) any share or shares, without the assent to such sale of

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the registered owner thereof;

Offence.

is guilty of an offence against this Act. 53 V., c. 31, s. 37.

#### Cash Reserves.

Penalty for cash reserve not held in prescribed notes.

134. Every bank which at any time holds in Dominion notes less than forty per cent of the cash reserves which it has 25 in Canada shall incur a penalty of five hundred dollars for each such offence. 53 V., c. 31, s. 50. Am.

# Issue and Circulation of Notes.

Excess of circulation.

**135.** If the total amount of the notes of the bank in circulation at any time exceeds the amount authorized by this Act the 30 bank shall,-

Penalties.

(a) if the amount of such excess is not over one thousand dollars, incur a penalty equal to the amount of such excess; (b) if the amount of such excess is over one thousand dollars, and not over twenty thousand dollars, incur a penalty of one thousand dollars; or,

(c) if the amount of such excess is over twenty thousand dollars, and not over one hundred thousand dollars, incur

a penalty of ten thousand dollars; or,

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(d) if the amount of such excess is over one hundred thousand dollars, and not over two hundred thousand dollars, incur

a penalty of fifty thousand dollars; or,

(e) if the amount of such excess is over two hundred thousand 10 dollars, incur a penalty of one hundred thousand dollars. 53 V., c. 31, s. 51.

136. Every person, except a bank to which this Act applies, Unauthorized who issues or re-issues, makes, draws, or endorses any bill, bond, issue of notes fo 15 note, cheque or other instrument, intended to circulate as circulation. money, or to be used as a substitute for money, for any amount whatsoever, shall incur a penalty of four hundred dollars.

2. Such penalty shall be recoverable with costs, in any court Penalty, of competent jurisdiction, by any person who sues for the same. recovery of.

3. A moiety of such penalty shall belong to the person suing Appropriafor the same, and the other moiety to His Majesty for the public tion. uses of Canada.

4. If any such instrument is made for the payment of a less Intention sum than twenty dollars, and is payable either in form or in presumed. 25 fact to the bearer thereof, or at sight, or on demand, or at less

than thirty days thereafter, or is overdue, or is in any way calculated or designed for circulation, or as a substitute for money, the intention to pass the same as money shall be pre-

sumed, unless such instrument is,—

(a) a cheque on some chartered bank paid by the maker directly to his immediate creditor; or,

(b) a promissory note, bill of exchange, bond or other undertaking for the payment of money made or delivered by the maker thereof to his immediate creditor; and,

(c) not designed to circulate as money or as a substitute for

money. 53 V., c. 31, s. 60.

137. Every person who in any way defaces any Dominion Defacement or provincial note, or bank note, whether by writing, printing, of notes. drawing or stamping thereon, or by attaching or affixing thereto,

40 anything in the nature or form of an advertisement, shall be liable to a penalty not exceeding twenty dollars. 53 V., c. 31, Penalty.

138. (a) Every person who, being president, vice-president, Issuing notes director, general manager, manager, clerk or other officer during of the bank, issues or re-issues, during any period of sus-suspension. pension of payment by the bank of its liabilities, any notes

Exceptions.

of the bank payable to bearer on demand, and intended for circulation, or authorizes or is concerned in any such issue

or re-issue: and,

Or without. authority of Treasury Board.

(b) If, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinbefore provided for, every person who being president, vicepresident, director, general manager, manager, clerk or other officer of the bank issues or re-issues, or authorizes or is concerned in the issue or re-issue of any such notes before being thereunto authorized by the Treasury Board; and.

And accepting such notes. (c) Every person who accepts, receives or takes, or authorizes or is concerned in, the acceptance, receipt or taking of any such notes, knowing the same to have been so issued or reissued, from the bank, or from such president, vice-president, director, general manager, manager, clerk or other 15 officer of the bank, in payment or part payment, or as security for the payment of any amount due or owing to

such person by the bank;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding 20 two thousand dollars, or to both. 63-64 V., c. 26, s. 10.

Pledging of notes by officers of bank.

**139.** (a) Every person who, being the president, vicepresident, director, general manager, manager, or other officer of the bank, pledges, assigns, or hypothecates, or authorizes, or is concerned in the pledge, assignment or 25 hypothecation of the notes of the bank; and,

Accepting.

(b) Every person who accepts, receives or takes, or authorizes or is concerned in the acceptance or receipt or taking of such notes as a pledge, assignment or hypothecation;

Penalty.

shall be liable to a fine of not less than four hundred dollars and 30 not more than two thousand dollars, or to imprisonment for not more than two years, or to both. 53 V., c. 31, s. 52.

Issuing notes fraudulently.

**140.** (a) Every person who, being the president, vicepresident, director, general manager, manager, or other officer of a bank, with intent to defraud, issues or delivers, 35 or authorizes or is concerned in the issue or delivery of notes of the bank intended for circulation and not then in circulation; and.

Knowingly accepting

(b) Every person who, with knowledge of such intent, accepts, receives or takes, or authorizes or is concerned in the 40 acceptance, receipt or taking of such notes;

Penalty.

shall be guilty of an indictable offence, and liable to imprisonment for a term not exceeding seven years, or to a fine not exceeding two thousand dollars, or to both. 53 V., c. 31, s. 52.

## Annual Statement and Auditors' Report.

140A. If any copy of the statement submitted under section Issue of 54 of this Act, which has not been signed as required by that section, annual statement is issued, circulated or published, or if any copy of such state-without ment is issued, circulated or published without having a copy of report. the auditors' report attached thereto, the bank, and every director. general manager or other officer of the bank who is knowingly a party to the default shall incur a penalty not exceeding two hundred Penalty. and fifty dollars.

## Warehouse Receipts, Bills of Lading and other Securities.

141. If any bank, to secure the payment of any bill, note, Bank acquiring 10 debt or liability, acquires or holds,

(a) any warehouse receipt or bill of lading; or,

warehouse receipt or bill of lading.

(b) any instrument such as is by this Act authorized to be taken by the bank to secure money lent,-

(i) to any wholesale purchaser, or shipper of or dealer in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser or shipper of or dealer in live or dead stock. and the products thereof, upon the security of such products, or of such live or dead stock, or the products thereof; or,

(ii) to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, upon the security of the goods, wares and merchandise manufactured by such person, or procured for

such manufacture:

such bank shall, unless,-

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(a) such bill, note, debt or liability is negotiated or con
Except in certain cases tracted at the time of the acquisition by the bank of such warehouse receipt, bill of lading or security; or,

(b) such bill, note, debt or liability is negotiated or con-30 tracted upon the written promise or agreement that such warehouse receipt, bill of lading or security would be given to the bank; or,

(c) the acquisition or holding by the bank of such warehouse receipt, bill of lading or security is otherwise authorized by this Act;

incur a penalty not exceeding five hundred dollars. 53 V., Penalty. c. 31, s. 79.

142. If any debt or liability to the bank is secured by,— (a) any warehouse receipt or bill of lading; or, (b) any other security such as is mentioned in the last pre- for sale.

ceding section;

and is not paid at maturity, such bank shall, if it sells the goods, wares and merchandise or products, covered by such warehouse receipt, bill of lading or security, under the power of sale conferred upon it by this Act, without complying with the provisions to which the exercise of such power of sale is, by this Act, made subject, incur a penalty not exceeding five hundred dollars. 53 V., c. 31, s. 79; 63-64 V., c. 26, s. 18.

Penalty.

Making false statements. 143. Every person is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years who wilfully makes any false statement,—

(a) in any warehouse receipt or bill of lading given under

the authority of this Act to any bank; or,

In warehouse receipt or bill of lading. In security upon products.

In security

factures.

upon manu-

(b) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any wholesale purchaser or shipper of or dealer 15 in products of agriculture, the forest, quarry and mine, or the sea, lakes and rivers, or to any wholesale purchaser, or shipper of or dealer in live or dead stock and the products thereof, whereby any such products or stock is assigned or transferred to the bank as security for the pay-20 ment of such loan; or,

(c) in any instrument given to any bank under the authority of this Act, as security for any loan of money made by the bank to any person engaged in business as a wholesale manufacturer of any goods, wares and merchandise, whereby any of the goods, wares and merchandise manufactured by him, or procured for such manufacture, are transferred or assigned to the bank as security for the payment of

such loan. 53 V., c. 31, s. 75. Am.

Wilfully disposing of or witholding goods covered by security.

144. Every person who, having possession or control of 30 any goods, wares and merchandise covered by any warehouse receipt or bill of lading, or by any such security as in the last preceding section mentioned, and having knowledge of such receipt, bill of lading or security, without the consent of the bank in writing, and before the advance, bill, note, debt or 35 liability thereby secured has been fully paid,—

(a) wilfully alienates or parts with any such goods, wares

or merchandise; or,

(b) wilfully withholds from the bank possession of any such goods, wares and merchandise, upon demand, after default 40 in payment of such advance, bill, note, debt or liability; is guilty of an indictable offence, and liable to imprisonment for a term not exceeding three years. 53 V., c. 31, s. 75; 63-64 V., c. 26, s. 18. Am.

Penalty.

145. (a) If any bank having, by virtue of the provisions Bank not of this Act, a privileged lien for any debt or liability for selling shares any debt to the bank on the shares subject to any debt to the bank, on the shares of its own capital privileged lien. stock of the debtor or person liable, neglects to sell such shares within twelve months after such debt or liability has accrued and become payable; or,

(b) If any such bank sells any such shares without giving Or selling notice to the holder thereof of the intention of the bank without notice. to sell the same, by mailing such notice in the post office, post paid, to the last known address of such holder, at least thirty days prior to such sale;

such bank shall incur, for each such offence, a penalty not ex-Penalty. ceeding five hundred dollars. 53 V., c. 31, s. 79.

### Prohibited Business.

146. If any bank, except as authorized by this Act, either Bank doing prohibited 15 directly or indirectly,-

business.

(a) deals in the buying or selling or bartering of goods, wares and merchandise, or engages or is engaged in any trade or business whatsoever; or,

(b) purchases, deals in, or lends money or makes advances upon the security or pledge of any share of its own capital

stock, or of the capital stock of any bank; or,

(c) lends money or makes advances upon the security, mortgage or hypothecation of any lands, tenements or immovable property, or of any ships or other vessels, or upon the security of any goods, wares and merchandise;

such bank shall incur a penalty not exceeding five hundred Penalty. dollars. 53 V., c. 31, s. 79.

#### Returns.

147. Every bank which neglects to make up and send to Bank not the Minister, within the first fifteen days of any month, any monthly 30 monthly return by this Act required to be made up and sent returns. in within the said fifteen days, exhibiting the condition of the bank on the last juridical day of the month last preceding, and signed in the manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, Penalty.

35 after the expiration of such time, during which the bank neglects to make and send in such return. 53 V., c. 31, s. 85.

147A. Every bank which neglects to make and send to Neglecting the Minister within the first fifteen days of the month next return of additional thereafter a return showing the amount of its notes in circula- issue of 40 tion for each juridical day during any month in the usual season

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of moving the crops, that is to say, from and including the first day of October in any year to and including the thirty-first day of January next ensuing, in which any amount of its notes in excess of the amount of the unimpaired paid-up capital of the bank has been issued or is outstanding, and signed in the 5 manner and by the persons by this Act required, shall incur a penalty of fifty dollars for each and every day, after the expiration of such time, during which the bank neglects to make and send in such return. 7-8 Edw. VII., c. 7, s. 2.

Penalty.

Not making returns required by Minister.

148. Every bank which neglects to make and send to the 10 Minister, within thirty days from the date of the demand therefor by the Minister, or, if such time is extended by the Minister, within such extended time, not exceeding thirty days, as the Minister may allow, any special return, signed in the manner and by the persons by this Act required, which, under 15 the provisions of this Act, the Minister may, for the purpose of affording a full and complete knowledge of the condition of the bank, call for, shall incur a penalty of five hundred dollars for each and every day during which such neglect continues. 53 V., c. 31, s. 86.

Penalty.

Bank not making annual returns of drafts and bills.

Penalty.

149. Every bank which neglects to transmit or deliver to the Minister, within twenty days after the close of any calendar year, a return, signed in the manner and by the persons and setting forth the particulars by this Act required in that behalf, of all drafts or bills of exchange issued by the bank to any 25 person and remaining unpaid for more than five years prior to the date of such return, shall incur a penalty of fifty dollars for each and every day during which such neglect continues. 63-64 V., c. 26, s. 21.

Not returning annual list. The Minister, within twenty days after the close of any calendar the Minister, within twenty days after the close of any calendar thin Act required showing.— 150. Every bank which neglects to transmit or deliver to 30 year, a certified list, as by this Act required, showing,-

> (a) the names of the shareholders of the bank on the last day of such calendar year, with their last known post office addresses and descriptions;

> (b) the number of shares then held by such shareholders respectively; and,

> (c) the value at par of such shares, and the amount paid

Penalty.

shall incur a penalty of fifty dollars for each and every day 40 during which such neglect continues. 53 V., c. 31, s. 87. Am.

Not making annual returns of balances.

151. Every bank which neglects to transmit or deliver to the Minister, within twenty days after the close of any calendar dividends and year, a return, signed in the manner and by the persons by this

Act required, of all dividends which have remained unpaid for more than five years, and also of all amounts or balances in respect of which no transactions have taken place, or upon which no interest has been paid, during the five years prior to 5 the date of such return, and setting forth such further particulars as are by this Act required in that behalf, shall incur a penalty of fifty dollars for each and every day during which Penalty. such neglect continues.

2. The said term of five years shall, in case of moneys de-Period of 10 posited for a fixed period, be reckoned from the date of the 5 years.

termination of such fixed period. 53 V., c. 31, s. 88.

152. If any return or list, mentioned in either of the last Date of six preceding sections, is transmitted by post, the date appear-posting return or ing, by the post office stamp or mark upon the envelope or wrap-list. 15 per inclosing the return or list received by the Minister, as the date of deposit in the post office of the place at which the chief office of the bank was situated, shall be taken prima facie, for the purpose of any of the said sections, to be the day upon which such return or list was transmitted to the Minister. 53

20 V., c. 31, ss. 85 and 86; 63-64 V., c. 26, s. 22.

153. The making of any wilfully false or deceptive state-Making false ment in any account, statement, return, report or other docu- statement in account or ment respecting the affairs of the bank is an indictable offence return. punishable, unless a greater punishment is in any case by law 25 prescribed therefor, by imprisonment for a term not exceeding Penalty.

five years.

2. (a) Every president, vice-president, director, general man-Liability of ager or principal officer next in authority to the general man-officers for accounts or ager in the management of the affairs of the bank, inspector, returns made without chief accountant or officer performing the duties of chief account- due inquiry. 30 ant, and every auditor of the bank who prepares, signs, approves or concurs in any account, statement, return, report or document respecting the affairs of the bank, without due enquiry, and unless he has first obtained information reasonably adequate and sufficient to establish and verily believes 35 that the account, statement, return, report or document is in every respect true and correct, and that all the facts stated therein are truly stated; or who uses, with intent to deceive or mislead any person, any account, statement, return, report or document respecting the affairs of the bank; and 40

(b) every manager or other officer of the bank who prepares, False or signs, approves or concurs in any account, statement, deceptive statements return, report or document respecting the affairs of the bank; in accounts and returns or who uses, with intent to deceive or mislead any person, and returns.

any such account, statement, return, report or document shall, if the account, statement, return, report or document in fact contains any false or deceptive statement, be held to have wil-

Responsible for damages.

fully made such false or deceptive statement, and shall further be responsible for all damages sustained by any person in consequence thereof, even although the signature, approval or concurrence of such president, vice-president, director, general. manager, principal officer, inspector, chief accountant or officer 5 performing the duties of chief accountant, auditor, manager or other officer appears or is stated or intended to operate or express consent, approval or concurrence merely according to the best of his knowledge and belief or other qualification to the like effect. 53 V., c. 31, s. 99. Am.

# Calls in the case of Suspension of Payment.

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Director refusing to make calls on suspension **154.** (a) If any suspension of payment in full, in specie or Dominion notes, of all or any of the notes or other liabilities of the bank continues for three months after the expiration of the time which, under the provisions of this Act, would constitute the bank insolvent; and,

(b) if no proceedings are taken under any Act for the winding-

up of the bank; and,

(c) if any director of the bank refuses to make or enforce. or to concur in the making or enforcing of any call on the shareholders of the bank, to any amount which the directors 20 deem necessary to pay all the debts and liabilities of the bank:

Penalty.

such director shall be guilty of an indictable offence, and liable,-

(a) to imprisonment for any term not exceeding two years;

(b) personally for any damages suffered by any such default. 53 V., c. 31, s. 92.

# Undue Preference to the Bank's Creditors.

Officers giving undue preference creditor.

155. Every person who, being the president, vice-president, director, general manager, manager, or other officer of the bank, wilfully gives or concurs in giving to any creditor of the bank 30 any fraudulent, undue or unfair preference over other creditors, by giving security to such creditor, or by changing the nature of his claim, or otherwise howsoever, is guilty of an indictable offence, and liable,-

Penalty.

(a) to imprisonment for a term not exceeding two years; 35 and.

Damages.

(b) for al' damages sustained by any person in consequence of such preference. 53 V., c. 31, s. 97. Am.

### Use of the Title "Bank," etc.

156. Every person using the word bank, or the words bank- Unauthoring company, banking house, banking association, or banking ized use of title "banking title banking title banking ized use of title banking ized us institution, or any word or words of import equivalent thereto etc. in any foreign language, in a sign or in an advertisement, or in 5 a title to represent or describe his business or any part of his business as banking business without being authorized so to do by this Act, or by some other Act in force in that behalf, is guilty of an offence against this Act. 53 V., c. 31, Penalty. s. 100. Am.

### Penalty for Offence against this Act.

10 157. Every person committing an offence, declared to be an Offence offence against this Act, shall be liable to a fine not exceeding against this one thousand dollars, or to imprisonment for a term not exceed. one thousand dollars, or to imprisonment for a term not exceeding five years, or to both, in the discretion of the court before Penalty. which the conviction is had. 53 V., c. 31, s. 101.

#### PROCEDURE.

158. The amount of all penalties imposed upon a bank for Penalties any violation of this Act shall be recoverable and with costs, at the suit of His Majesty instituted by the Attorney General or Minister. any violation of this Act shall be recoverable and enforceable, enforceable at suit of

2. Such penalties shall belong to the Crown for the public Appropria-20 uses of Canada: Provided that the Governor in Council, on the tion. report of the Treasury Board, may direct that any portion of Proviso. any penalty be remitted, or paid to any person, or applied in any manner deemed best adapted to attain the objects of this Act, and to secure the due administration thereof. 53 V., c. 31, 25 s. 98.

#### REPEAL.

159. Chapter 29 of the Revised Statutes, 1906, and chapter 7 R. S., c. 29; of the statutes of 1908, are repealed.

#### COMMENCEMENT OF ACT.

160. This Act shall come into force on the first day of July Commenceone thousand nine hundred and eleven.

#### SCHEDULE A.

Name of Bank.	Chief Office of Bank.
1. The Bank of Montreal	Montreal.
2. The Bank of New Brunswick	
3. The Quebec Bank	Quebec.
4. The Bank of Nova Scotia	Halifax.
5. The Bank of Toronto	Toronto.
6. The Molsons Bank	
7. The Eastern Townships Bank	Sherbrooke.
8. La Banque Nationale	Quebec.
9. The Merchants Bank of Canada	Montreal.
10. La Banque Provinciale du Canada	Montreal.
11. The Union Bank of Canada	Quebec.
12. The Canadian Bank of Commerce	Toronto.
13. The Royal Bank of Canada	
14. The Dominion Bank	Toronto.
15. The Bank of Hamilton	
16. The Standard Bank of Canada	Toronto.
17. La Banque d'Hochelaga	Montreal.
18. The Bank of Ottawa	
19. The Imperial Bank of Canada	
20. The Traders' Bank of Canada	
21. The Metropolitan Bank	
22. The Home Bank of Canada	
23. The Northern Crown Bank	Winnipeg.
24. The Sterling Bank of Canada	
25. The United Empire Bank of Canada	
26. The Farmers' Bank of Canada	
27. The Bank of Vancouver	Vancouver.

### SCHEDULE B.

An Act to incorporate the — Bank.

Whereas the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. [Insert names of those applying for incorporation; the full name, address and description of each director must be given], together with such persons as become shareholders in the corporation by this Act created, are incorporated under the name of [insert name of bank] hereinafter called "the Bank."
- 2. The persons named in section 1 of this Act shall be the provisional directors of the Bank.

- 3. The capital stock of the Bank shall be ——— dollars.
- 4. The chief office of the Bank shall be at ———.
- 5. This Act shall, subject to the provisions of section 16 of The Bank Act, remain in force until the first day of July, in the year one thousand nine hundred and twenty-one.

  53 V., c. 31, Sch. B.; 63-64 V., c. 26, s. 45. Am.

#### SCHEDULE C.

This security is given under the provisions of section eightyeight of The Bank Act, and is subject to the provisions of the

said Act.

The said goods, wares and merchandise, are now owned by —————, and are now in the possession of —————————, and are free from any mortgage, lien or charge thereon (or as the case may be), and are in (place or places where the goods are), and are the following (description of goods assigned). Dated, etc.

(N.B.—The bills or notes and the goods, etc., may be set out in schedules annexed.)
63-64 V., c. 26, s. 46 and Sch. C.

### SCHEDULE D.

Return of the liabilities and assets of the ————— Ba	ink
on the ———— day of —————, 19—	
Capital authorized\$	
Capital subscribed	
Capital paid up	
Amount of rest or reserve fund	
Rate per cent of last dividend declared per ce	ent.

### Liabilities.

<ol> <li>3.</li> </ol>	Notes in circulation\$  Balance due to Dominion Government after deducting advances for credits, pay-lists, etc  Balances due to provincial governments  Deposits by the public, payable on demand in	
5.	Canada  Deposits by the public, payable after notice or on a fixed day, in Canada	
6.	Deposits elsewhere than in Canada	
	Loans from other banks in Canada, secured, including bills rediscounted	
8.	Deposits made by and balances due to other banks in Canada	
	Balances due to banks and banking correspondents in the United Kingdom	
10.	Balances due to banks and banking correspondents elsewhere than in Canada and the United Kingdom	
11.	Liabilities not included under foregoing heads.	day
	<b>\$</b>	
	Assets.	
1.	Current gold and subsidiary coin\$	
2.	Dominion notes	
9		
	Deposit with the Minister of Finance for the purposes of the Circulation Fund	
	Deposit with the Minister of Finance for the purposes of the Circulation Fund  Notes of and cheques on other banks	
4. 5.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted	
4. 5.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada	
4. 5.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and	
4. 5. 6.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, in the	
4. 5. 6. 7.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from	
4. 5. 6. 7.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, in the United Kingdom  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, elsewhere	
4. 5. 6. 7.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, in the United Kingdom	
4. 5. 6. 7. 8.	Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, in the United Kingdom  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, elsewhere than in Canada and the United Kingdom  Dominion government and provincial government securities  Canadian municipal securities, and British, foreign and colonial public securities other	
4. 5. 6. 7. 8. 9.	purposes of the Circulation Fund  Notes of and cheques on other banks  Loans to other banks in Canada, secured, including bills re-discounted  Deposits made with and balances due from other banks in Canada  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, in the United Kingdom  Assets not otherwise included at agencies and branches of the bank, and balances due from banks and banking correspondents, elsewhere than in Canada and the United Kingdom  Dominion government and provincial government securities	

12.	Current loans in Canada on stocks, debentures
	and bonds
13.	Call and short loans elsewhere than in Canada.
14.	Other current loans and discounts in Canada
15.	Other current loans and discounts elsewhere than
	in Canada
16.	Loans to the Government of Canada
17.	Loans to provincial governments
	Over due debts, estimated loss provided for
19.	Real estate other than bank premises
20.	Mortgages on real estate sold by the bank
	Bank premises, at cost, less amounts (if any)
	written off
22.	Other assets not included under the foregoing
,	heade

\$

Aggregate amount of loans to directors, and firms of which they are partners, \$----

Average amount of current gold and subsidiary coin held during the month, \$----

Average amount of Dominion notes held during the month,

Greatest amount of notes in circulation at any time during the month, \$----

I declare that the above return has been prepared under my irections and is correct according to the books of the bank.

E. F., Chief Accountant, or Acting Chief Accountant (as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct, and shows truly and clearly the financial position of the bank; and we further declare that the bank has never, at any time during the period to which the said return relates, held in Dominion notes less than forty per cent of the cash reserves which it has in Canada.

(Place) — this — day of — , 19—,

A. B., President, Vice-President, or Director acting as President, (as the case may be).
C. D., General Manager, or other principal officer (as the case may be).

63-64 V., c. 26, s. 47 and Sch. D. Am. 50-9

### SCHEDULE E.

I declare that the above return has been prepared under my directions and is correct according to the books of the bank.

E. F.,
Chief Accountant,
or Acting Chief Accountant,
(as the case may be).

We declare that the foregoing return is made up from the books of the bank, and that to the best of our knowledge and belief it is correct.

A. B.,

President, Vice-President, or

Director acting as President.

(as the case may be).

C. D.,
General Manager, or other
principal officer.
(as the case may be).

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELER

OTTAWA

MR. FIELDING.

First reading, December 15, 1910.

An Act respecting Banks and Banking.

OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910-1

### THE HOUSE OF COMMONS OF CANADA.

### BILL 51.

An Act respecting the Alberta Railway and Irrigation Company.

WHEREAS a petition has been presented praying that it be Preamble.

enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1903, c. 187;
by and with the advice and consent of the Senate and House 1904, c. 43;
by and with the advice and consent of the Senate and House 1905, c. 52;
for Commons of Canada, enacts as follows:—

1906, c. 53.

1. The Alberta Railway and Irrigation Company may com-Time for mence the construction within two years after the passing of construction this Act, and may complete and put in operation within five extended. years after the passing of this Act, the following lines of railway,

10 which it has been authorized to construct by chapter 79 of the statutes of 1900, and by chapter 187 of the statutes of 1903, namely:—

(a) from a point between Lethbridge and Stirling to some point on the international boundary between ranges twenty-15 four and thirty, west of the fourth meridian;

(b) from Cardston to a point in range one, west of the fifth

meridian;
(c) from a point between Spring Coulee and Mountain View westerly to a point on the line of the Canadian Pacific Railway 20 between range two, west of the fifth meridian and range twenty-

seven, west of the fourth meridian;
(d) from Stirling easterly to a point in range four, west of the fourth meridian between the line of the Canadian Pacific

Railway and the international boundary.

25 2. If the said railways are not so commenced, or are not com-Time for pleted and put in operation within the said periods respectively, limited. the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

30 2. The branch lines authorized to be constructed under the Time for provisions of subsection 3 of section 7 of chapter 79 of the construction statutes of 1900 with the approval of the Governor in Council, lines shall be commenced within two years after the date of such limited.

authorization, and shall be completed within five years after the passing of this Act, and if the said branch lines are not so commenced, or are not completed and put in operation within the said periods respectively, the powers of construction con-5 ferred upon the said company by Parliament shall cease and be null and void as respects so much of the said branch lines as then remains uncompleted.

3. Chapter 53 of the statutes of 1906 is repealed.

An Act respecting the Alberta Railway and Irrigation Company.

First reading, December 14, 1910.

THE HOUSE OF COMMONS OF CANADA.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

MR. MAGRATH.

(PRIVATE BILL.)

3rd Session, 11th Parliament, 1 George V., 1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 52.

An Act to incorporate the Commercial Travellers' Accident Assurance Company of Canada.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. John Harold Meikle, John Wilson, Ernest Harvey Pul-Incorporaford, George Thomas Brown, all of the city of Ottawa, in the
  province of Ontario; Robert Ware McNeil, William John Egan,
  both of the city of Montreal, in the province of Quebec, and
  10 Francis M. Johnson, of the city of Toronto, in the province of
  Ontario, all commercial travellers, together with such persons
  as become shareholders in the company, are incorporated under
  the name of "The Commercial Travellers' Accident Assur-Corporate
  ance Company of Canada," hereinafter called "the Company."
- 15 2. The persons named in section 1 of this Act shall be the Provisional provisional directors of the Company.
  - 3. The capital stock of the Company shall be five hundred Capital stock. thousand dollars, which may be increased to one million dollars.
- 4. The amount to be subscribed before the general meeting First general 20 for the election of directors is called shall be two hundred meeting. thousand dollars.
- 5. The Company shall not commence the business of accident Accident and and sickness insurance until two hundred thousand dollars of sickness. the capital stock have been subscribed and forty thousand 25 dollars paid thereon.
  - 6. The head office of the Company shall be in the city of Head office. Ottawa, in the province of Ontario.
- 7. The Company may make contracts of accident insurance, Business of 30 sickness insurance, guarantee insurance, bond insurance and Company. burglary insurance.

Guarantee.

2. The Company shall not commence the business of guarantee insurance, in addition to accident and sickness, until a further two hundred thousand dollars have been subscribed, and forty thousand dollars paid thereon.

Bond and burglary.

3. The Company shall not commence the business of bond 5 and burglary insurance, in addition to the classes of business herein above provided for, until a further sum of one hundred thousand dollars has been subscribed, and twenty thousand dollars have been paid thereon.

1910, c. 32.

8. The Insurance Act, 1910, shall apply to the Company.

10

THE OF CANADA.

An Act to incorporate the Commercia

Travellers' Accident Assurance Company of Canada.

First reading, December 14, 1910.

(PRIVATE BILL.)

MR. RANKIN.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE OTTAWA

52

3rd Session, 11th Parliament, 1 George V., 1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

### BILL 53.

An Act respecting the Dominion Atlantic Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.

enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1900; c. 59;
by and with the advice and consent of the Senate and House 1905, c. 85;
1908, c. 101;
1910, c. 88;

1. Subject to the provisions of sections 361, 362 and 363 Agreement of The Railway Act, the Dominion Atlantic Railway Company dian Pacific may enter into an agreement with the Canadian Pacific Railway Company for any of the purposes specified in the said section 10 361, and may lease its railway and undertaking to the said Canadian Pacific Railway Company; but the approval of the shareholders of the said Canadian Pacific Railway Company to such agreement and lease shall be sufficient if the provisions of section 6 of chapter 47 of the statutes of 1890 are complied 15 with.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 53.

An Act respecting the Dominion Atlantic Railway Company.

First reading, December 14, 1910.

(PRIVATE BILL.)

MR. PICKUP.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 54.

An Act respecting the E. B. Eddy Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1886, c. 106;
grant the prayer of the said petition: Therefore His Majesty, by 1891, c. 123;
and with the advice and consent of the Senate and House of
5 Commons of Canada, enacts as follows:—

1. Subsection 2 of section 1 of chapter 97 of the statutes of 1901, c. 97, 1901 is repealed and the following is substituted therefor:—

s. 1 amended.

"2. At any special general meeting of the shareholders of the Increase Company called for the purpose of increasing the capital stock, stock, to the shareholders may, from time to time, by by-law passed and sanctioned at any such meeting by the votes of the shareholders present or represented by proxy, and representing in the aggregate at least two-thirds in value of all the capital stock of the Company then outstanding, increase the capital stock of the 15 Company to an amount not exceeding in the whole five million dollars."

3rd Session, 11th Parliament, 1 George V., 1910-1.

THE HOUSE OF COMMONS OF CANADA.

BILL 54.

An Act respecting the E. B. Eddy Company.

First reading, December 14, 1910.

(PRIVATE BILL.)

MR. DEVLIN.

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

### BILL 55.

An Act respecting the Grand Trunk Railway Company of Canada.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The Grand Trunk Act, 1911. Short title.
- 2. The expression "the Company," where used in this Act, "Company" defined. means the Grand Trunk Railway Company of Canada.
- 3. Notwithstanding anything in The Railway Act, or in any Power to 10 Act heretofore passed respecting the Company, any of the transfer stock. various classes of stock heretofore or hereafter authorized to be created and issued by the Company shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company.
- 4. The Company may acquire, hold, guarantee, pledge, sell, Power to or otherwise dispose of shares of the capital stock, bonds, acquire debentures, or any other securities heretofore or hereafter issued Montreal and by the Montreal and Southern Counties Railway Company, and Counties for that purpose may utilize any funds of the Company, includ-Ry. Co.

20 ing proceeds arising from the sale of any class of stock which the Company is now or may hereafter be authorized to create or issue, and upon the acquisition of any such stock, bonds, debentures, or other securities, may exercise all the powers of holders thereof, and receive any dividend or interest paid

25 thereon.

5. The Company may guarantee upon such terms and Power to conditions as are agreed upon, the due payment, as the same guarantee bonds of matures, of interest at the rate of four per cent per annum Grand Trunk upon first mortgage bonds to be duly issued by the Grand Trunk Ry. Co. 30 Western Railway Company, for a principal amount not exceed-

ing thirty million dollars, payable fifty years from the date

thereof: Provided that to the extent necessary the proceeds of such bonds shall be utilized in the payment, or redemption, of any outstanding bonds issued by the said Grand Trunk Western Railway Company, and guaranteed by the Company, 5 under or pursuant to the provisions of The Grand Trunk Railway Act, 1901, or of the agreement set forth in the schedule to the said Act.

Vested powers saved.

2. Nothing in the preceding subsection shall be regarded or construed as in any way limiting, curtailing, or impairing any 10 of the powers now vested in the Company.

Power to perpetual consolidated debenture stock.

6. The Company may, in addition to the amounts authorized by The Grand Trunk Act, 1897, and the several Acts referred to in section 5 of that Act, and by The Grand Trunk Act, 1909, borrow and raise, for the purposes hereinafter specified, by the 15 creation and issue of perpetual consolidated debenture stock to be called Grand Trunk Consolidated Debenture Stock, bearing interest at a rate not exceeding four per cent per annum, such sum as the proprietors of the Company entitled to vote, in general meeting assembled, shall from time to time deter-20 mine: Provided always, that the aggregate amount of the annual interest on such debenture stock to be issued under this Act shall not exceed one hundred thousand pounds, sterling.

Proviso.

Ranking

conditions.

and

7. The debenture stock by this Act authorized shall rank equally and be consolidated with the debenture stock issued 25 or to be issued as Grand Trunk Consolidated Debenture Stock under any Act now in force respecting the Company, and shall be subject to all conditions and provisions applicable thereto respecting the manner, time and place of payment of interest thereon, and the voting power of the holders thereof.

30

Application of proceeds of stock.

8. The said stock, or the proceeds thereof, shall be applied by the Company in the acquisition, by exchange, purchase or otherwise, upon such terms and conditions as may from time to time be agreed upon between the Company and the respective holders thereof, of the shares of capital stock, bonds, deben- 35 tures and other securities which by The Grand Trunk Act, 1910, and by section 4 of this Act, respectively, the Company is authorized to acquire, and if there is any surplus it may be applied to the general purposes of the Company.

1888, c. 58,

9. Any such shares, bonds, debentures or other securities 40 s. 6 to apply so acquired shall be held as subsisting and continuing as a security for the purposes and upon the terms mentioned in section 6 of The Grand Trunk Railway Act, 1888.

1852, c. 37 amended.

10. Section 3 of chapter 37 of the statutes of 1852 of the late Province of Canada, is amended by striking out all the 45 words after "travelled" in line 7 thereof.

11. The several provisions of this Act shall only take effect Commence-upon being assented to and accepted by a majority of the votes of the persons present or represented by proxy and entitled to vote at a general meeting of the Company held after due notice 5 of the intention to submit the same to such meeting has been given.

2. The certificate in writing of the chairman of such meeting Certificate of the acceptance of all or of such of the provisions of this Act of chairman. as shall have been assented to and accepted, as the case may be, 10 shall be filed in the office of the Secretary of State of Canada, and notice of such filing shall be published by the Company in The Canada Gazette.

3. Copies of such certificate, certified by the said Secretary Copies of of State, shall be taken and accepted in all courts of law as legal evidence.

12. Those portions of the several Acts specifically mentioned Repeal. in the Schedule to this Act are repealed.

#### SCHEDULE.

NAME OF ACT.

PORTION REPEALED.

The Grand	Trunk Railway Act of 1858	Section	5.
The Grand	Trunk Arrangements Act, 1862	44	19.
	Trunk Arrangements Act, 1873	"	15.

3rd Session, 11th Parliament, 1 George V., 1910

THE HOUSE OF COMMONS OF CANADA.

BILL 55.

An Act respecting the Grand Trunl Railway Company of Canada.

First reading, December 14, 1910.

(PRIVATE BILL.)

Mr. Clarke, (Essex.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majes
1910-11

## HOUSE OF COMMONS OF CANADA.

### BILL 56.

An Act to incorporate the Hudson Bay Mortgage Corporation.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. C. E. Berg, Robie L. Reid, Sidney Francis Quick and Incorpora-James Fleming, all of the city of Vancouver in the province of tion. British Columbia, John A. Sheppard, of the city of Moose Jaw in the province of Saskatchewan, William Loree, of the city of

10 Winnipeg in the province of Manitoba, and William Johnston of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Hudson Bay Mortgage Corporate Corporation," hereinafter called "the Company."

2. The persons named in section 1 of this Act are constituted Provisional the provisional directors of the Company, a majority of whom directors. shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive pay-

20 ments thereon and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or Powers. otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally what is necessary to organize the 25 Company.

- 3. The capital stock of the Company shall be five million Capital dollars, divided into fifty thousand shares of one hundred dollars stock. each.
- 4. The head office of the Company shall be at the city of Head office. 30 Vancouver, in the province of British Columbia, or in such other place in Canada as the directors may, from time to time,

determine by a by-law confirmed at a special general meeting of the Company duly called for that purpose.

Notice of change.

2. Notice of any change of the head office shall be published in at east one issue of The Canada Gazette.

Agencies.

3. The Company may establish branch offices and agencies in Canada and elsewhere.

First general meeting.

5. So soon as fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders, at some place 10 to be named in the said city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent of the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

2. No person shall be a director unless he holds in his own name for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

15

Annual meeting.

6. A general meeting of the Company shall be called at its 20 head office once in each year, after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special, general or extraordinary meetings may at any time be called by any five of the directors, or by a requisition of any 25 twenty-five shareholders, specifying in the notice thereof the object of such meeting.

meetings.

Special

Notice of meeting.

2. Notice of each meeting of the Company shall be given by printed or written notice to each of the shareholders mailed at least fourteen days before the day for which such meeting is 30 called, and addressed to the addresses of the shareholders respectively as given in the books of the Company.

Calls.

Notice.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty- 35 five per cent, and no subsequent instalment thall exceed ten per cent, and not less than thirty days' notice shall be given of any call; and any notice of call may be effectually given by sending the notice by registered letter post paid to the address of the shareholder as given in the books of the Company. 40

Borrowing and lending.

Certificate required.

8. The Company shall not borrow nor lend money or otherwise carry on business until it has obtained from the Minister of Finance a certificate permitting it to do so, and no certificate shall be given until the board of directors has been elected as required by this Act, or until it has been shown to the satisfaction 45 of the Minister of Finance that at least five hundred thousand dollars of its capital stock has been subscribed and at least fifty thousand dollars has been paid thereon.

9. The Company may lend money on the security of, or pur-Business. 5 chase or invest in,-

(a) mortgages or hypothecs upon freehold or leasehold real Mortgages

estate, or other immovables: (b) the debentures, bonds, stocks and other securities of Stocks and

any government or any municipal corporation or school cor-10 poration, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank); provided that the Company shall not lend upon the Proviso. security of, or purchase, or invest in bills of exchange or promissory notes; and provided also that the Company shall not Proviso.

15 invest in nor loan money upon the security of the stock of any

other loan company, except as hereinafter authorized; (c) freehold real estate, subject to an agreement for sale upon Freehold real which not more than sixty per cent of the purchase price still estate.

remains to be paid under the said agreement for sale.

2. The Company may take personal security as collateral for Personal any advance made, or to be made, or contracted to be made by or for any debt due to the Company.

10. The Company may—

(a) receive money in trust for the purposes herein specified, Investment 25 and invest and accumulate it at such rates of interest as may be moneys. obtained therefor:

(b) accept and execute all such trusts of every description as Trustees. are entrusted to it by any government or person, or which are committed or transferred to it by any order, judgment or decree 30 of any court, and may execute the office of executor, administrator, trustee, accountant, arbitrator, adjustor, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator, or committee of a lunatic, and perform the duties of such office or

trusts as fully and completely as any person appointed to such 35 office could do; and in all cases where application is made to Appointment any court, judge, officer or person having authority to make an by court. appointment to any such office or trust, such court, judge, officer or person may appoint the Company, with its consent, to hold such office or trust, and may substitute, if necessary, for

40 any obligations required from a private person appointed to such offices such usual obligations as are applicable to corporations, and may fix the remuneration of the Company; take, hold and accept by grant, assignment, transfer, deed, will, For real or devise, bequest or otherwise, any real or personal estate upon any property.

45 lawful trusts, and perform and execute them according to the terms and for the purposes declared, established or agreed upon; For married women.

Guarantee repayments.

General or fiscal agents.

accept from and execute trusts for married women in respect of their separate property, real or personal, and act as agent for them in the management of such separate property; guarantee 5 repayment of the principal or payment of the interest, or both, of any moneys entrusted to the Company for investment, on such terms and conditions as are agreed upon; act as agent for countersigning, registering or otherwise ascertaining and certifying to the genuineness of any issue of stock, bonds, debentures 10 or other securities for money of any government or person duly authorized to issue and make the same, and hold the same as agent or trustee; and may guarantee the payment thereof, both of principal and interest, and may act generally as fiscal or other agent for any such government or person; (c) act as agent or attorney for winding up estates, receiving

Agent or attorney.

or collecting any principal, debts, debentures or other securities or evidences of debt or demands of any nature, and in the sale or purchase of any real or personal property, and generally act in all matters in the nature of a trust of general agency;

15

20

Safe deposit.

(d) be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property, and of deeds, wills debentures, and other evidences of title or indebtedness, and for that purpose establish and operate safe deposit vaults;

Management of estates.

(e) act as investing and managing agent of estates and proper- 25 ties, for and on behalf of executors, administrators and trustees,

or other persons:

Auditing.

(f) examine, report upon and audit the books, accounts, conditions and standing of corporations, partnerships and individuals, when requested or authorized so to do, by such corpora- 30 tions, partnerships and individuals, and also when required by an order of a court of competent jurisdiction.

nvestment of trust moneys.

11. The Company may invest trust moneys in any of the securities mentioned in section 9 of this Act.

Guarantee of titles to or enjoyment of real property.

12. The Company may guarantee the title to, or the quiet 35 enjoyment of, property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any 40 insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights; and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon; and may issue its guarantee certificates or 45 policies in such form as it determines and for such remuneration as it fixes.

Certificates of guarantee.

13. The Company may liquidate, and carry on for the pur- Liquidation poses of such liquidation, the business of any other company of other companies. carrying on any business which the Company is authorized to carry on, upon such terms as are agreed upon.

14. The Company may, subject to any limitations or prohi- Loan upon bitions imposed by its by-law, lend upon its own paid-up stock stock. to an amount not exceeding in the aggregate of all such loans ten per cent of the Company's paid-up stock, but no such loans shall exceed sixty per cent of the par value, or the then current market 10 value, of such stock, whichever value is the smaller. The amount of such advances shall be deducted from the amount of the paid-up capital upon which the Company is authorized to

borrow.

25 the Company.

15. The Company may borrow money, and receive money Borrowing 15 on deposit, upon such terms as to interest, security and otherwise powers. as are agreed on, and may issue bonds, debentures and other securities for money borrowed; provided always that the total of the Company's liabilities to the public outstanding from time to time shall not exceed four times the aggregate amount of the Limitation. 20 then actually paid-up and unimpaired capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to

16. All moneys, of which the repayment of the principal or Moneys payment of interest is guaranteed by the Company, shall, for guaranteed to be deemed the purposes of this Act, be deemed to be money borrowed by borrowed. the Company.

17. The affairs of the Company shall be managed by the Directors. board of directors, who may pay all the expenses incurred in organizing and incorporating the Company, and may affix the seal of the Company, and may make or cause to be made for General the Company any description of contract, which the Company powers.

35 may, by law, enter into, and may exercise all such powers of the Company, as are not by this Act required to be exercised by the Company in general meeting, and the directors may from time to time among other things, also exercise the following powers, the same being specifically referred to for greater certainty, 40 but not so as to restrict the generality of the foregoing terms Special

of this section. (a) issue debentures, bonds, deposit receipts and stock, and regulate the allotment of stock, the making of calls, the payment thereof, the issue and registration of certificates of stock, the 45 forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, and the closing from time to time of the stock and transfer books;

(b) declare and pay dividends;

(c) delegate any of their powers to committees consisting of such member or members of their body as they think fit, and any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors;

(d) appoint and remove all agents, officers and servants of the Company, and provide for and determine their functions and 10 duties, the security to be given by them to the Company and

their remuneration;

(e) determine the time and place for the holding of all meetings of the Company, the calling of all meetings of the board of directors and of the Company, the quorum at meetings of direct- 15 ors and of the Company, and the procedure in all things at such nicetings;

(f) provide for the imposition and recovery of all penalties

and forfeitures admitting of regulation by by-law;

(g) conduct in all other particulars the affairs of the Company; 20

(h) make by-laws for the regulation of the business of the Company, its officers, agents and servants, or the members of the Company;

(i) determine, subject to the provisions of section 5, the number of directors, their term of service, the amount of their 25

stock qualification, and their remuneration, if any.

Debenture stock.

Limitation.

18. The directors of the Company may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, and upon such terms and bearing such rate of inter- 30 est, as the directors from time to time think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the Company, and shall be included in estimating the Company's liabilities to the public, under section 15 of this Act, and such debenture stock shall rank 35 equally with such ordinary debenture and deposit debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or the holders of ordinary debentures of the Company.

Ranking.

19. The debenture stock aforesaid shall be entered by the 40 Registration of debenture 3 Company in a register to be kept for that purpose in the head office of the Company, wherein shall be set forth the names and addresses of those from time to time to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said 45 register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bond· holder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge.

20. All transfers of debenture stock of the Company shall be Transfer of debenture registered at the head office of the Company, and not elsewhere, stock. 5 but the said transfers may be left with such agent or agents in the United Kingdom as the Company appoints for that purpose, for transmission to the Company's head office for registration.

21. The holders of the ordinary debentures of the Company Exchange of may, with the consent of the directors, at any time exchange debentures. 10 such debentures for debenture stock.

22. The Company, having issued debenture stock, may, from Cancellation time to time, as it thinks fit, and for the interest of the Company, of debenture stock. but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

15 23. The directors of the Company may make a by-law for Preference creating and issuing any part of the capital stock as preference stock. stock giving it such preference and priority as respects dividends and otherwise over ordinary stock as is declared by the by-law.

2. The by-law may provide that the holders of shares of such Holders may 20 preference stock shall have the right to select a certain stated directors. proportion of the board of directors, or may give the said holders such control over the affairs of the Company as may be considered expedient.

3. No such by-law shall have any force or effect until it has By-law to be sanctioned. 25 been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for the purpose of considering the said by-law, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of

30 the Company. 4. Holders of shares of such preference stock shall be share- Preference holders within the meaning of this Act, and shall in all respects stockholders to have possess the rights and be subject to the liabilities of shareholders rights of

within the meaning of this Act; provided, however, that in shareholders.

35 respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law.

5. Nothing in this section contained or done in pursuance Rights of thereof shall affect or impair the rights of creditors of the Com- creditors saved.

24. The Company may have an agency or agencies in any Agencies. city or cities in Canada and elsewhere, and any by-law passed establishing such agency shall not be altered or repealed excepting by a vote of the shareholders present or represented by proxy

at a special meeting to be called for that purpose, and holding not less than two-thirds of the issued capital stock of the Company represented at such meeting; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in the city where the Company has 5 such agency.

No liability on trusts. 25. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any deposit or any other moneys payable by or in the hands of the Company may be subject; and the receipt of the 10 party or parties in whose name such share or shares, debenture stock or money stand in the books of the Company shall, from time to time, be sufficient discharge to the Company for the payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same 15 may then be subject, and whether or not the Company has had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Reserve fund.

26. The directors may set aside out of the profits of the Company such sums as they think proper as a reserve fund to meet 20 contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the Company, and for such other purposes as the directors shall, in their discretion, think conducive to the interests of the Company, and may invest the several sums so set aside upon such investments 25 (other than shares of the Company) as they think fit, and may from time to time deal with and vary such investments and dispose thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they think fit, and may employ the assets constituting the reserve fund, in the 30 business of the Company, and that without being bound to keep them separate from the other assets; provided that the investment of the reserve fund shall be subject to the limitations contained in section 9 of this Act.

Business outside of Canada. 27. The Company may, in general meeting of its shareholders 35 duly called for that purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable for any breach of trust in so doing.

Office buildings. 2. If, as provided in subsection 1 hereof, the Company carries 40 on business outside of Canada, the Company may, in general meeting of the shareholders, duly called for that purpose, pass a by-law authorizing the directors to invest the money of the Company in the erection or purchase of buildings required for the occupation of the Company in any place where the Company 45 is so carrying on business.

28. The Company may purchase the entire assets and acquire Power to and undertake the whole or any part of the business, property acquire other companies. and liabilities and the name and good-will of any other company

or companies within the legislative power of the Parliament of 5 Canada carrying on any business which the Company is authorized to carry on, and pay therefor in cash or in stock either fully paid up, or partly paid up, or partly in cash or partly in stock, either fully paid up or partly paid up, or in any other manner; and any of the said companies, whose assets the Company desires

10 to purchase, are hereby authorized to sell and transfer their respective assets, business, property, name and good-will, and the Company and any of such companies may enter into all agreements of purchase and sale, and execute all conveyances and assignments, and do all other acts necessary or convenient for

15 the purposes of such purchase and sale; provided always that specified assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and approved by the Treasury Board.

20 29. In case any company, whose assets are acquired by the Debenture Company, has issued debenture stock, and such debenture stock stock may be issued in is outstanding at the date of the acquisition aforesaid, the lieu of directors of the Company may, if and when they think fit, and existing debenture either with or without the sanction of the shareholders, issue stock.

25 debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may, with the consent of any holder of debenture stock in such other company, give to him, in lieu of the debenture stock held by him, debenture stock of the Company on such terms as may 30 be agreed upon.

30. In the case of any partly paid up stock issued by the Issue of Company as the consideration in whole or in part of the purchase up stock to by the Company of the assets of any other company, the stock shareholders remaining unpaid may be made payable at such times as are companies. 35 agreed upon under section 28 of this Act.

31. The directors of the Company may adopt and carry into Directors effect agreements with any other companies, as provided in may carry out section 28 hereof, provided that such agreement has been ratified with other and confirmed by a vote of the shareholders of each of the com-40 panies parties to such agreements present or represented by proxy at a meeting of the shareholders of each such company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting. 00 - 2

Transmission of interest in shares otherwise than by transfer.

32. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obligation of the Company (such bond, debenture or obligation not being payable to the bearer), is transmitted in consequence of the death, bankruptcy or insolvency of such holder, or by any 5 other lawful means other than a transfer upon the books of the Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company or to recognize such transmission in any manner until a declaration in writing, showing the nature of such trans- 10 mission, and signed and executed by the person claiming by virtue of such transmission, and also executed by the former shareholders, if living, and having power to execute it, has been filed with the manager or secretary of the Company and approved by the directors, and if the declaration purporting to be signed 15 and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough or other place, or a British consul or vice-consul or other accredited representative of the British Government in any foreign country, the directors 20 may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to 25 be entered in the books of the Company.

Requirements in case of transmission by will or intestacy.

33. If the transmission takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, the probate of the will or letters of admin stration or testamentary document, or other judicial or official instrument under which the title (whether beneficial or as trustee) or the adminis- 30 tration or control of the personal estate of the deceased shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom shall, together with the declaration 35 mentioned in section 32 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving it, and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, 40 coupon, bond, debenture or obligation or share, or transferring or consenting to the transfer of any bond, debenture, obligation or share, in pursuance of, and in conformity to, such probate, letters of administration or such other document as aforesaid.

Directors may apply to court in cases of doubt. 34. Whenever the directors shall entertain reasonable doubts 45 as to the legality of any claim to or upon such shares, bonds, debentures, obligations, dividends or coupons, or the proceeds

thereof, then and in such case the directors may file in any court of competent jurisdiction in the province in which the head office of the Company is situated, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the 5 said shares, bonds, debentures, obligations, dividends, coupons, or proceeds to the parties legally entitled thereto, and such court shall have authority to restrain any action, suit or proceedings against the Company, and the directors and officers thereof for the same subject matter, pending the determination of the 10 petition; and the Company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which have been in question in such petition, and the proceedings thereupon, provided that if the 15 court adjudges that such doubts were reasonable, the costs, charges and expenses of the Company, in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the Company before the directors shall be obliged 20 to transfer, or assent to the transfer of, or to pay such shares, bonds, debentures, obligations, dividends, coupons or proceeds to the parties found entitled thereto.

35. The Company shall transmit, on or before the first of Annual March in each year, to the Minister of Finance, a statement in 25 duplicate, to the thirty-first of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company and amount and nature of the invest-30 ments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the Company as the Minister 35 of Finance requires, and in such form and with such details as he, from time to time, requires and prescribes; but the Company shall, in no case, be bound to disclose the name or private affairs of any person who has dealings with it.

2. If the Company for the space of one month neglects or Penalty for 40 refuses to comply with the written request of the Minister of default Finance to make the statement to him required by this section, the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues, and every director and officer of the Company who knowingly and wilfully 45 authorizes or permits such default shall incur the like penalty.

36. No parcel of land, or interest therein, at any time acquir- Term for ed by the Company and not required for its actual use and which land may be held.

occupation, or not held by way of security, or as trustee, shall be held by the Company, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein unless by way of 5 security; and any such parcel of land and any interest therein not within the exceptions hereinbefore mentioned, which has been held by the Company for a longer period than ten years without being disposed of shall be forfeited to the Crown; provided that the Governor in Council may extend the said period 10 from time to time, not exceeding in the whole twelve years; provided, further, that no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice in writing to the Company of the intention of the Crown to claim such forfeiture, and it shall be the duty of the Company to give 15 the Minister of Finance, when required, a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to these provisions.

Application of R.S., c. 79.

Forfeiture.

Extension of term.

Notice of

enforcing forfeiture.

**37.** Sections 125, 131, 134, 135, 136, 137, 141, 158, 159, 165 20 and 167 of The Companies Act shall not apply to the Company.

An

Act

to incorporate the Hudson

Mortgage Corporation.

(PRIVATE BILL.)

First reading, December 14, 1910.

MR. KNOWLES

Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS

OF CANADA.

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELEE

OTTAWA

# THE HOUSE OF COMMONS OF CANADA.

# BILL 56.

An Act to incorporate the Hudson Bay Mortgage Corporation.

[Reprinted as proposed to be amended in the Banking and Commerce Committee.]

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. C. E. Berg, Robie L. Reid, Sidney Francis Quick and Incorpora-James Fleming, all of the city of Vancouver in the province of British Columbia, John A. Sheppard, of the city of Moose Jaw in the province of Saskatchewan, William Loree, of the city of

10 Winnipeg in the province of Manitoba, and William Johnston of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Hudson Bay Mortgage Corporate Corporation," hereinafter called "the Company."

2. The persons named in section 1 of this Act are constituted Provisional the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive pay-

20 ments thereon and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or Powers. otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally what is necessary to organize the 25 Company.

3. The capital stock of the Company shall be five million Capital dollars, divided into fifty thousand shares of one hundred dollars stock. each.

Head office

4. The head office of the Company shall be at the city of Vancouver, in the province of British Columbia, or at such other place in Canada as the directors may, from time to time, determine by a by-law confirmed at a special general meeting of the Company duly called for that purpose.

Notice of change.

2. Notice of any change of the head office shall be published in at least one issue of The Canada Gazette.

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Agencies.

3. The Company may establish branch offices and agencies in Canada and elsewhere.

First general meeting.

5. So soon as one hundred thousand dollars of the capital 10 stock have been subscribed and fifty thousand dollars have been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders, at some place to be named in the said city of Vancouver, at which meeting the shareholders present or represented by proxy, who have paid 15 not less than ten per cent of the amount of shares subscribed for by them, shall elect a board of not less than ten nor more than twenty directors, a majority of whom shall be a quorum.

Election of directors

Qualification of directors.

2. No person shall be a director unless he holds in his own name for his own use at least twenty-five shares of the capital 20 stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Annual meeting.

6. A general meeting of the Company shall be called at its head office once in each year, after the organization of the Company and commencement of business, and at such meeting 25 a statement of the affairs of the Company shall be submitted; and special, general or extraordinary meetings may at any time be called by any five of the directors, or by a requisition of any twenty-five shareholders, specifying in the notice thereof the object of such meeting.

meetings

Special

2. Notice of each meeting of the Company shall be given by printed or written notice to each of the shareholders mailed at least fourteen days before the day for which such meeting is

called, and addressed to the addresses of the shareholders 35

Notice of meeting.

respectively as given in the books of the Company.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twentyfive per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice shall be given of any 40 call; and any notice of call may be effectually given by sending the notice by registered letter post paid to the address of the shareholder as given in the books of the Company.

Notice.

Calls.

Borrowing and lending.

8. The Company shall not borrow nor lend money or otherwise carry on business until it has obtained from the Minister 45

of Finance a certificate permitting it to do so, and no application Certificate for such certificate shall be made and no certificate shall be given required. until the board of directors has been elected as required by this Act, nor until it has been shown to the satisfaction of the Minister

5 of Finance that at least five hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act. No such certificate shall be given

10 unless application therefor is made within two years after the passing of this Act, or within such extended period as the Governor in Council, before the expiration of such two years allows: Provided that should such certificate not be duly made within the time limited, or should such certificate be refused, Proviso.

15 this Act shall thereupon cease to be in force except for the purpose of winding up the affairs of the Company and returning to the subscribers the amounts paid upon the subscribed stock, or so much thereof as they are entitled to.

9. The Company may lend money on the security of, or pur-Business. 20 chase or invest in,-

(a) mortgages or hypothecs upon freehold or leasehold real Mortgages estate, or other immovables;

(b) the debentures, bonds, stocks and other securities of Stocks and any government or any municipal corporation or school cor-securities. 25 poration, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank); provided that the Company shall not lend upon the Proviso. security of, or purchase, or invest in bills of exchange or promissory notes; and provided also that the Company shall not Proviso. 30 invest in nor loan money upon the security of the stock of any

other loan company; (c) freehold real estate, subject to an agreement for sale upon Freehold real which not more than sixty per cent of the purchase price still estate.

remains to be paid under the said agreement for sale.

2. The Company may take personal security as collateral for Personal any advance made, or to be made, or contracted to be made security. by or for any debt due to the Company.

10. The Company may liquidate, and carry on for the pur- Liquidation poses of such liquidation, the business of any other company of other companies. 40 carrying on any business which the Company is authorized to carry on, upon such terms as are agreed upon.

11. The Company may, subject to any limitations or prohi- Loan upon bitions imposed by its by-law, lend upon its own paid-up stock Company's stock. to an amount not exceeding in the aggregate of all such loans ten 45 per cent of the Company's paid-up stock, but no such loans shall exceed sixty per cent of the par value, or the then current market

value, of such stock, whichever value is the smaller. The amount of such advances shall be deducted from the amount of the paid-up capital upon which the Company is authorized to borrow.

Borrowing powers.

Limitation.

12. The Company may borrow money, and receive money 5 on deposit, upon such terms as to interest, security and otherwise as are agreed on, and may issue bonds, debentures and other securities for money borrowed; provided always that the total of the Company's liabilities to the public outstanding from time to time shall not exceed four times the aggregate amount of the 10 then actually paid-up and unimpaired capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to 15 the Company.

Moneys guaranteed to be deemed borrowed. 13. All moneys, of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be money borrowed by the Company.

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Directors.

General powers.

Special powers.

- 14. The affairs of the Company shall be managed by the board of directors, who may pay all the expenses incurred in organizing and incorporating the Company, and may affix the seal of the Company, and may make or cause to be made for the Company any description of contract, which the Company 25 may, by law, enter into, and may exercise all such powers of the Company, as are not by this Act required to be exercised by the Company in general meeting, and the directors may from time to time among other things, also exercise the following powers, the same being specifically referred to for greater certainty, 30 but not so as to restrict the generality of the foregoing terms of this section,—
- (a) issue debentures, bonds, deposit receipts and stock, and regulate the allotment of stock, the making of calls, the payment thereof, the issue and registration of certificates of stock, the 35 forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, and the closing from time to time of the stock and transfer books;

(b) declare and pay dividends;

- (c) delegate any of their powers to committees consisting 40 of such member or members of their body as they think fit, and any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the directors;
- (d) appoint and remove all agents, officers and servants of 45 the Company, and provide for and determine their functions and

duties, the security to be given by them to the Company and their remuneration;

(e) determine the time and place for the holding of all meetings of the Company, the calling of all meetings of the board of directors and of the Company, the quorum at meetings of the Company, and the procedure in all things at such meetings:

(f) provide for the imposition and recovery of all penalties

and forfeitures admitting of regulation by by-law;

(g) conduct in all other particulars the affairs of the Company;

(h) make by-laws for the regulation of the business of the 10 Company, its officers, agents and servants, or the members of the Company;

(i) determine, subject to the provisions of section 5, the number of directors, their term of service, the amount of their

15 stock qualification, and their remuneration, if any.

15. The directors of the Company may, with the consent of Debenture the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, and upon such terms and bearing such rate of inter-20 est, as the directors from time to time think proper, but such

debenture stock shall be treated and considered as part of the Limitation. ordinary debenture debt of the Company, and shall be included in estimating the Company's liabilities to the public, under section 15 of this Act, and such debenture stock shall rank

25 equally with such ordinary debenture and deposit debt, and no greater rights or privileges shall be conferred upon holders of Ranking. debenture stock in respect thereof than are held or enjoyed by depositors or the holders of ordinary debentures of the Company.

- 16. The debenture stock aforesaid shall be entered by the Registration 30 Company in a register to be kept for that purpose in the head stock. office of the Company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts 35 and in such manner as the directors may determine. The said register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge.
- 17. All transfers of debenture stock of the Company shall be Transfer of registered at the head office of the Company, and not elsewhere, stock. but the said transfers may be left with such agent or agents in the United Kingdom as the Company appoints for that purpose, for transmission to the Company's head office for registration.

Exchange of ordinary debentures.

18. The holders of the ordinary debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

Cancellation of debenture stock.

19. The Company, having issued debenture stock, may, from time to time, as it thinks fit, and for the interest of the Company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Preference stock.

20. The directors of the Company may make a by-law for creating and issuing any part of the capital stock as preference stock giving it such preference and priority as respects dividends 10 and otherwise over ordinary stock as is declared by the by-law.

Holders may select directors.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give the said holders such control over the affairs of the Company as may be con- 15 sidered expedient.

By-law to be sanctioned.

3. No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for the purpose of 20 considering the said by-law, such shareholders present at the meeting or represented thereat by proxy holding not less than two-thirds of the amount paid up upon the capital stock of the Company.

Preference stockholders to have rights of shareholders. 4. Holders of shares of such preference stock shall be share-25 holders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act; provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights 30 given by such by-law.

Rights of creditors saved.

5. Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the Company.

Agencies.

21. The Company may have an agency or agencies in any 35 city or cities in Canada and elsewhere, and any by-law passed establishing such agency shall not be altered or repealed excepting by a vote of the shareholders present or represented by proxy at a special meeting to be called for that purpose, and holding not less than two-thirds of the issued capital stock of the Company represented at such meeting; nor unless the notice calling such meeting has been published once a week for four consecutive weeks in a daily newspaper in the city where the Company has such agency.

22. The Company shall not be bound to see to the execution No liability of any trust, whether express, implied or constructive, to on trusts. which any share of its stock or debentures or debenture stock or any deposit or any other moneys payable by or in the hands

5 of the Company may be subject; and the receipt of the parties in whose name such shares, debentures, debenture stock, deposit or money stand in the books of the Company shall, from time to time, be sufficient discharge to the Company for any payment of any kind made in respect of such shares, debentures, debenture

10 stock, deposit or moneys, notwithstanding any trust to which they may then be subject, and whether or not the Company has had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

23. The directors may set aside out of the profits of the Com- Reserve fund.

15 pany such sums as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the Company, and for such other purposes as the directors shall, in their discretion, think conducive to the interests of the Company, and 20 may invest the several sums so set aside upon such investments (other than shares of the Company) as they think fit, and may from time to time deal with and vary such investments and dispose thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they think fit, and 25 may employ the assets constituting the reserve fund, in the business of the Company, and that without being bound to keep them separate from the other assets; provided that the investment of the reserve fund shall be subject to the limitations con-

tained in section 9 of this Act.

24. The Company may, in general meeting of its shareholders Business duly called for that purpose, pass a by-law authorizing its outside of Canada. directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable for any breach of trust in so doing.

2. If, as provided in subsection 1 hereof, the Company carries office on business outside of Canada, the Company may, in general buildings. meeting of the shareholders, duly called for that purpose, pass a by-law authorizing the directors to invest the money of the Company in the acquisition of property for the erection or 40 purchase of buildings required for the occupation of the Company in any place where the Company is so carrying on business.

25. The Company may purchase the entire assets and acquire Power to and undertake the whole or any part of the business, property acquire other and liabilities and the name and good will of any other companies. and liabilities and the name and good-will of any other company 45 or companies within the legislative power of the Parliament of Canada carrying on any business which the Company is author-

ized to carry on, and pay therefor in cash or in stock either fully paid up, or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any of the said companies, whose assets the Company desires to purchase, are hereby authorized to sell and transfer their respective assets, business, property, name and good-will, and the Company and any of such companies may enter into all agreements of purchase and sale, and execute all conveyances and assignments, and do all other acts necessary or convenient for the purposes of such purchase and sale; provided always that 10 specified assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and approved by the Treasury Board.

2. In case the Company assumes the liabilities of any other 15 company, such liabilities shall form part of the total liabilities of the Company to the public for the purposes of section 12

of this Act.

Debenture stock may be issued in lieu of existing debenture stock. **26.** In case any company, whose assets are acquired by the Company, has issued debenture stock, and such debenture stock is outstanding at the date of the acquisition aforesaid, the directors of the Company may, if and when they think fit, and either with or without the sanction of the shareholders, issue debenture stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and 25 may, with the consent of any holder of debenture stock in such other company, give to him, in lieu of the debenture stock held by him, debenture stock of the Company on such terms as may be agreed upon.

Issue of partly paid up stock to shareholders of other companies. 27. In the case of any partly paid up stock issued by the 30 Company as the consideration in whole or in part of the purchase by the Company of the assets of any other company, the stock remaining unpaid may be made payable at such times as are agreed upon under section 25 of this Act.

Directors may carry out agreements with other companies.

28. The directors of the Company may adopt and carry into 35 effect agreements with any other companies, as provided in section 25 of this Act, provided that such agreement has been ratified and confirmed by a vote of the shareholders of each of the companies parties to such agreements present or represented by proxy at a meeting of the shareholders of each such 40 company duly called for the purpose, and holding not less than two-thirds of the amount paid up upon the capital stock of such company represented at such meeting.

Transmission of interest in shares

29. If the interest of any person in any share in the capital stock, or debenture stock, or in any bond, debenture or obliga- 45

tion of the Company (such bond, debenture or obligation not otherwise being payable to the bearer), or any deposit or other moneys transfer. payable by or in the hands of the Company is transmitted in consequence of the death, bankruptcy or insol-5 vency of such holder, or by any other lawful means other than a transfer upon the books of the Company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the Company or to recognize such transmission in any manner

10 until a declaration in writing, showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also executed by the former shareholders, if living, and having power to execute it, has been filed with the manager or secretary of the Company and approved

15 by the directors, and if the declaration purporting to be signed and executed shall also purport to be made or acknowledged in the presence of a notary public, or of a judge of a court of record, or of a mayor of any city, town or borough or other place, or a British consul or vice-consul or other accredited representative

20 of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to the declaration and (unless the directors are not satisfied with the responsibility of the transferee) shall allow the name of the party claiming by virtue of the transmission to

25 be entered in the books of the Company.

30. If the transmission takes place by virtue of any testa-Requirements mentary act or instrument, or in consequence of an intestacy, in case of the probate of the will or letters of administration or testament-by will or ary document, or other judicial or official instrument under intestacy. 30 which the title (whether beneficial or as trustee) or the adminis-

tration or control of the personal estate of the deceased is claimed to vest shall purport to be granted by any court or authority in Canada, or in Great Britain or Ireland, or any other of His Majesty's dominions, or in any foreign country, or an authenti-

35 cated copy thereof or official extract therefrom shall, together with the declaration mentioned in section 29 of this Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving it, and such production and deposit shall be sufficient justi-

40 fication and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation or share, or any deposit or any other moneys payable by or in the hands of the Company, or transferring or consenting to the transfer of any bond, debenture, obligation or share, or any

45 deposit or any other moneys payable by or in the hands of the Company, in pursuance of, and in conformity to, such probate, letters of administration or such other document as aforesaid. 00 - 2

Directors may apply to court in cases of doubt.

31. Whenever the directors shall entertain reasonable doubts as to the legality of any claim to or upon such shares, bonds. debentures, obligations, dividends or coupons, or the proceeds thereof, or any deposit or any other moneys payable by or in the hands of the Company, then and in such case the directors 5 may file in any court of competent jurisdiction in the province in which the head office of the Company is situated, a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures, obligations, dividends, coupons, or proceeds or any deposit or 10 any other moneys payable by or in the hands of the Company to the parties legally entitled thereto, and such court shall have authority to restrain any action, suit or proceedings against the Company, and the directors and officers thereof for the same subject matter, pending the determination of the 15 petition; and the Company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters which have been in question in such petition, and the proceedings thereupon: Provided that if the 20 court adjudges that such doubts were reasonable, the costs, charges and expenses of the Company, in and about such petition and proceedings, shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds, and shall be paid to the Company before the directors shall be obli ed 25 to transfer, or assent to the transfer of, or to pay such shares. bonds, debentures, obligations, dividends, coupons or proceeds or any deposit or any other moneys payable by or in the hands of the Company to the parties found entitled thereto.

Annual statement.

32. The Company shall transmit, on or before the first of 30 March in each year, to the Minister of Finance, a statement in duplicate, to the thirty-first of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager or secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and 35 liabilities of the Company and amount and nature of the investments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the 40 nature and extent of the business of the Company as the Minister of Finance requires, and in such form and with such details as he, from time to time, requires and prescribes; but the Company shall, in no case, be bound to disclose the name or private affairs of any person who has dealings with it. 45

Penalty for default.

2. If the Company for the space of one month neglects or refuses to comply with the written request of the Minister of Finance to make the statement to him required by this section, the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues, and every director and officer of the Company who knowingly and wilfully authorizes or permits such default shall incur the like penalty.

33. No parcel of land, or interest therein, at any time acquir- Term for ed by the Company and not required for its actual use and which land may be held. occupation, or not held by way of security, shall be held by the Company, or by any trustee on its behalf, for a longer period than ten years after the acquisition thereof, but shall

10 be absolutely sold and disposed of, so that the Company shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest therein not within Forfeiture. the exceptions hereinbefore mentioned, which has been held by the Company for a longer period than ten years without 15 being disposed of shall be forfeited to the Crown; provided Extension

that the Governor in Council may extend the said period from of term. time to time, not exceeding in the whole twelve years; provided, further, that no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice

20 in writing to the Company of the intention of the Crown to claim Notice of such forfeiture, and it shall be the duty of the Company to give enforcing forfeiture. the Minister of Finance, when required, a full and correct statement of all lands at the date of such statement held by the Company, or in trust for the Company, and subject to these 25 provisions.

34. Sections 125, 131, 134, 135, 136, 137, 141, 158, 159, 161, Application of R.S., 165 and 167 of The Companies Act shall not apply to the Com- c. 79. pany.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 56.

An Act to incorporate the Hudson Bay Mortgage Corporation.

[Reprinted as proposed to be amended in the Banking and Commerce Committee.]

(PRIVATE BILL.)

MR. KNOWLES.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty

1910-11

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 57.

An Act respecting the London and North Western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1909, c. 100. by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. The London and North Western Railway Company may, Time for within two years after the passing of this Act, commence the of railway and the commence of the construction of its railway authorized by section 8 of chapter extended. 100 of the statutes of 1909, and expend fifteen per cent of its 10 capital stock thereon; and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or the said railway is not so completed and put in opera-15 tion, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3rd Session, 11th Parliament, 1 George V., 1910-1!

THE HOUSE OF COMMONS OF CANADA.

BILL 57.

An Act respecting the London and Nortl Western Railway Company.

First reading, December 14, 1910.

(PRIVATE BILL.)

MR. BEATTIE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

# BILL 58.

An Act to amend the Fisheries Act.

H IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (e) of subsection 1 of section 54 of *The Fisheries R. S.*, c. 45, 5 Act, chapter 45 of the Revised Statutes, 1906, is amended by section adding at the end thereof the following:—

"Provided that no gill net license shall be granted to any Licenses person, company or firm, unless such person is a British subject to British resident in the province of British Columbia and is capable of subjects and Canadian of fulfilling the requirements as to stature and chest measurement companies provided by the regulations governing the admission of volunor or firms.

10 fulfilling the requirements as to stature and chest measurement companies provided by the regulations governing the admission of volunteers to the Naval Volunteer Force, or to such company or firm unless it is a Canadian company or firm, or is licensed to do business in the said province."

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

BILL 58.

An Act to amend the Fisheries Act.

First reading, December 15, 1910.

MR. BARNARD.

OTTAWA
Printed by C. H. PARMERE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

# BILL 59.

An Act respecting the Athabasca Northern Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1905, c. 57; grant the prayer of the said petition: Therefore His Majesty, 1909, c. 46. by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:-

1. The Athabasca Northern Railway Company may com- Extension mence the construction of its railway, and expend fifteen per of time for cent of the amount of its capital stock thereon, within two of railway. years after the passing of this Act, and may complete its rail-10 way and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the said 15 company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 46 of the statutes of 1909 is repealed.

1909, c. 46 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act respecting the Athabasca Northern Railway Company.

First reading, December 16, 1910.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 60.

An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1898, c. 107;
grant the prayer of the said petition: Therefore His Majesty, 1908, c. 122.
by and with the advice and consent of the Senate and House of
5 Commons of Canada, enacts as follows:—

1. The Lake Champlain and St. Lawrence Ship Canal Company may, within two years after the passing of this Act, commence the construction of the canal authorized by chapter 107 of construction of the statutes of 1898 and expend fifty thousand dollars thereon, 10 and may complete the said canal within five years after the passing of this Act; and if the said canal is not so commenced and the said expenditure is not made, or if the said canal is not completed, within the said periods respectively, the powers of construction conferred upon the said company by Parliament

construction conferred upon the said company by Parliament 15 shall cease and be null and void as respects so much of the said canal as then remains uncompleted.

2. Chapter 122 of the statutes of 1908 is repealed.

1908, c. 122 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 60.

An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.

First reading, December 16, 1910.

(PRIVATE BILL.)

MR. GEOFFRION.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

#### BILL 61.

An Act respecting the Pontiac Central Railway Company.

WHEREAS a petition has been presented praying that it be Preamble, enacted as hereinafter set forth, and it is expedient to 1908, c. 146. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. The Pontiac Central Railway Company may complete the Extension of railway authorized by chapter 146 of the statutes of 1908 and time for construction put it in operation within five years after the passing of this of railway. Act, and if the said railway is not completed and put into 10 operation within the said period the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.
- 2. The said company may, subject to the provisions of sec-Agreements tions 361, 362 and 363 of The Railway Act, enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Grand Trunk Pacific Railway Company, the Canada Atlantic Railway Company, the Central Railway Company of Canada and the Canadian Northern Ontario Railway Company.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 61.

An Act respecting the Pontiac Central Railway Company.

First reading, December 16, 1910.

(PRIVATE BILL.)

MR. BICKERDIKE.

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 62.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1899, c. 50; grant the prayer of the said petition: Therefore His Majesty, 1901, c. 46; by and with the advice and consent of the Senate and House 1905, c. 53; 5 of Commons of Canada, enacts as follows:-

1. The Algoma Central and Hudson Bay Railway Company, 1910, c. 65. hereinafter called "the Company," may commence, within Extension of two years after the passing of this Act, the construction of the construction railway authorized by section 3 of chapter 46 of the statutes of of railway.

10 1901, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced, or is not completed and put in operation within the said periods respectively, the powers of construction conferred pon the Company by Parliament shall 15 cease and be null and void as respects so much of the said railway

as then remains uncompleted.

2. The Company may lay out, construct and operate a Branch line branch line of railway from a point on its main line, at or near authorized. Mile Seventeen, from Michipicoten Harbour northerly, in the 20 district of Algoma, a distance of about nine and one-half miles.

3. The conversion of fifty thousand shares of the capital Conversion of stock of the Company from common stock into five per cent confirmed. non-cumulative preferred stock, and the issue of such shares as such preferred stock, is declared to be valid and binding upon 25 the Company and the shareholders thereof, according to the terms of such conversion and issue.

4. The securities issued by the Company in respect of the Issue of extension of its railway authorized by section 2 of this Act securities. shall not exceed thirty thousand dollars per mile of the exten-30 sion of its said railway, and may be issued only in proportion

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 62.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. TOLMIE.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1916-11.

# THE HOUSE OF COMMONS OF CANADA.

### BILL 63.

An Act to incorporate the British Columbia and Dawson Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Jean Walkenstein, capitalist, Andrew T. Sullivan, capital-Incorporaist, Edmund C. Harris, railroad operator, Charles G. Young, tion. civil engineer, all of the city of New York, in the state of New York, and James O. Clifford, auditor, of the city of Chicago, 10 in the state of Illinois, all in the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The British Columbia and Daw-Corporate son Railway Company," hereinafter called "the Company."

- 2. The persons named in section 1 of this Act are constituted Provisional 15 provisional directors of the Company.
  - 3. The capital stock of the Company shall be one million Capital dollars. No one call thereon shall exceed ten per cent of the stock. shares subscribed.
- 4. The head office of the Company shall be in the city of Head office. 20 Ottawa.
  - 5. The annual meeting of the shareholders shall be held on Annual the first Wednesday in September.
  - 6. The number of directors shall be not less than five, nor Directors. more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate a rail-Line of way of the gauge of four feet eight and one-half inches, from a railway point at or near Lytton, in the province of British Columbia, running along the Fraser River to Fort George, to a crossing of the Nechaco River at the mouth of the Stewart River, fol-

lowing the same by way of Stewart Lake, Thatcher River, Trembleur Lake, Middle River, North Tacla Lake, Driftwood River, Bear Lake, passing through Fort Connelly, thence along the valley of the Skeena River to a summit between the Skeena and the Stickine Rivers, down the Stickine to Telegraph 5 Creek, and thence up Telegraph Creek to the headwaters of Teslin River, following the same to the northern boundary of British Columbia, and from there on by the most feasible route to the city of Dawson, in the Yukon Territory; also from Ashcroft in the said province of British Columbia to the Fraser 10 River, at or near a point where Big Creek enters the said river; also from a point at or near Lillooet along the south side of Seaton and Anderson Lakes via Lillooet Lake and River and Harrison Lake, thence to the city of Vancouver.

Issue of securities.

8. The securities issued by the Company shall not exceed 15 fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Consent of municipalities.

9. The Company shall not construct or operate its railway along any highway, street or other public place without first 20 obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street of other public place, and upon the terms to be agreed upon with such municipality.

Transmission

and delivery of power and provisions of section 247 of The Railway Act, the Company may electricity. acquire, but not by expressions is 10. For the purpose of its undertaking, and subject to the 25 acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway shall have been constructed, and may receive, transform, transnut, distribute 30 and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and 35 charges from time to time.

Consent of municipalities required and telephone

11. Nothing in this Act or in The Telegraphs Act shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of 40 highways, etc. surplus power generated by the Company's works, and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to 45

be agreed on with such municipality, or to sell, dispose of or R.S., c. 126. distribute power or energy within, or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality.

12. The Company may, subject to the provisions of The Telegraphs and tele-Railway Act, construct and operate telegraph and telephone phones. lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or ex-

10 changing or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies.

15 2. No toll or charge shall be demanded or taken for the trans- Tolls and mission of any messages, or for leasing or using the telegraphs charges. or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

20 3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with The Railway Act, or with this Act, shall apply to the telegraphic business of the Company.

13. Subject to the provisions of sections 361, 362 and 363 of Agreement with British The Railway Act, the Company may enter into an agreement Columbia and 25 with the British Columbia and Alaska Railway Company for Alaska Ry. any of the purposes specified in the said section 361.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 63.

An Act to incorporate the British Columbia and Dawson Railway.

First reading, January 11, 1911.

(PRIVATE BILL.)

Mr. Burrill.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 64.

An Act to incorporate the British Columbia and White River Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Sonate and House 5 of Commons of Canada, enacts as follows:—

- 1. C. M. Marpole, George Wilson, George E. MacDonald, Incorpora-Angus McDonnell and James Ironside, all of the city of Vancouver, in the province of British Columbia, and John Rosene, of the city of Seattle in the state of Washington, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Corporate British Columbia and White River Railway Company," hereinafter called "the Company."
- 2. The persons named in section 1 of this Act are constituted Provisional directors of the Company.
  - 3. The capital stock of the Company shall be twelve million Capital stock. dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
- 4. The head office of the Company shall be at the city of Head office. 20 Vancouver, in the province of British Columbia.
  - 5. The annual meeting of the shareholders shall be held on Annual the second Tuesday in April.
  - 6. The number of directors shall be not less than five nor Number of more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate a rail-Line of way of the gauge of four feet eight and one-half inches from described. a point in the province of British Columbia, on the international boundary, where the said boundary crosses Bear Creek, a tributary

to the Chilkat river, or near thereto, and thence extending northwesterly towards the Alesk river, and thence through the Shakwak valley to Lake Kluane, and thence along Lake Kluane via the Donjek valley to the White river, and thence, if desired, by the most feasible route, to the international boundary between the Yukon Territory and Alaska, between the sixty-second and sixty-fourth parallels of latitude.

Special powers.

Vessels.

8. The Company may, for the purposes of its undertaking. construct, purchase, hire, or otherwise acquire, charter, own. control and operate steam and other vessels, boats and ferries 10 for the conveyance of cars, passengers, merchandise and cargoes on all lakes, rivers, and other navigable waters in connection with its undertaking; and may enter into agreements with the owners of such vessels, boats and ferries for any of such purposes, and may generally carry on the business of ship 15 owners and carriers by water in connection with its undertaking, and may, subject to the provisions of The Railway Act, make and collect charges for all services connected therewith.

Charges.

Warehousing and forwarding.

9. The Company may carry on the business of warehousemen, wharfingers and forwarders, and for the purposes of such 20 business may purchase, lease, construct, or otherwise acquire, hold, enjoy and manage such lands, water lots, wharfs, docks, dockyards, slips, warehouses, elevators, equipment for the handling and storage of ore and coal, offices and other buildings as it finds necessary and convenient for its undertaking, 25 and may charge wharfage and other dues for the use of any such property.

Rates and charges.

Special powers

Lands and waterpowers.

Electricity and power.

other companies. Hotels and restaurants.

Shares in

10. The Company may, for the purposes of its undertak-

(a) acquire, utilize and develop such lands, water-powers, 30 rights, easements and privileges in the vicinity of its line of railway, and construct, maintain and operate such dams, reservoirs, buildings and works, as are deemed advisable for the generation, transmission and distribution of electricity for light, heat, power, or any other purpose in connection with its 35 railway, vessels and other properties and works, and for the purpose of supplying water for the use of its railway, vessels and other properties and works, and may, subject to the approval of the Board of Railway Commissioners for Canada, supply, sell or otherwise dispose of any surplus water, electricity, 40 electric or other power so developed or generated and not required for the purposes of the Company, and may take, hold and dispose of shares in, and enter into agreements with any company incorporated for any of the purposes aforesaid;

(b) build, purchase, lease, or otherwise acquire, manage or 45 control, at such points or places along its line of railway as it

deems advisable, buildings for hotels and restaurants; and may purchase, lease and hold the land necessary for such purposes, and may carry on business in connection therewith, and afford such facilities as may tend to the comfort and conven-5 ience of the travelling public, and may let any such building for such purposes, and may acquire, hold and dispose of shares shares in in any incorporated company having for one of its objects other the exercise of any of the powers by this section conferred upon the Company, and may enter into agreements with any 10 such company respecting any such buildings, lands, facilities or business;

(c) purchase, lease and hold lands required for, and lay out, Parks. establish and manage parks and pleasure grounds, and give a lease thereof to, or contract with any person for the use thereof, 15 upon such terms as the Company deems expedient.

11. The securities issued by the Company in respect of its Issue of railway shall not exceed forty thousand dollars per mile of its securities. railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be 20 constructed.

12. The Company may issue bonds, debentures, perpetual or Issue of terminable debenture stock or other securities for the construction or acquisition of any vessels, properties or works, other other than than the railway, which the Company is authorized to construct,

25 acquire or operate, but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed

in amount the value of such vessels, properties or works.

2. For the purpose of securing the issue of such bonds, Execution of debentures, debenture stock, or other securities, the Company mortgages.

30 may execute mortgages upon such property, assets, rents, and revenues of the Company, present or future, other than the railway, as is described therein.

3. All the provisions of sections 136 to 148, both inclusive, R.S., c. 37. of The Railway Act, shall, so far as they are applicable, apply 35 to such bonds, debentures, debenture stock, or other securities or mortgages.

13. The Company may, subject to the provisions of The Telegraph Railway Act, construct and operate telegraph and telephone lines. lines upon and along its railway, and may establish offices for, 40 and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such telegraph and telephone lines, the Company may, subject to the said Act, enter into contracts with any companies having power to construct or operate telegraph or telephone lines, for

45 the exchange or transmission of messages, or for the working in whole, or in part, of the lines of the Company.

Tolls or charges.

2. No tolls or charges shall be demanded or taken from any person for the transmission of any messages by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company until such tolls or charges have been approved of by the Board of Railway Commissioners for Canada, which 5 may also revise such tolls and charges from time to time.

R.S., e. 126.

3. Part II of The Telegraphs Act shall apply to the telegraphic business of the Company.

Agreements with other companies.

14. Subject to the provisions of sections 361, 362 and 363 of The Railway Act, the Company may enter into agreements 10 with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Calgary and Edmonton Railway Company, the Canadian Northern Railway Company, the 15 Southern Central Pacific Railway Company, the Great Northern Railway Company, and the Alaska Midland Railway Company.

An Act to incorporate the British Columbia

and White River Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. CONGDON.

Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELER

OTTAWA

## THE HOUSE OF COMMONS OF CANADA.

# BILL 64.

An Act to incorporate the British Columbia and White River Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the S nate and House 5 of Commons of Canada, enacts as follows:—

1. C. M. Marpole, George Wilson, George E. MacDonald, IncorporaAngus McDonnell and James Ironside, all of the city of Vancouver, in the province of British Columbia, and John Rosene, of
the city of Seattle in the state of Washington, one of the
10 United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Corporate
British Columbia and White River Railway Company," hereinafter called "the Company."

- 2. The persons named in section 1 of this Act are constituted Provisional directors of the Company.
- 3. The capital stock of the Company shall be six million Capital stock. dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
- 4. The head office of the Company shall be at the city of Head office. 20 Vancouver, in the province of British Columbia.
  - 5. The annual meeting of the shareholders shall be held on Annual the second Tuesday in September.
  - 6. The number of directors shall be not less than five nor Number of more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate a rail-Line of way of the gauge of four feet-eight and one-half inches from described.

a point in the province of British Columbia, on the international boundary, where the said boundary crosses Bear Creek, a tributary to the Chilkat river, or near thereto, and thence extending northwesterly towards the Alsek river, and thence through the Shakwak valley to Lake Kluane, and thence along Lake 5 Kluane via the Donjek valley to the White river, and thence, by the most feasible route, to the international boundary between the Yukon Territory and Alaska, between the sixty-second and sixty-fourth parallels of latitude.

Consent of municipalities.

8. The Company shall not construct or operate its railway 10 along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

Vessels

9. The Company may, for the purposes of its undertaking, 15 construct, purchase, hire, or otherwise acquire, charter, own, control and operate steam and other vessels, boats and ferries for the conveyance of cars, passengers, merchandise and cargoes on all lakes, rivers, and other navigable waters in connection with its undertaking; and may enter into agreements with 20 the owners of such vessels, boats and ferries for any of such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking, and may, subject to the provisions of The Railway Act, make and collect charges for all services connected therewith. 25

Charges.

Warehousing forwarding.

10. The Company may carry on the business of warehousemen, wharfingers and forwarders, and for the purposes of such business may purchase, lease, construct, or otherwise acquire, hold, enjoy and manage such lands, water lots, wharfs, docks, dockyards, slips, warehouses, elevators, equipment for the 30 handling and storage of ore and coal, offices and other buildings as it finds necessary and convenient for its undertaking, and may charge wharfage and other dues for the use of any such property.

Rates and charges.

electricity.

Transmission • 11. For the purpose of its undertaking, and subject to the 35 and delivery of power and provisions of section 247 of The Railway Act, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute 40 and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and 45 charges from time to time.

Approval by Railway Commission, 12. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing for telegraph and telephone electricity for lighting, heating or motor purposes, or disposing of lines upon bishupor etc.

5 surplus power generated by the Company's works and not highways, etc. required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to

10 be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality.

13. The securities issued by the Company in respect of its Issue of 15 railway shall not exceed forty thousand dollars per mile of its securities. railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

14. In addition to the securities authorized by section 13 of Issue of 20 this Act, the directors, if previously authorized as prescribed for purposes by section 136 of *The Railway Act*, may, from time to time, other than railway. borrow moneys for the acquisition, construction, extension or development of any of such properties, assets or works, other than the railway, as the Company is authorized to acquire, con-

25 struct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures debenture stock or other securities shall not exceed in amount Limitation. the value of the properties, assets or works, in respect whereof 30 the issue is made.

15. The Company may, subject to the provisions of The Telegraph Railway Act, construct and operate telegraph and telephone and telephone lines upon its railway, and establish offices for, and undertake lines. the transmission of messages for the public, and collect tolls

35 therefor; and for the purpose of opertaing such lines, or ex- R.S., c. 37. changing or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such 40 companies.

2. No toll or charge shall be demanded or taken for the Tolls or transmission of any messages, or for leasing or using the tele-charges. graphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which 45 may also revise such tolls and charges from time to time:

3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act, or with The Railway Act,

shall apply to the telegraphic business of the Company.

Agreements with other companies.

16. Subject to the provisions of sections 361, 362 and 363 of The Railway Act, the Company may enter into agreements 5 with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Calgary and Edmonton Railway Company, the Canadian Northern Railway Company, the 10 Southern Central Pacific Railway Company, the Great Northern Railway Company, and the Alaska Midland Railway Company.

Railway Committee.

(PRIVATE BILL.)

Reprinted as amended and reported

by

An Act to incorporate the British Columbi and White River Railway Company.

HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-1

Printer to the King's most Excellent Majesty Printed by C. H. PARMELES OTTAWA

MR. CONGDON.

#### BILL 65.

An Act respecting the British Crown Assurance Corporation, Limited.

WHEREAS the British Crown Assurance Corporation, Preamble. Limited, has by its petition represented that it was incorporated under "The Companies Act," 1862-1900, of Great Britain, under date of the twenty-sixth day of March, one 5 thousand nine hundred and seven, and has carried on business of all kinds of insurance, except life insurance, since the said twenty-sixth day of March, one thousand nine hundred and seven; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant 10 the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Notwithstanding anything in *The Insurance Act, 1910*, a Authority to license may be granted to the said the British Crown Assurance 1910, c.32. 15 Corporation, Limited, to carry on the business of insurance.

THE HOUSE OF COMMONS OF CANADA.

BILL 65.

An Act respecting the British Crown Assurance Corporation, Limited.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. KNOWLES.

OTTAWA

Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 66.

An Act respecting the Brockville, Westport and North-western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1903, c. 88;
grant the prayer of the said petition: Therefore His Majesty, 1907, c. 67;
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

1. Subject to the provisions of sections 361, 362 and 363 of Agreements The Railway Act, the Brockville, Westport and North-western Railway Company may enter into agreements, for any of the purposes specified in the said section 361, with the Canadian 10 Northern Ontario Railway Company and the Ontario and Ottawa Railway Company, or either of them.

THE HOUSE OF COMMONS OF CANADA.

# BILL 66.

An Act respecting the Brockville, Westpor and Northwestern Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. STRATTON.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 67.

An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1907, c. 68; grant the prayer of the said petition: Therefore His Majesty, 1909, c. 56. by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:--

1. The Burrard, Westminster Boundary Railway and Navi-Time for gation Company may complete its lines of railway and put them construction in operation within five years after the passing of this Act; extended. and if the said railways are not completed and put in operation 10 within the said period, the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

2. Section 2 of chapter 56 of the statutes of 1909 is repealed. 1909, c. 56,

THE HOUSE OF COMMONS OF CANADA.

BILL 67.

An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. TAYLOR, (New Westminster.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 68.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1904, c. 54; by and with the advice and consent of the Senate and House 1910, c. 78. 5 of Commons of Canada, enacts as follows:—

1. Sections 8 and 9 of chapter 54 of the statutes of 1904, 1904,c. 54, being the Act incorporating the Campbellford, Lake Ontario new ss. 8, 9, and Western Railway Company, are repealed and the following sections are substituted therefor:—

10 "S. The Company may lay out, construct, and operate a Line of railway from a point on the railway operated by the Canadian railway Pacific Railway Company between Smith's Falls and Sharbot Lake, thence southwesterly to a point at or near Cobourg, thence in a westerly direction to a point between Locust Hill and 15 Leaside Junction.

"9. The securities issued by the Company shall not exceed Issue of thirty-five thousand dollars per mile of the railway, and securities. may be issued only in proportion to the length of railway constructed or under contract to be constructed."

20 2. Chapter 90 of the statutes of 1908 is repealed.

1908, c. 90

THE HOUSE OF COMMONS OF CANADA.

# **BILL** 68.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL)

MR. FOWKE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

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#### THE HOUSE OF COMMONS OF CANADA.

#### **BILL** 68.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1904, c. 54;
by and with the advice and consent of the Senate and House 1910, c. 78.
5 of Commons of Canada, enacts as follows:—

1. The Campbellford, Lake Ontario and Western Railway Line of Company, hereinafter called "the Company," may lay out, authorized. construct, and operate a railway from a point on the railway operated by the Canadian Pacific Railway Company between 10 Smith's Falls and Sharbot Lake, thence southwesterly to a point at or near Cobourg, thence in a westerly direction to a point between Locust Hill and Leaside Junction.

2. The securities issued by the Company shall not exceed Issue of thirty-five thousand dollars per mile of the railway authorized securities.

15 by section 1 of this Act, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

3. The Company may commence the construction of its Extension railway heretofore and hereby authorized, and expend fifteen of time for construction 20 per cent of the amount of its capital stock thereon, within two of railway years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not 25 completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

THE HOUSE OF COMMONS OF CANADA.

BILL 68.

An Act respecting the Campbellford, Lake Ontario and Western Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

(PRIVATE BILL.)

MR. FOWKE.

OTTAWA Printed by C. H. PARMELER Printer to the King's most Excellent Majesty 1910-11

#### BILL 69.

An Act respecting the Canadian Northern Ontario Railway Company.

WHEREAS a petition has been presented, praying that it be Preamble. VV enacted as hereinafter set forth, and t is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:---

1. This Act may be cited as The Canadian Northern Ontario Short title. Railway Act, 1911.

2. The Canadian Northern Ontario Railway Company, here- Extension of inafter called "the Company," may commence and construct time for construction of railway:— 10 the following lines of railway:-

(a) The lines of railway authorized by paragraph (c), subparagraphs (i) to (x) of section 5 of chapter 63 of the statutes 1909, c. 63, of 1909, namely:-

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(i) From a point on its authorized line near Washago to a point on Lake Huron at or near Kincardine;

(ii) From a point on its authorized line at or near Arnprior, southerly to a point on the St. Lawrence River at or near the town of Gananoque;

(iii) From a point on its authorized line at or near Pembroke, southwesterly to a point on Lake Ontario at or near the town of Cobourg or the town of Port Hope;

(iv) From a point on its authorized line in the township of Pickering, northwesterly to a point on the Georgian Bay at or near Owen Sound;

(v) From a point on its authorized line at or within ten miles east of Toronto, westerly passing near or through Toronto, Hamilton and London to a point on the Detroit River at or near Windsor, with a branch from London to St. Thomas and also from London to a point on the St. Clair River at or near Sarnia, and a branch or loop in the townships of York and Scarborough, passing north of Toronto;

(vi) From a point on the Niagara River at or near the international bridge northwesterly, passing through or near Hamilton, to a point on Lake Huron, at or near Goderich:

(vii) From a point on Lake Erie, between Dunnville and 5 Port Dover, northerly passing through Brantford and Berlin, to a point at or near Owen Sound or Meaford, on the Georgian Bay;

(viii) From a point on its authorized line at or near Washago to a point on the Georgian Bay at or near Midland;

(ix) From a point on its authorized line at or near Hawkesbury, westerly to a point on its authorized line in the county of Leeds or Lanark;

(x) From a point on its authorized line at or near Parry Sound, northeasterly to a point at or near the town of 15 North Bay.

1909, c. 63, s. 2.

(b) The lines of railway authorized by paragraphs (b) and (e) of section 2 of chapter 63 of the statutes of 1909, namely:

(b) From a point on the Company's authorized line between Montreal and French river in or near the township of 20 Chisholm, thence northerly and westerly to a point on its Hutton branch, in or near the township of Capreol;

(e) From a point on its constructed line at or near Sudbury, southwesterly to a point at or near Little Current.

Time for onstruction

2. If the said lines are not commenced within two years or 25 are not completed and put in operation within five years after the passing of this Act, the powers granted for the construction thereof shall cease and determine with respect to so much of the said lines as then remains uncompleted.

Issue of securities.

3. The limit to the amount of the securities which the Com- 30 pany may issue and secure under sections 136 to 146, both inclusive, of The Rai'way Act, with respect to the lines of railway which the Company is now or has been heretofore authorized to construct, shall be forty thousand dollars per mile, and such securities may be issued only in proportion to the length of 35 such lines of railway constructed or under contract to be constructed, provided that no powers granted under this section shall be exercised so as to impair or prejudice any vested rights of the holders of the Company's securities outstanding at the date of the passing of this Act.

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Ontario Railway Company.

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First reading, January 11, 1911.

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Session, 11th Parliament, 1 George V.,

#### BILL 70.

An Act respecting the Canadian Western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1909, c. 69.
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

- 1. The Canadian Western Railway Company may com-Time for mence the construction of its railway, and expend fifteen per construction of railway cent of the amount of its capital stock thereon, within two extended. years after the passing of this Act, and may complete its rail
  10 way and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so completed and put in operation within the said periods, respectively, the powers of construction conferred upon the 15 said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.
- 2. Subject to the provisions of sections 361, 362 and 363 Agreements of *The Railway Act*, the Company may enter into agreements with other companies. 20 with any companies incorporated by Parliament to construct railways.

THE HOUSE OF COMMONS OF CANADA.

BILL 70.

An Act respecting the Canadian Western Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. TURRIFF.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### BILL 71.

An Act to incorporate the Empire Life Insurance Company of Canada.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. Wilbur Howard Harris, of the city of Toronto in the pro- Incorporavince of Ontario, doctor of medicine; Walter John Teasdale, of the tion. city of London in the province of Ontario, doctor of medicine; Godfrey Langlois, of the city of Montreal in the province of 10 Quebec, journalist; William Milton Bruce, of the city of Toronto in the province of Ontario, dentist; Thomas Crawford, of the city of Toronto in the province of Ontario, esquire, and Alexander Bannerman, of the city of Ottawa in the province of Ontario, esquire, together with such persons as become share-15 holders in the company, are incorporated under the name of "The Empire Life Insurance Company of Canada," herein- Corporate after called "the Company."

- 2. The persons named in section 1 of this Act shall be the Provisional provisional directors of the Company.
- 3. The capital stock of the Company shall be one million Capital. dollars, which may be increased to two million dollars.
  - 4. The amount to be subscribed before the general meeting Amount to for the election of directors is called shall be two hundred before election of thousand dollars.
- 5. The Company shall not commence business until two Commencehundred and fifty thousand dollars of the capital stock have ment of business. been subscribed and sixty-five thousand dollars paid thereon.
  - 6. The head office of the Company shall be in the city of Head office. Toronto, in the province of Ontario.

Business which may be carried on. 7. The Company may make contracts of life insurance with any person, and may grant, sell or purchase rights, annuities and endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

5

1910, c. 32 to apply. 8. The Insurance Act, 1910, shall apply to the Company.

THE HOUSE OF COMMONS OF CANADA.

# ILL 71

Act to incorporate the Empire Life Insurance Company of Canada.

First reading, January 11, 1911.

uV

(PRIVATE BILL.)

MR. MACDONELL

OTTAWA

Printed by C. H. Parmeles

Printer to the King's most Excellent Majesty.

1910-11

71.

3rd Session, 11th Parliament, 1 George V., 1910-11

#### BILL 72.

An Act respecting the Georgian Bay and Seaboard Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1905, c. 95;
grant the prayer of the said petition: Therefore His Majesty, 1907, c. 88.
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

- 1. Section 8 of chapter 95 of the statutes of 1905, incorpor-1905, c. 95, ating the Georgian Bay and Seaboard Railway Company, is s. 8 amended. amended by striking out the words "Cavanville and Maberly," Change of and substituting therefor the words "Burketon Junction and railway. 10 Havelock."
  - 2. Section 9 of the said Act is amended by striking out the S.9 amended. word "thirty" in the second line of the said section, and sub-Securities. stituting therefor the words "fifty-five."

THE HOUSE OF COMMONS OF CANADA.

# BILL 72.

An Act respecting the Georgian Bay an Seaboard Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

Mr. Currie (Sincoe).

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL 73.

An Act respecting the Grand Trunk Pacific Branch Lines Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1906, c. 99; grant the prayer of the said petition: Therefore His Majesty, 1909, c. 86; 1910, c. 103. by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. Section 11 of chapter 99 of the statutes of 1906, incor- 1906, c. 99,3 porating the Grand Trunk Pacific Branch Lines Company, s. 11 amended. hereinafter called "the Company," as the said section is amended by section 1 of chapter 86 of the statutes of 1909 10 and by section 1 of chapter 103 of the statutes of 1910, is further

amended by adding thereto the following paragraphs:-"28. From a point on the western division of the Grand Railways Trunk Pacific Railway between the east limit of range 21 and authorized.

the west limit of range 28, west of the second meridian, thence 15 in a westerly direction to a junction with the line mentioned in paragraph 23 between the north line of township 29 and the south line of township 37.

"29. From Moosejaw, or a point on the line mentioned in paragraph 24, between the east limit of range 24, west of the 20 second meridian, and the west limit of range 5, west of the third meridian, thence in a generally westerly direction to Calgary, or to a junction with the line mentioned in paragraph 23 or the line mentioned in paragraph 14 between the north line of township 23, and the south line of township 30.

"30. From a point on the western division of the Grand Trunk Pacific Railway between the east limit of range 9 and the west limit of range 13, west of the fourth meridian, thence in a southwesterly and westerly direction to a junction with the line mentioned in paragraph 14, within or near townships

30 39, 40 or 41. "31. From a point on the line mentioned in paragraph 25 between the east limit of range 24, west of the third meridian, and the west limit of range 2, west of the fourth meridian, thence in a northwesterly and westerly direction to a point on the western division of the Grand Trunk Pacific Railway,

within or near ranges 21, 22, 23, 24 or 25.

"32. From a point on the western division of the Grand Trunk Pacific Railway between the east limit of range 21 and west limit of range 25, west of the fourth meridian, thence in a southerly and southeasterly direction to a connection with the line mentioned in paragraph 14, within or near townships 46, 47 or 48.

"33. From a point on the western division of the Grand Trunk Pacific Railway between the east limit of range 27 10 and west limit of range 33, west of the first meridian, thence in a generally westerly direction to a point on the line mentioned in paragraph 11, within or near townships 18, 19, 20 or 21.

"34. From a point on the line mentioned in paragraph 11 15 between the east limit of range 12, and the west limit of range 16, west of the second meridian, thence in a southerly direction to the international boundary between the east limit of range 10 and the west limit of range 18, west of the second meridian."

Issue of securities.

2. The Company may issue bonds, debentures or other 20 securities in respect of the hereinbefore mentioned lines of railway to the extent of thirty thousand dollars per mile, and except as herein otherwise provided, all the provisions of sections 12, 22 and 33 of the said chapter 99 of the statutes of 1906 shall apply to such bonds, debentures and other securities. 25

Time for construction of railways extended.

3. The Company may commence the construction of the lines of railway heretofore and hereby authorized within two years after the passing of this Act, and may complete the said lines of railway and put them in operation within five years after the passing of this Act; and if the said lines of railway 30 are not so commenced, or if the said lines of railway are not completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted. 35

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

MR. TURRIFF.

(PRIVATE BILL.)

First reading, January 11, 1911.

An Act respecting the Grand Trunk Pacif Branch Lines Company.

OF CANADA.

HHI

Session, 11th Parliament, 1 George V., 1

#### BILL 74.

An Act respecting International Railway Company and International Traction Railways.

(Reprinted as amended by the Railway Committee.)

WHEREAS petitions have been presented praying that Preamble. it be enacted as hereinafter set forth, and it is expedient 1900, c. 54; to grant the prayer of the said petitions: Therefore His Majesty, 1902, c. 43. by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:-

1. International Traction Railways may acquire and become Amalgamapossessed of all the estate, property, name, rights, privileges tion.
and franchises of International Railway Company within
Canada, and is invested with and entitled to all the powers,
10 privileges and rights of a corporation, under the name of "InterCorporate Pane". national Traction Railways," necessary for the convenient and name. proper carrying on of the business and undertaking of International Railway Company in Canada; but nothing in this Act shall in any way impair, alter or affect the liabilities of Inter-

15 national Railway Company, but International Traction Railways shall be responsible for them and they shall become the liabilities of International Traction Railways and may be enforced by it, and nothing in this Act shall in anywise affect any Rights saved. suit or proceeding now pending or judgment existing, either by

20 or in favour of or against the said company, which may be prosecuted, continued, completed and enforced as if this Act had not been passed, and nothing in this Act shall in any way enlarge any rights heretofore conferred upon it or validate any rights claimed by International Railway Company to have been 25 heretofore conferred upon it.

2. The vesting in International Traction Railways of the Provincial estate, property, rights, privileges and franchises formerly powers and belonging to the Niagara Falls Park and River Railway Company affected. and now belonging to International Railway Company, does 30 not deprive, or assume to deprive, the Legislature of the province of Ontario of its powers and rights with respect to the

Niagara Falls Park and River Railway Company, or International Railway Company, or International Traction Railways or the jurisdiction and control of the Commissioners for the Queen Victoria Niagara Falls Park, as provided by chapter 54 of the statutes of 1900 and chapter 43 of the statutes of 1902. 5

3. A duplicate or certified copy of the document evidencing the succession in interest of International Traction Railways shall be filed in the office of the Secretary of State of Canada upon the coming into force of this Act and notice of such filing shall then be given by International Traction Railways in The 10 Canada Gazette.

Notice.

Commence ment of Act.

4. This Act shall come into force on a day to be named by proclamation of the Governor in Council.

Reprinted as amended by the

An Act respecting International Railway
Company and International Traction

Railways.

THE HOUSE OF COMMONS

3rd Session, 11th Parliament, 1 George V., 1910-1

Printed by C. H. PARMELES OTTAWA

MR. GFRMIN

PRIVATE BILL.

#### **BILL** 75.

An Act respecting the McClary Manufacturing Company.

WHEREAS a petition has been gresented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1882, c. 116; grant the prayer of the said petition: Therefore His Majesty, 1901, c. 107. by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. Chapter 116 of the statutes of 1882 is amended by adding 1882, c. 11613 amended.

thereto the following sections:

"12. The directors may, from time to time, if authorized by added. by-law sanctioned by a vote of not less than two-thirds in value Power to 10 of the subscribed stock of the Company represented at a general acquire stock of other meeting duly called for that purpose, use the funds of the Com- companies. pany in the purchase of stock in any other company which manufactures any goods similar to those manufactured by the Company, or which purchases and sells any such goods in 15 connection with its business.

"13. The directors may, from time to time, make by-laws for Issue of creating and issuing any part of the capital stock, not exceeding preference stock. five hundred thousand dollars in all, as preference stock, giving the same such preference and priority, as respect: dividends, and 20 in any other respect, over ordinary tock as is by such by-laws

declared.

"2. Such by-laws may provide that the holders of shares of Preference such preference stock shall have the right to select a certain stockholders directors. stated proportion of the board of directors, or may give them 25 such other control over the affairs of the Company as is considered expedient.

"14. No such by-law shall have any force or effect whatsoever Approval of until it has been sanctioned by a vote of not less than two-thirds by-laws. in value of the subscribed stock of the Company represented at a 30 general meeting duly called for the consideration of such by-laws.

"15. The directors may, from time to time, if authorized by Powers of by-law sanctioned by a vote of not less than two-thirds in value directors. of the subscribed stock of the Company represented at a general meeting duly called for the consideration of such by-law,-

(a) borrow money upon the credit of the Company:

(b) limit or increase the amount to be borrowed;

(c) issue bonds, debentures or other securities of the Company for sums of not less than one hundred dollars each, and not exceeding in all five hundred thousand dollars, and pledge or sell the same for such sums, and at such prices as may be deemed expedient; and,

(d) hypothecate or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities, and any money borrowed for the pur- 10

Act respecting the McClary Manu-

facturing Company.

First reading, January 11, 1911.

Certain unrestricted.

poses of the Company.

"2. Nothing in this section shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes, made, drawn, accepted or endorsed by or on behalf of the Company."

15

(PRIVATE BILL.)

MR. BEATTIE.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE

HOUSE OF COMMONS

OF CANADA.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE OTTAWA

#### **BILL** 76.

An Act respecting the Ontario, Hudson's Bay and Western Railways Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1901, c. 78; grant the prayer of the said petition: Therefore His Majesty, 1907, c. 114; by and with the advice and consent of the Senate and House of 1909, c. 116. 5 Commons of Canada, enacts as follows:-

1. The construction of the railway of the Ontario, Hudson's Extension of Bay and Western Railways Company may be commenced, and time for construction. fifteen per cent of the amount of its capital stock expended thereon, within two years after the passing of this Act, and the 10 railway may be completed and put in operation within five years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not completed and put in operation, within the said respective periods, the powers of construction conferred upon 15 the said company by Parliament shall cease and |be null and void as respects so much of the railway as then remains uncompleted.

2. Chapter 116 of the statutes of 1909 is repealed.

1909, c. 116 repealed.

THE HOUSE OF COMMONS OF CANADA.

BILL 76.

An Act respecting the Ontario, Hudson's Bay and Western Railway Company.

First reading, January 11, 1911.

(PRIVATE BILL.)

MR. TOLMIE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 77.

An Act respecting the National Weekly Indemnity Company, and to change its name to "National Guarantee and Accident Company."

WHEREAS the National Weekly Indemnity Company has by Preamble. its petition represented that it is incorporated by chapter 124 of the statutes of Quebec of 1909, hereinafter called the Que., 1909, provincial Act, and has prayed that it be enacted as hereinafter c. 124. 5 set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The National Weekly Indemnity Company, hereinafter Declaratory. 10 called "the Company," as now organized and constituted under the provincial Act, is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and this Act and The Insurance Act, 1910, shall apply to the Company 1910, c. 32. and its business instead of the provincial Act; provided that

15 nothing herein shall affect anything done, any right or privilege acquired, or any liability incurred under the provincial Act up to and at the time of the passing of this Act, to all of which rights Existing and privileges the Company shall continue to be entitled (subject liabilities however to the provisions of *The Insurance Act, 1910*,) and to continued. 20 all of which liabilities the Company shall continue to be subject:

Provided that a license shall not be issued to the Company and Proviso. thereafter renewed unless and until satisfactory evidence is furnished to the Superintendent of Insurance that the Company has ceased to do business under the authority of the provincial 25 Act.

2. The name of the Company is hereby changed to "National Name Guarantee and Accident Company," but such change in name changed. shall not in any way impair, alter or affect the rights or liabilities 30 of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by or in favour of, or

Saving of rights.

against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Confirmation of existing contracts.

**3.** All acts lawfully done and all contracts, agreements and instruments in writing heretofore lawfully made, entered into or executed by or on behalf of the Company or in relation thereto with respect to the undertaking of the Company, under the authority of the provincial Act, are confirmed and declared to be valid and binding upon the Company and upon all other parties thereto.

10

Officers and directors continued.

4. The officers and directors of the Company elected or appointed under the authority of the provincial Act shall continue to be the officers and directors of the Company until their successors are elected under *The Insurance Act*, 1910.

Capital stock.

 ${f 5.}$  The capital stock of the Company shall be one million  ${f 15}$  dollars.

Shares in old and new companies.

6. The shareholders of the Company as now organized and constituted under the provincial Act, are hereby declared to be holders respectively of as many shares of the par value of one hundred dollars in the National Guarantee and Accident Company as they are holders respectively of one hundred dollar shares in the National Weekly Indemnity Company.

Election of directors.

7. The amount of capital to be subscribed before the election of directors required by *The Insurance Act, 1910*, shall be three hundred thousand dollars.

When business may be commenced. 8. The company shall not commence business under this Act, and a license shall not be granted to it by the Superintendant of Insurance, until three hundred thousand dollars of the capital stock have been subscribed and thirty thousand dollars paid thereon.

30

Head office.

**9.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Business of Company. 10. The Company may carry on the business of sickness insurance, accident insurance, automobile insurance, burglary insurance, bond insurance, and plate glass insurance.

25

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

(PRIVATE BILL.)

Mr. Wilson

First reading, January 11, 1911.

An Act respecting the National Week Indemnity Company, and to change in name to "National Guarantee as Accident Company."

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910

3rd

#### BILL 77.

An Act respecting the National Weekly Indemnity Company, and to change its name to "National Guarantee and Accident Company."

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

WHEREAS the National Weekly Indemnity Company has by Preamble. its petition represented that it is incorporated by chapter 124 of the statutes of Quebec of 1909, and has prayed that it be Que., 1909, enacted as hereinafter set forth, and it is expedient to grant c. 124. 5 the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

alled "the old Company" is declared to be a body corporate on and politic within the legislative authority of the Parliament of Canada, and this Act shall apply to the old Company and its business instead of the Act mentioned in the preamble; provided that nothing herein shall affect anything done, or any liabilities liability incurred by the old Company, to all of which liabilities continued. 15 the Company shall be subject.

2. The name of the old Company is hereby changed to "The Merchants and Employers Guarantee and Accident Company," hereinafter called "the new Company," but such change in name shall not in any way impair, alter or affect the rights or Saving of 20 liabilities of the old Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the old Company, which, notwithstanding such change in the name of the old Company, may be prosecuted, continued, completed and enforced as if this Act had 25 not been passed.

3. The capital stock of the new Company shall be one Capital stock. million dollars.

Shares in old and new companies.

4. The shareholders of the old Company are hereby declared to be holders respectively of as many shares of the par value of one hundred dollars in the new Company as they are holders respectively of one hundred dollar shares in the old Company.

Election of directors.

5. The amount of capital to be subscribed before the election . 5 of directors under this Act shall be three hundred thousand dollars.

Head office.

**6.** The head office of the new Company shall be in the city of Montreal, in the province of Quebec.

Business of Company.

7. The new Company may make contracts of sickness insur-10 ance, accident insurance, automobile insurance, burglary insurance, bond insurance and plate glass insurance as defined in section 2 of *The Insurance Act*, 1910.

When business may be commenced. Accident and sickness insurance. Bond and burglary insurance.

S. The new Company shall not commence the business of accident insurance and sickness insurance until forty thousand 15 dollars have been paid upon the capital stock required to be subscribed under section 5 of this Act.

2. The new Company shall not commence the business of bond insurance and burglary insurance in addition to accident insurance and sickness insurance until its paid up capital stock 20

amounts to eighty thousand dollars.

Automobile and plate glass insurance. 3. The new Company shall not commence the business of automobile insurance and plate glass insurance in addition to accident insurance and sickness insurance, until its paid up capital stock amounts to ninety thousand dollars.

All the foregoing classes of insurance.

4. The new Company shall not transact all the above classes of business until at least four hundred thousand dollars of its capital stock have been subscribed and at least one hundred and thirty thousand dollars have been paid thereon.

25

Application of Insurance Act.

**9.** Except as otherwise provided by this Act, the new Company shall have all the powers, privileges and immunities and shall be subject to all the liabilities and provisions in *The Insurance Act*, 1910, so far as they may be applicable to the new Company.

Issue and renewal of licenses.

10. A license shall not be issued to the new Company, nor 35 shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that the old Company is ceasing to do business, nor unless and until such undertaking, as he may require, has been given that the old Company will entirely cease to do business 40 within such reasonable time as he may fix.

approved by resolution passed by a unanimous vote of the shareholders shareholders of the old Company, present or represented by of old company.

This Act shall not take effect unless accepted and Approval by approved by resolution of shareholders shareholders of the old Company, present or represented by of old company.

The provided Hamiltonian passed by a unanimous vote of the shareholders of the old Company of the old Company duly company. and approved, this Act shall come into force upon a subsequent ment of day to be fixed for that purpose by the said resolution.

2. Notice of such acceptance and approval and of the day so Notice. fixed shall be published by the new Company in The Canada

2. Personal to of rectarion of the factor of chapter and a factor of the personal chapter and a factor of the personal chapter are a factor of the personal chapter and substituting theretor for a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter and the personal chapter are a factor of the personal chapter are a factor of

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10 Gazette.

THE HOUSE OF COMMONS OF CANADA.

# BILL 77.

An Act respecting the National Week Indemnity Company, and to change i name to "National Guarantee ar Accident Company."

(Reprinted as proposed to be amended the Banking and Commerce Committee.)

(PRIVATE BILL.)

Mr. Wilson, (Laval.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 78.

## An Act to amend the Railway Act.

IIS Majesty, by and with the advice and consent of the H Senate and House of Commons of Canada, enacts as follows:-

1. Paragraph (b) of section 341 of The Railway Act, chapter R.S., c. 37, 5 37 of the Revised Statutes, 1906, is amended by striking out s. 341 the words "excursion or commutation" in the first line thereof and substituting therefor the words "or excurs on."

2. The said Act is further amended by inserting the following Section

section immediately after section 341:-

"341A. Nothing in this Act shall be construed to prevent Suburban or the issuing of suburban or commutation passenger tickets: commutation Provided however, that the carriage of passengers under this lickers. section shall be subject to the provisions of this Act relating to Proviso as to rates. other classes of tolls, in so far as such provisions are applicable.

"2. Where a company has regularly issued such suburban or Discontinuance of commutation passenger tickets from any city to any outlying regular issue point for a period of six months or over, the is uing of such subject to consent of tickets shall not be discontinued without the consent of the Board. Board.

20 "3. The Board may fix the radius within which any class of Board to fix such suburban or commutation tickets shall be issued from any radius within airty, and may also among applications and be issued from any radius within tickets city, and may also, upon application, exclude any point within may be such radius as a point to which such tickets shall not be issued, or may include any point outside such radius as a point to which Points exclude

25 such tickets shall be issued, or make such other order as to the included.

Board may seem just.

"4. In fixing such radius the Board shall take into considera-Distance tion, in addition to any other matters submitted to it, the discovered by tance from such city to which such tickets have at any time issue to be considered.

30 previously been issued, and the distance from any other city to considered. which such company has issued such tickets."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 78.

An Act to amend the Railway Act.

First reading, January 12, 1911.

MR. MACDONELL.

OTTAWA
Printed by C. H. PARMBLEB
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 79.

An Act to regulate the manufacture, storage and importation of Explosives.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

#### SHORT TITLE.

1. This Act may be cited as The Explosives Act.

#### INTERPRETATION.

2. In this Act, unless the context otherwise requires,— (a) "Department" means the Department of Mines; "Department."
"Minister." (b) "Minister" means the Minister of Mines;

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(c) "authorized explosive" means any explosive the manu- "Authorized facture of which has been authorized under this Act; explosive.

(d) "explosive" means and includes gunpowder, blasting "Explosive." powder, nitro-glycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury or of silver, fog and other signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every other substance, whether chemical compound or mechanical mixture, which has physical properties similar to those of the substances above mentioned, and every adaptation or preparation of everything above named;

(e) "factory" means and includes any building, structure or "Factory." premises in which the manufacture or any part of the process of manufacture of an explosive is carried on, and any building or place where any ingredient of an explosive

(i) "inspector" means and includes the chief inspector of "Inspector." explosives, an inspector of explosives, a deputy inspector of explosives, and any other person who is directed by the Minister to inspect an explosive or explosive factory or magazine, or to hold an inquiry in connection with any accident caused by an explosive;

is stored during the process of manufacture;

"Magazine."

(g) "magazine" means and includes any building, storehouse, structure or place in which any explosive is kept or stored;

'Occupier."

(h) "occupier" means any person who operates a factory for manufacturing explosives, or is the manager of or in charge of such factory, or who is the occupant of or uses a magazine for the storage of explosives;

"Regula-

(i) "regulations" means any regulations made by the Governor in Council under the authority of this Act;

"Safety cartridges."

(j) "safety cartridges" means cartridges for guns, rifles, 10 pistols, revolvers and other small arms, of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

### IMPORTATION, MANUFACTURE AND USE.

Explosives prohibited unless authorized.

3. Except as herein provided, no person shall have in his 15 possession, or import, store, use or manufacture, whether wholly or in part, or sell, any explosive unless such explosive has been declared by the Minister to be an authorized explosive.

Small quantities excepted.

4. Nothing in this Act shall apply to the making of a small quantity of explosive for the purpose of chemical experiment, 20 and not for practical use or sale.

Certain process prohibited 5. Except in so far as may be permitted by regulations made under this Act, no person shall carry on any of the following processes, namely:—of dividing into its component parts, or otherwise breaking up or unmaking, any explosive; of making 25 fit for use any damaged explosive; or of remaking, altering or repairing any explosives; provided that this section shall not apply to the process of thawing explosives containing nitroglycerine, if a proper apparatus or thawing-house is used.

### LICENSES AND PERMITS.

Licenses.

6. The Minister may issue licenses for factories and magazines, 30 and no one shall manufacture, either wholly or in part, or store explosives except in licensed factories and magazines.

Permits for importation.

7. The Minister may issue permits for the importation of authorized explosives, and no one shall import any explosive into Canada without such permit; provided, however, that 35 nothing in this section shall prevent any explosive from being transported through Canada by railway in bond, if such transportation is made in a manner authorized by The Railway Act or any regulation or order made thereunder.

Transport in bond.

S. The Minister may, on application, and on payment of the Special prescribed fees, issue a special permit to import, for the purpose permits. of chemical analysis or scientific research, an amount not exceeding two pounds of any explosive specified in such permit.

9. Applications for factory or magazine licenses shall be made Application for license. in such form and manner as are prescribed by regulation, and the application shall be accompanied by,-

(a) a plan, drawn to scale, of the proposed factory or magazine, Plan of and of the land on which such factory or magazine is situated, factory and premises. 10 and also of the lands adjacent thereto on which buildings are

erected, with the uses to which such lands and buildings are now put. Such plan to have the exact distances between the several buildings marked thereon: (b) a description of the situation, character, and construction Description.

15 of all buildings and works connected with the factory or magazine, and the maximum amount of explosive to be kept in each building:

(c) a statement of the maximum number of persons to be Statement of employed in each building in the factory or magazine;

(d) any information or evidence which the Minister may Required require:

(e) in the case of an application for a factory license, a state- Statement of ment of the maximum amount of explosive, and of ingredients amount and thereof wholly or partially mixed, to be allowed at any one time ingredients.

25 in any building, machine, or process of the manufacture, or within the distance from such buildings or machine which is

limited by regulation;

20

(f) a statement of the nature of the processes to be carried Statement of on in the factory and in each part thereof, and the place at which processes and position of 30 each process of the manufacture, and each description of work explosives. connected with the factory is to be carried on, and the places in the factory at which explosives and anything liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept.

10. No license shall be granted for any factory or magazine Consent of hereafter established within the limits of, or within one mile of municipality the limits of, any city, town or incorporated village, or elsewhere before license except with the approval of the municipal corporation or other granted. local authority having jurisdiction, and also with the consent of 40 the Minister.

11. The Minister may, on application and on payment of Permits for such fees as are prescribed by regulation, issue a permit to experiments, and testing manufacture for experimental purposes or for testing and special new blasting operations only, and not for sale, any new explosive, explosives.

45 upon such conditions and subject to such restrictions as are fixed by the Minister.

Permit for alteration or addition to factory. 12. The owner or occupier of a factory or magazine shall not make any material alteration or addition to a licensed factory or magazine, or rebuild any part thereof, until he has obtained a permit from the Minister; and before such permit may be granted he shall submit such plans and other information and 5 evidence as the Minister may require.

Change of owner or occupier. Notice to Minister.

13. A factory or magazine license shall not be affected by any change in the person of the owner or occupier of the factory or magazine; but notice thereof, with the address and calling of the new owner or occupier, shall be sent by the owner to the 10 Minister within three months after such change, and in default thereof, the new owner and occupier shall each be liable to a penalty not exceeding one hundred dollars for every week during which such default continues.

Penalty.

License for factory now in operation.

Proviso.

14. In the case of a factory now in operation or a magazine 15 now in existence, no license shall be required until the first day of January, one thousand nine hundred and sixteen; provided, however, that if the owner or occupier of such factory or magazine desires to make any material alteration in or addition to such factory or magazine, or to rebuild the same or any part 20 thereof, he shall comply with the provisions of section 12 of this Act.

Application for continuing certificate.

Particulars.

2. The owner or occupier of any such factory or magazine shall, within three months after the passing of this Act, make application to the Minister for a continuing certificate, stating in such application his name and address and the situation of 25 the factory or magazine, and shall supply such particulars and information respecting the same as the Minister may require; and the applicant shall, thereupon, be granted a continuing certificate in such form as may be prescribed by the Minister, and such factory or magazine shall thereupon be deemed to be 30 duly authorized to manufacture and store explosives.

Powers of Minister in case of special danger.

3. Notwithstanding anything in this section, the Minister may require the owner or occupier of any factory or magazine to stop using, or to use only under and subject to conditions to be specified by him, any building, structure or premises 35 which, from its situation or from the nature of the processes carried on therein, constitutes, in his opinion, a special danger.

### INSPECTORS.

Appointment of inspectors.

15. The Governor in Council may appoint a chief inspector of explosives, one or more inspectors of explosives, one or more deputy inspectors of explosives, and a chemist of explosives.

Powers of inspectors.

16. An inspector may, at any time, visit and inspect any factory, magazine and premises where any explosive is being

manufactured or stored, or where he has reason to suspect any explosive is being manufactured or stored, and to open and examine any package that he may there find; and the owner and occupier of such factory, magazine and premises, shall afford 5 such inspector every facility to make such inspection full and complete, and shall supply the inspector with any information that he may require.

2. An inspector may require the owner or occupier of any May require factory, magazine, store or premises where any explosive is samples

10 manufactured or stored, or any person employed in any such place, to give him such samples as he may require of any substance therein, whether in the state of raw material, material in course of manufacture, or manufactured material, which the inspector believes to be an explosive, or to be an ingredient 15 from which an explosive may be manufactured.

3. An inspector may, at any time, open or cause to be opened May open any package or store of material of whatsoever nature, which packages. he believes to contain explosives or ingredients for the manufacture of explosives.

#### ENQUIRIES INTO EXPLOSIONS.

17. The Minister may direct an enquiry to be made when- Enquiry into ever any accidental explosion of an explosive has occurred, or accidents. when any accident has been caused by an explosive, and the person authorized by the Minister to conduct such enquiry shall have all the powers and authority of a commissioner appointed 25 under Part I of The Inquiries Act.

#### REGULATIONS.

18. The Governor in Council may make regulations—

(a) for classifying explosives, and for prescribing the com- classify explosives.

position, quality and character of explosives;

(b) prescribing the form and duration of licenses, permits Licenses, 30 and certificates issued under this Act, the terms and conditions permits, and certificates. upon which such licenses, permits and certificates shall be issued, and the fees to be paid therefor;

(c) for regulating the importation, packing and handling of Importation explosives, and the transportation of explosives otherwise than packing and trans-

35 by railway;

(d) for enquiries into the accidental explosion of explo- Enquiries

sives, and any accident caused by explosives;

(e) for excepting from the operation of this Act shops, Exceptions. stores and other places where small quantities of explosives 40 are kept for use or sale;

(f) for the taking of samples of explosives required for ex- samples. amination and testing, and for the establishing of testing sta- Testing. tions, and of the tests and other examinations to which explosives shall be subjected;

portation.

into

Authorized explosives.

(g) prescribing the manner in which an explosive shall be tested and examined before it is declared to be an authorized explosive, and for determining to what examinations and tests authorized explosives shall be subject;

Inspectors and officers.

(h) to be observed by inspectors and other officers and 5 employees charged with any duty under this Act, or under any regulations made thereunder;

Factories.

(i) relating to the construction and management of factories and magazines;

Safety of public and employees. (j) for the safety of the public and of the employees at any 10 factory or magazine, or any person engaged in the handling, or packing of explosives, or the transportation of explosives otherwise than by railway:

Location and manufacture

(k) governing the establishment, location and maintenance of factories and magazines, and the manufacture and storage 15 of explosives;

Operation of Act.
Publication.

(1) for the more effective carrying out of this Act.

2. All regulations made under this Act shall be published in *The Canada Gazette*, and upon being so published they shall have the same force as if they formed part of this Act.

20

#### OFFENCES AND PENALTIES.

Obstruction of entry and examination by inspector.

19. Every person who fails to permit an inspector to enter upon any property, and to inspect, examine, or make enquiries in pursuance of his duties, and every person who fails to comply with any order or direction of such inspector, in pursuance of the requirements of this Act, or any regulation made there-25 under, or who, in any manner whatsoever, obstructs such inspector in the execution of his duties under this Act, shall be liable to a penalty not exceeding five hundred dollars and costs.

Penalty.

Trespassing upon premises.

20. Every person who enters without permission or lawful 30 authority, or otherwise trespasses upon any factory or magazine, shall, for every offence, be liable to a penalty not exceeding fifty dollars and costs, and may be forthwith removed from such factory or magazine by any constable, or by any person employed at such factory or magazine.

35

Causing

Penalty

explosion or fire. Penalty. 21. Every person who commits any act which is likely to cause an explosion or fire in or about any factory or magazine, shall be liable to a penalty not exceeding five hundred dollars and costs.

Possession, sale, manufacture or importation of unauthorized

22. Every person who, by himself or his agent, has in his 40 possession, sells, offers for sale or manufactures or imports any unauthorized explosive within the meaning of this Act shall, for a first offence, be liable to a penalty not exceeding two

hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both penalty and imprisonment, and for each subsequent offence shall be liable to a penalty Penalty not exceeding five hundred dollars and costs, and not less than 5 fifty dollars and costs, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment.

- 23. Every person who violates any provision of this Act Contrafor which a penalty has not been provided, or any regulation of made thereunder, shall, for a first offence, incur a penalty not 10 exceeding two hundred dollars and costs, and for each subsequent offence a penalty not exceeding five hundred dollars and costs.
- 24. Every penalty and forfeiture may be recovered in a Recovery of summary manner under the provisions of Part XV of The penalties.

  15 Criminal Code.

#### COMMENCEMENT OF ACT.

25. This Act shall come into force on a day to be fixed by Commence-proclamation of the Governor in Council.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# BILL 79.

An Act to regulate the manufacture storage and importation of Explosives.

First reading, January 11, 1911.

MR. TEMPLEMAN.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 80.

An Act respecting the Buffalo, Niagara and Toronto Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinbefore set forth, and it is expedient to 1906, c. 67. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. The rights, powers and privileges conferred upon the Powers Buffalo, Niagara and Toronto Railway Company by chapter revived and 67 of the statutes of 1906 are hereby ratified, revived and confirmed.
- 2. The railway and works authorized by the said Act to Extension be constructed may be completed and put in operation within five years after the passing of this Act, and if the said railway and works are not so completed and put in operation the powers conferred upon the said company by Parliament shall 15 cease and be null and void as respects so much of the said railway and works as then remains uncompleted.
- 3. Paragraph (b) of subsection 1 of section 8 of the said 8.8 amended. Act is amended by striking out the words "at or near" in the Line of first line thereof, and substituting therefor the words "between railway.

  20 the town of Niagara-on-the-Lake and."
  - 4. Section 15 of the said Act is amended by adding at the S. 15 end thereof the words "and the Michigan Central Railway Agreements. Company."
- 5. The Buffalo, Niagara and Toronto Railway Company may Motive 25 use, in the operation of the said railway, any motive power power except steam.

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

# BILL 80.

An Act respecting the Buffalo, Niagar and Toronto Railway Company.

First reading, January 13, 1911.

(PRIVATE BILL.)

MR. LANCASTER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

### BILL 81.

An Act to incorporate the Canadian Northern Branch Lines Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereina ter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. Frank H. Phippen, one of His Majesty's Counsel, Gerard Incorporation.
  G. Ruel, George F. Macdonnell, Reginald H. M. Temple and Archibald J. Reid, barristers at law, of the city of Toronto, in the province of Ontario, together with such persons as become 10 shareholders in the company, are incorporated under the name of "The Canadian Northern Branch Lines Company," herein-corporate name.
  - 2. The persons named in section 1 of this Act are constituted Provisional the provisional directors of the Company.
- 15 3. The capital stock of the Company shall be ten million Capital stock dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
  - 4. The head office of the Company shall be at the city of Head office. Toronto in the province of Ontario.
- 20 5. The annual meeting of the shareholders shall be held on Annual the first Wednesday in September.
  - 6. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.
- 7. So soon as five hundred thousand dollars of the capital First general 25 stock has been subscribed, and ten per cent thereon has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situated, at such time as

Election of directors.

they may think proper for the organization of the Company and the election of directors.

Powers of directors.

S. The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares of the capital stock of the Company, whether subscribed for or not, and may allot and hand over in payment for lands, plant, rolling stock, docks, wharves, elevators, warehouses, vessels, or materials of any kind, or as consideration for rights, powers, guarantees and privileges acquired or services rendered, other than promotion services, and also for the bona fide claims of contractors and 10 engineers, such an amount of capital stock as is a fair and bona fide value for the property purchased, or for the rights, powers, guarantees and privileges acquired, or services rendered, as aforesaid, due regard being had to the then market value of the stock; and such issue and allotment of stock shall be binding 15 upon the Company, and such stock shall not be assessable for calls.

Lines of railway described.

**9.** The Company may lay out, construct and operate the following lines of railway, each of the gauge of four feet eight and one-half inches:—

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25

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(a) From a point on the Oak Point Branch of the Canadian Northern Railway at or near Grosse Isle, thence in a generally northerly and westerly direction to Grand Rapids near the head of Lake Winnipeg, with a branch therefrom to a point on Sturgeon Bay on Lake Winnipeg;

(b) From a point at or near Wassewa, thence through or near Deloraine, Hartney and Rossburn to a point at or near Ethelbert;

(c) From a point at or near Yorkton, thence in a generally northerly direction to a point at or near Hudson Bay Junction;

(d) From a point at or near Craven, thence in a generally 30 northeasterly direction to a point at or near Hudson Bay Junction;

(e) From a point at or near Craven, thence in a generally easterly direction to a point on the Rossburn branch of the Canadian Northern Railway east of Yorkton;

(f) From a point at or near Craven, thence in a generally northerly direction, via Humboldt, to a point at or near Prince Albert;

(g) From a point on the Qu'Appelle, Long Lake and Saskatchewan Railway between Davidson and Aylesbury, thence in a 40 generally easterly direction, passing north of Last Mountain Lake, to a junction with the line authorized in paragraph (d);

(h) From a point on the constructed line of the Canadian Northern Railway between Brancepeth and Kinistino, thence in a generally north-easterly direction to Pas Mission;

(i) From a point on the line authorized in paragraph (d) in or near township 40, range 7, west of the principal meridian,

thence in a generally westerly and northwesterly direction to a point on the constructed line of the Canadian Northern Railway

at or near Jack Fish Lake;

(j) From a point at or near Moosejaw, thence in a generally 5 northwesterly direction to a point on the Vegreville-Calgary line of the Canadian Northern Railway between Camrose and Stettler;

(k) From a point on the international boundary in range 7, west of the fourth meridian, thence in a generally northeasterly
10 direction through or near Medicine Hat to a point on the authorized line of the Canadian Northern Railway near or west of Battleford;

(l) From a point at or near Macleod, thence in a generally northeasterly direction to a point on the Saskatoon-Calgary 15 line of the Canadian Northern Railway in or near ranges 1 to 4,

west of the fourth meridian;

(m) From a point on the authorized Maryfield-Lethbridge line of the Canadian Northern Railway at or near ranges 1 to 4 west of the fourth meridian, thence in a generally westerly and 20 northwesterly direction, passing through or near Cardston and Fishburn, to a point at or near Pincher;

(n) From a point on the authorized Maryfield-Lethbridge line of the Canadian Northern Railway in or near ranges 8 to 10, west of the fourth meridian, thence in a generally northwesterly
 25 direction, passing through or near Taber, to a junction with the

line authorized in paragraph (l);

(o) From a point on the authorized Maryfield-Lethbridge line of the Canadian Northern Railway between ranges 1 and 10, west of the fourth meridian, thence in a generally northwesterly

30 direction to a point at or near township 17, range 18, west of the fourth meridian, thence in a northwesterly and westerly direction, passing along the valley of Sheep River, to a point on the west side of range 6, west of the fifth meridian;

(p) From a point at or near Lloydminster, thence in a generally 35 northwesterly direction to a point at or near township 54, range 5, west of the fourth meridian, thence in a generally northwesterly and westerly direction to a point at or near Bruderheim;

(q) From a point on the authorized line of the Edmonton and 40 Slave Lake Railway between Morinville and the north boundary of township 61, thence in a generally westerly direction to a point in township 56, range 8, west of the fifth meridian;

(r) From a point on the authorized line of the Canadian Northern Railway at or north of Fort Pitt, thence in a generally 45 northerly and westerly direction, passing south of Lac la Biche, to a point on the Athabasca River.

10. The Company may issue bonds, debentures or other Issue of securities in respect of the lines of railway hereinbefore authorized, as follows:—

On lines south of the north Saskatchewan river in the provinces of Manitoba, Saskatchewan and Alberta east of the line between ranges 25 and 26 west of the fourth meridian, being the second range line west of Edmonton, thirty thousand dollars per mile:

On the remainder of the lines hereinbefore authorized, forty 5

thousand dollars per mile:

and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed; or separately in respect of each of the said lines of railway, or of certain lines, or in respect of all the said lines taken together; 10 and the Company may issue such bonds, debentures or other such securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage made to secure such separate 15 series of bonds, debentures or other securities.

Consent of municipali-

11. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public 20 place, and upon terms to be agreed upon with such municipality.

Special powers.

12. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharves, docks, elevators, ware-25 houses, offices and other structures to be used to facilitate the carrying on of business in connection therewith, and may take and hold, either in the name of the Company or in the name of some other persons as trustees for the Company, and dispose of shares in any incorporated company having for one of its objects 30 the exercise of any of the powers in this section contained.

Vessels.

- Transmission and delivery of power and electricity.
- 13. For the purposes of this undertaking, and subject to the provisions of section 247 of The Railway Act, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in 35 the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it 40 has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges from time to time.

Approval by Railway Commission.

14. Nothing in this Act, or in The Telegraphs Act, shall authorize the Company to construct or operate any telegraph or tele- 45 for telegraph phone lines or any lines for the purpose of distributing electricity

Consent of municipalities required for lighting, heating or motor purposes, or disposing of surplus and telephone power generated by the Company's works and not required for highways. the undertaking of the Company, upon, along or across any etc. highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality without the consent, expressed by by-law, of such municipality.

10 15. The Company may, subject to the provisions of The Telegraphs? Railway Act, construct and operate telegraph and telephone and telephones. lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or

15 exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

20 2. No toll or charge shall be demanded or taken for the trans- Tolls and mission of any messages, or for leasing or using the telegraphs or charges. telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

25 3. Part II of *The Telegraphs Act*, except such portions thereof R.S., c. 126. as are inconsistent with *The Railway Act* or with this Act, shall apply to the telegraphic business of the Company.

16. Subject to the provisions of sections 361, 362 and 363 of Agreements The Railway Act, the Company may enter into any agreement with other companies.

30 for any of the purposes specified in the said section 361, with the Canadian Northern Railway Company, the Canadian Northern Alberta Railway Company, and the Canadian Northern Western Shares Railway Company, or any of them, and thereafter the Company of other companies.

35 of such other companies.

17. The Company may, for the purposes of its lines of special railway and steamships, and in connection with its business powers, and undertakings.—

(a) build, purchase, lease or otherwise acquire, manage or Hotels and 40 control, at such points or places along any of its lines of railway restaurants, or branches, or at any ports or places of call of any of its steamships, such buildings as it deems advisable for hotels and restaurants; and may purchase, lease and hold the land necessary for such purposes; and may carry on business in connection therewith, and afford such facilities as may tend to the comfort and convenience of the travelling public; and may let any such

building for such purposes; and may acquire, hold and dispose of shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the Company, and enter into agreements with any such company respecting any of such buildings, lands, facilities, or business:

Parks.

(b) purchase, lease and hold lands required for, and lay out, establish and manage parks and pleasure grounds, and give a lease thereof to, or contract with, any person for the use thereof upon such terms as the Company deems expedient.

10

Issue of securities for purposes other than railways. 18. The Company, having been first authorized by a resolution passed at any annual meeting, or at a special general meeting of the shareholders duly called for that purpose, may from time to time issue bonds, debentures or other securities for the purchase of lands, the erection and equipment of hotels, the 15 construction or acquisition of any vessels, or other properties, or works of any kind, other than the railways, which the Company is authorized to acquire or operate.

Mortgages.

19. For the purpose of securing each issue of such bonds, debentures or other securities the Company may execute a mort-20 gage or mortgages, not contrary to law or inconsistent with the provisions of this Act, in such form, and containing such provisions and stipulations, as are approved of by the resolution mentioned in the next preceding section.

Made to

2. Each of such mortgages shall be made to a trustee or 25 trustees to be appointed for that purpose at the said meeting, and may contain provisions determining the amount secured upon the hotels, vessels or class of vessels or upon any other properties or works to which it relates, authorized under this Act (other than the railway), the rank and priority of the bonds, 30 debentures or other securities intended to be secured thereby, the rights and remedies to be enjoyed by the respective holders thereof, the mode of assuring the application of the proceeds of such bonds, debentures or other securities to the purposes for which they are to be issued, the rate of interest thereon, the 35 place and time of payment of the principal and interest, the creation of a sinking fund for the redemption of the said bonds, debentures or other securities, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms of the mortgage and for the protection of the holders of 40 such bonds, debentures or other securities.

Conditions and restrictions.

3. The Company may charge and bind the tolls and revenues of the vessels or class of vessels, hotels, or properties or works, other than the railway, to which any such mortgage relates, and the whole or any part of any subsidy to be earned in connection 45 therewith, in the manner and to the extent therein specified;

and each such mortgage shall create absolutely a first lien and

Tolls and charges.

Mortgage a first lien.

encumberance upon the vessels or class of vessels, hotels, or properties or works, other than the railway, therein described, as well as on the tolls, revenues and subsidies therein hypothecated, the whole being for the benefit of the holders of the bonds, 5 debentures or other securities in respect of which such mortgage

4. Each issue of bonds, debentures, or other securities Ranking. intended to be secured by any of the mortgages referred to in this section, shall entitle the holders of any of the bonds belonging 10 to each such issue to rank pari passu with all other holders of bonds of the same issue, and a duplicate of each such mortgage shall be filed in the office of the Secretary of State of Canada.

20. Any bonds, debentures or other securities authorized Securities by this Act may be issued in whole or in part in the denomination currency. 15 and multiples of dollars or of pounds sterling, or any other currency, and may be made payable, both as to principal and interest, in Canada, the United States, or Europe; and the whole or any of such bonds, debentures or other securities may be pledged, negotiated or sold upon such conditions and at such 0 price as the directors from time to time deem advantageous and in the interest of the Company.

21. The Company may, in addition to the powers herein-Securities of before contained, acquire, hold, guarantee, pledge and dispose of companies. stock, bonds or other securities of any company upon such terms 25 as are specified in a by-law passed by the directors for that purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy and voting at any annual meeting or at a special general meeting of the Company duly called for the purpose of considering the said 30 by-law, and such by-law shall also be subject to the approval of the Governor in Council.

22. If the construction of the lines of railway hereby Time for authorized is not commenced within two years after the passing construction of railways of this Act, or if the lines of railway hereby authorized are not limited. 35 completed and put into operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void as respects so much of the said lines of railway as are not commenced within two years as aforesaid and completed within five years as aforesaid.

and Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

## BILL 81.

An Act to incorporate the Canadia Northern Branch Lines Company.

First reading, January 13, 1911.

(PRIVATE BILL.)

MR. CASH.

OTTAWA
Printed by C. H. PARMELEN
Printer to the King's most Excellent Majest;
1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 82.

An Act respecting the Kettle River Valley Railway Company, and to change its name to "The Kettle Valley Railway Company."

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1901, c. 68; grant the prayer of the said petition: Therefore His Majesty, 1903, c. 138; by and with the advice and consent of the Senate and House 1904, c. 89; 1904, c. 89; 1906, c. 117; 5 of Commons of Canada, enacts as follows:—

1909, c. 95; 1910, c. 115.

1. The name of the Kettle River Valley Railway Company, Name hereinafter called "the Company," is hereby changed to "The changed. Kettle Valley Railway Company," but such change in name shall not in any way impair, alter or affect the rights or liabili-

10 ties of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour Saving of of, or against the Company, which, notwithstanding such change rights. in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. The Company may lay out, construct and operate the Branch lines authorized. following branch lines of railway:

(a) from a point at or near Penticton, in the province of British Columbia, by the most feasible route, to a point on the international boundary, at or near the shore line of Osoyoos

(b) from a point on the Company's line already authorized, by the most feasible route, to a point in the Similkameen valley, at or near Allison or Princeton and thence by the most feasible route to the Granite creek coal areas, near the junction of 25 Granite creek with the Tulemeen river;

(c) from a point on the Company's line already authorized, from the Coldwater river to the Fraser river, by the most feasible route, to the Steamboat Mountain Mining Camp.

2. Unless the Company commences the construction of the Time for 30 said branch lines within two years after the passing of this Act, construction and completes and within two years after the passing of this Act, construction and completes and puts them in operation within five years after the passing of this Act, the powers of construction conferred

upon the Company by Parliament shall cease and be null and void as respects so much of the said branch lines as then remains uncompleted.

Express business. 3. The Company may, subject to the provisions of *The Railway Act*, carry on the business of an express company upon and in connection with its railways, and establish offices therefor, and undertake the carriage of goods by express, and collect tolls therefor; and for the purposes of operating such express business and system may, subject to the provisions of the said Act, enter into contracts with other companies for the 10 carriage of such goods and for through rates, and may lease its express rights and privileges to any such companies.

Special powers.

4. The Company may, for the purposes of its undertaking and in connection with its railway,—

Vessels.

(a) construct, acquire, charter and dispose of steam and 15 other vessels, and operate them on any navigable waters tributary to the territory traversed by its railway, and may enter into agreements with the owners of vessels, boats and ferries for any such purpose, and may, subject to *The Railway Act*, levy and collect tolls and charges for any services connected 20 therewith:

Hotels and restaurants

(b) build, acquire or lease buildings for hotels, restaurants or houses of entertainment along its railway, and may carry on such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers, 25 and may lease any part of such buildings for any such purposes;

Warehousing and forwarding.

(c) purchase, lease or otherwise acquire, construct, hold, enjoy, manage and sell or otherwise dispose of such lands, water-lots, wharfs, docks, dock-yards, slips, warehouses, coal and ore storage and handling plants, elevators, offices and other buildings as it finds necessary and convenient for such purposes, and may carry on the business of warehousemen wharfingers and forwarders, and charge wharfage and other dues for the use of any of such property; but no such wharfage or other dues shall be charged or taken until such dues have been approved of by the Board of Railway Commissioners for Canada, which may also revise such dues from time to time, and the Company may enter into agreements with any company having similar powers respecting the use of any of the property of the Company.

Power and

electricity.

Approval of

Agreements with other

companies.

rates.

5. For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may generate and acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which its railway 45 is built, and may receive, transform, transmit, distribute and

supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until Approval of it has been approved of by the Board of Railway Commissioners rail 5 for Canada, who may also revise such rates and charges from time to time.

6. Nothing in this Act or in The Telegraphs Act, shall Consent of authorize the Company to construct or operate any lines for municipalities required for the purpose of distributing electricity for lighting, heating or telegraph and telephone lines upon the Company's works and not required for the undertaking highways, etc. of the Company, upon, along or across any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or 15 public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute electric power or energy within or for use within the limits of any municipality

7. The securities issued by the Company in respect of the Issue of 20 branch lines hereby authorized shall not exceed forty thousand railway. dollars per mile of railway constructed or under contract to be constructed.

without the consent expressed by by-law of such municipality.

8. The Company, having been first authorized by a resolu- Issue of tion passed at any annual meeting, or at a special general securities for nurroses. 25 meeting of the shareholders duly called for that purpose, at other than which meeting shareholders representing at least two-thirds in railway. value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, issue bonds, debentures, debenture stock or other securities for the con-30 struction or acquisition of any vessels, properties or works, other than the railway, which the Company is authorized to construct or acquire, but such securities shall not exceed in amount the value of such vessels, properties and works.

2. For the purpose of securing the issue of such securities, Mortgages. 35 the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

3. All the provisions of sections 136 to 148, both inclusive, R.S., c. 37. of The Railway Act shall, so far as they are applicable, apply

40 to such securities and mortgages.

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

## BILL 82.

An Act respecting the Kettle River Valle Railway Company, and to change i name to "The Kettle Valley Railwa Company."

First reading, January 13, 1911.

(PRIVATE BILL.)

MR. BURRELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

### BILL 83.

An Act to incorporate the Simcoe, Grey and Bruce Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty,
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

1. Charles Martin Bowman, of the town of Southampton, Incorpor-James Brockett Tudhope, of the town of Orillia, William ation. Theodore Toner, of the town of Collingwood, Henry Pedwell, of the village of Thornbury, Hugh Cleland, of the town of Meaford,

- 10 Stephen Johnston Parker, James McLaughlan, Christopher Eaton, Frederick William Harrison, Elias Lemon, Robert McDowall, Benjamin Allen and Alexander Grant MacKay, of the town of Owen Sound, all in the province of Ontario, together with such persons as become shareholders in the company, are 15 incorporated under the name of "The Simcoe, Grey and Bruce Corporate
- 15 incorporated under the name of "The Simcoe, Grey and Bruce Corporate Railway Company," hereinafter called "the Company."
  - 2. The works of the Company are hereby declared to be Declaratory works for the general advantage of Canada.
- 3. The persons named in section 1 of this Act are constituted Provisional 20 provisional directors of the Company.
  - 4. The capital stock of the Company shall be five hundred capital stock. Thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
- 5. The head office of the Company shall be in the town of Head office 25 Owen Sound, in the province of Ontario.
  - 6. The annual meeting of the shareholders shall be held on Annual the second Wednesday in September.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of ailway described.

S. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the town of Southampton, in the county of Bruce, easterly to 5 the town of Orillia, in the county of Simcoe, passing through the towns of Owen Sound, Meaford, Thornbury and Collingwood.

Issue of securities.

9. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be 10 issued only in proportion to the length of railway constructed or under contract to be constructed.

Consent of municipalities.

10. The Company shall not construct or operate its railway along any highway, street, or other public place without first obtaining the consent, expressed by by-law, of the munici-15 palities having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Special powers.

Vessels.

Docks, etc.

11. The Company may, for the purpose of its undertaking, construct, acquire and navigate steam and other vessels for the 20 conveyance of passengers, goods and merchandise, and construct, acquire and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Telegraphs and telephones.

12. The Company may, subject to the provisions of The 25 Railway Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

Contracts with other companies.

Tolls and charges.

2. No toll or charge shall be demanded or taken for the 35 transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

S.. c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof **40** as are inconsistent with *The Railway Act* or with this Act, shall apply to the telegraphic business of the Company.

13. In addition to the securities authorized by section 9 of Issue of this Act, the directors may, under the authority of a resolution for purposes of the shareholders passed at any special general meeting called other than railway. for the purpose, or at any annual meeting at which shareholders 5 representing at least two-thirds in value of the issued capital stock of the Company are present, or represented by proxy, from time to time, at their discretion, borrow money for the Company's purposes, other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or 10 other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value

15 of the vessels or works in respect of which they are issued.

14. Subject to the provisions of sections 361, 362 and 363 of Agreements with other The Railway Act the Company may enter into agreements with companies. all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being 20 the Grand Trunk Railway Company of Canada, the Canadian R.S., c. 37. Pacific Railway Company and the Canadian Northern Railway Company.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 83.

An Act to incorporate the Simcoe, Grey and Bruce Railway Company.

First reading, January 13, 1911.

(PRIVATE BILL.)

MR. TOLMIE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

## BILL 84.

An Act respecting the Southern Central Pacific Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1903, c. 191; grant the prayer of the said petition: Therefore His Majesty, 1906, c. 162; by and with the advice and consent of the Senate and House of 1909, c. 135. Commons of Canada, enacts as follows:-

1. The Southern Central Pacific Railway Company may lay Lines of out, construct and operate the following branch lines of rail-railway authorized.

(a) from a point at or near where the main line crosses the North Saskatchewan river, in the province of Alberta, north-10 westerly, crossing the Athabaska river, thence to a point on the Peace river at or near Dunvegan, thence to Parsnip river, thence southerly to the Nechaco river, thence southwesterly to Deans Channel, or to Gardiner's Canal;

(b) from a point on the Elk river, in the province of British 15 Columbia, by the most feasible route easterly to the Waterton river, thence easterly to the international boundary near Coutts.

2. The construction of the railway of the Southern Central Time for Pacific Railway Company, except the branch line authorized construction 20 by section 3 of chapter 162, of the statutes of 1906, may be limited. commenced, and fifteen per cent of the amount of the capital stock expended thereon, within two years after the passing of this Act, and the railway completed and put in operation within five years after the passing of this Act; and if the said railway 25 is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said respective periods, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as 30 then remains uncompleted.

Connection with foreign railways.

3. The Southern Central Pacific Railway Company may connect with foreign railways.

Issue of securities.

4. The Southern Central Pacific Railway Company may issue bonds, debentures or other securities, to the extent of twenty-five thousand dollars per mile of the branch lines authorized by section 1 of this Act, but only in proportion to the length of such branch lines of railway constructed or under contract to be constructed.

1906, c. 162, s. 3 repealed. 5. Section 3 of chapter 162 of the statutes of 1906 is repealed.

(PRIVATE BILL.)

MR. CONMEE.

First reading, January 13, 1911.

An Act respecting the Southern Central Pacific Railway Company.

DIVINO TO SECURE

THE HOUSE OF COMMONS

OF CANADA

Session, 11th Parliament, 1 George V., 1910-11

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

20.4

## THE HOUSE OF COMMONS OF CANADA.

## BILL 85.

An Act respecting Forest Reserves and Parks.

IIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:

1. This Act may be cited as The Dominion Forest Reserves Short title. 5 [and Parks] Act.

Explanatory Note.—The first six clauses are not materially changed, except for a few words shewn within brackets, and that Parks, as well as Forest Reserves, are included.

2. All Dominion lands within the respective boundaries of Lands in the reserves mentioned in the Schedule to this Act are hereby Schedule withdrawn withdrawn from sale, settlement and occupancy under The from sale and Deminion Lands Act or any other Act, or any regulations made occupancy.

- 10 under any Act, with respect to mines or mining or timber or timber licenses or leases or any other matter whatsoever; and after the passing of this Act no Dominion lands within the boundaries of the said reserves shall be sold, leased or otherwise disposed of, or be located or settled upon, and no person shall 15 use or occupy any part of such lands, except under the authority of this Act or of regulations made thereunder.
- 3. The said reserves are hereby set apart and established and Dominion shall hereafter be and be known as Dominion Forest Reserves, Reserves. for the maintenance, protection and reproduction of the timber 20 growing or which may hereafter grow thereon, [for the conservation of the minerals] and the protection of the animals, birds and fish therein, and for the maintenance of conditions favourable to a continuous water supply, but subject to any regulations made under this Act.
- 4. The said reserves shall, subject to the direction of the Control and Minister of the Interior be under the control and management management of the [Director] of Forestry, or such other person as is from time to time [selected for that purpose by the Governor in Council.]

Forest rangers.

Powers of

5. The Minister of the Interior may appoint forest rangers for the purpose of carrying out the provisions of this Act, and every such ranger shall, for the purposes of this Act, and within the district for which he is appointed, have all the powers of a justice of the peace.

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Oath of ranger.

6. Every such ranger shall, before acting in that capacity, take and subscribe before the [Director] of Forestry or other person thereto [authorized by the Governor in Council,] an oath in the words following:—

"I, A.B. a forest ranger in and for the district or territory 10 described n my appointment, do solemnly swear that, to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such forest ranger according to the true intent and meaning of *The Dominion Forest Reserves* [and Parks] Act, and of all regulations 15 made or to be made thereunder; so help me God."

Purchase, or expropriation of land within reserves or exchange for other Dominion lands. 7. The Governor in Council may [purchase, expropriate or otherwise acquire] any land within any reserve, the title to which is not vested in the Crown in the right of Canada, or may exchange therefor available Dominion lands situated outside the 20 boundaries of such reserves, and, where necessary, may make compensation upon such exchange, and a copy of every order in eounci! authorizing such acquisition or exchange shall be laid before Parliament during the first fifteen days of the then next session thereof.

R.S., c. 143.

[2. The Expropriation Act shall apply to any proceedings for the acquisition of any land within a reserve and for the determining of the compensation to be paid therefor.]

Explanatory Note.—This section is altered so as to give power to acquire lands otherwise than by exchange, which was all that was previously provided for.

Road allowances may be included in reserve. 8. Where a road allowance within the boundaries of any such reserve has been vested in the Crown in the right of the province in which it is situated, or has passed under the control of the 30 executive authority of the province, such road allowance may, with the consent of the lieutenant governor of the province in council, be included in and form part of such reserve, and may be clos d by any fence which may be erected for the enclosure of such reserve, or any part thereof.

Explanatory Note.-Sections 8, 9 and 10 are unchanged.

Roads may be established. 9. Notwithstanding anything in this Act, the Governor in Council may cause to be established through and over any such reserve such roads as are necessary for the convenience of the public, and nothing in this Act or in any regulation made thereunder shall prevent the proper use of such roads by bona 40 fide travellers or by others requiring to cross such reserve in

pursuit of their ordinary business or calling; but nothing in this section shall operate to withdraw such roads from the reserve.

10. The Governor in Council may secure from the holder of Release of any title to or interest in any land within the limits of a forest land within 5 reserve a waiver in writing of the exemption of such land from reserves. the provisions of any regulation made under this Act for the prevention of trespass and the protection of game, and, where necessary, may make compensation therefor; and from the date of such waiver, and to the extent therein agreed upon, this 10 Act and the regulations made thereunder shall apply to such

lands.

11. Except as herein otherwise provided, this Act shall not apply to land apply to any lands within the boundaries of any reserve the title to which to which is not vested in the Crown in the right of Canada; Crown has

15 [and nothing in this Act shall affect or prejudice any right or interest which has heretofore been acquired under any lease or license for cutting timber or for any other purpose in respect of any lands within a reserve]. Provided that when any land in respect Proviso. of which a lease or license to cut timber thereon has been granted

20 does not contain or has become denuded of merchantable Denuded standing timber, such land may thereupon be withdrawn from timber lands. such lease or license upon notice to the lessee or licensee.

Explanatory Note.-The words within brackets provide that lands already under lease or license are not withdrawn from a reserve, but merely that rights so granted shall not be prejudiced by the creation of the reserve.

12. Neither the Governor in Council nor the Minister of the Timber licenses. Interior is authorized or empowered, for the purposes of this 25 Act, to expropriate, purchase or acquire for compensation any right or interest held under a license to cut timber.

Explanatory Note.—There is no change in the above part of the section, but sub-section 2 has been omitted as unnecessary and ineffective. It provided that if, at any future time, authority to acquire timber berths is given to the Crown the price paid is not to be increased on account of the berths being in a reserve.

13. The Minister of the Interior may appoint such fire Appointrangers as he deems necessary for the protection from fire of the ments of rangers to forests along or adjacent to any railway passing through Domin- protect 30 ion lands, whether under construction [or in operation], and it fires caused shall be the duty of every such ranger to enforce this Act, and by railways. any regulations made thereunder, and any other Act, whether of the Parliament of Canada or of the province in which such lands are situated, when and in so far as such Acts, or any 35 regulations made thereunder, relate to the prevention of fires and are in force in the district for which such ranger is appointed; and for such purposes and within a tract of five miles on either side of such railway every such ranger shall have all the Powers. powers of a justice of the peace, and one-half of the expenses 40 incident to and connected with such fire ranging shall be a debt Expenses.

due to the Crown from the person constructing [or operating] such railway, and shall be payable on demand of the Minister of the Interior, and may be recovered at the suit of the Crown in any court of competent jurisdiction.

Free transportation. [2. Every fire ranger so appointed shall be furnished by the person constructing or operating such railway with free transportation on all trains running on such railway, whether they are passenger, freight or construction trains.]

Explanatory Note.—This section has been changed to provide that railway companies shall pay one half of the cost of the fire patrol along their lines when in operation as well as when under construction, and also that the rangers on such patrol shall be given free transportation on the line.

Arrest of offenders.

14. Any forest ranger may on view without warrant or legal process arrest and bring before a justice of the peace to be 10 dealt with according to law, or may on view arrest and remove from any reserve any person found violating any provision of this Act or any regulation made thereunder.

Scizure of timber, minerals, animals, firearms and appliances. 2. Any forest ranger may seize, whether within a reserve or elsewhere, all timber cut or removed, all mineral removed, all 15 animals, birds and fish captured or killed, and within a reserve may seize all firearms, ammunition, explosives, spears, traps, nets, rods, lines, tackle and appliances used or found in the possession of any person without lawful authority or in contravention of any provision of this Act, or of any regulation 20 made thereunder, and when so seized they shall be dealt with according to law.

Entry and search.

3. For the purpose of searching for anything mentioned in subsection 2 of this section, any forest ranger may, without warrant or legal process, enter and search any house, dwelling, 25 structure or camp within a reserve, or within ten miles of the boundary of a reserve.

Liability of

4. An arrest, removal, seizure or confiscation shall not relieve the offender from any other penalty to which he may be liable under this Act or otherwise.

Explanatory Note.—This a new clause giving the forest rangers powers of arrest, seizure and search.

Lands withdrawn from reserve for railway purposes. 15. The Governor in Council may sell or lease land within a reserve when such land is required for the right of way or station grounds of any railway, but such land, subject to the use for which it is sold or leased, shall still be part of the reserve within which it is situate; and if any such land ceases to be used for 35 the purpose for which it was so sold or leased it shall forthwith revert to the Crown.

Explanatory Note.—This a new clause empowering the Governor in Council to withdraw lands from a reserve for railway purposes.

Regulations.
Protection.

**16.** The Governor in Council may make regulations for—
(a) the protection, care and management of reserves;

(b) the cutting and removal of timber, the working of mines, Timber, quarries and mineral deposits, the removal of sand, gravel, mines, cattle. earth, stone or any other material, the pasturage of cattle, water powers and leases. the use of hav lands, the establishment and use of reservoirs, water-power sites, power transmission lines, telegraph and telephone lines, and the granting of leases and permits therefor:

(c) the preservation of game, birds, fish and other animals, Preservation of game. and the destruction of noxious, dangerous and destruct ve animals:

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(d) the prevention and extinguishment of fire;

(e) the prevention of unauthorized business and traffic

Unauthorized traffic.

(f) the r mova and exclusion of undesirable persons and trespassers, and of persons making any unauthor zed use Removal of trespassers. of any reserve, or failing to comp y with any regulation;

(q) the confiscation and disposal of things seized;

(h) all purposes necessary to carry this Act into effect ac-General. cording to its true intent and meaning.

Explanatory Note.—The powers of the Governor in Council to make regulations for reserves are defined, instead of being in general terms. They will apply to parks as well as to forest reserves.

17. The Governor in Council may from time to time, by Dominion Parks. 20 proclamation, designate such reserves or areas within reserves as he sees fit, to be and be known as Dominion Parks, and, subject to the provisions of this Act, they shall be maintained and may be made use of as public parks and pleasure grounds for the benefit, advantage and enjoyment of the people of

2. The Governor in Council may make regulations with Regulations. respect to such parks for--

(a) their protection, care and management and their use and Protection enjoyment as public parks and pleasure grounds:

(b) the conduct of persons residing in or making use of any Conduct. park;

(c) the lease for any term of years of such parcels of land in Leases and the parks as he deems advisable in the public interest, for sale of lands. public purposes, for the construction of buildings for ordinary habitation and purposes of trade and industry, and for the accommodation of persons resorting to the parks; and for the sale of lands laid out in town lots and shown on the plan of the town plot, Rocky Mountains Park of Canada, in the province of Alberta, signed by George A. Stewart, D.L.S. and dated the second day of July, one thousand eight hundred and eighty-eight, and on the pan of the town plot of Canmore, signed by A. J. Brabazon,

D.L.S., without date; (d) the control and licensing of trades and traffic of every Licenses. description and the levying of license fees;

Waterworks, sewage, and public utilities. (e) the construction, operation and maintenance of waterworks, sewage, sanitation and other public utilities, and for contributions towards the cost thereof by persons interested in properties benefitted thereby.

Explanatory Note.—No parks are established by this Bill, but the Governor in Council is given authority to establish them within reserves, and to make further regulations respecting them.

18. Every regulation made under this Act shall be published 5 or four consecutive weeks in *The Canada Gazette*, and shall thereupon have the same force and effect as if herein enacted, and the said regulations shall be laid before Parliament during the first fifteen days of the then next session thereof.

Explanatory Note.—Sections 18, 19 and 20 are unchanged.

Penalties.

19. Any person violating any provision of this Act or any 10 regulation made thereunder shall, in addition to any civil liability thereby incurred, be liable on summary conviction to a penalty of not more than one hundred dollars, and in default of immediate payment of such penalty and of the costs of prosecution such person may be imprisoned with or without hard 15 labour for any term not exceeding six months.

Certain rights saved. 20. Nothing in this Act shall affect the obligations of the Government, if any, arising out of the conditions of the acquisition of the Northwest Territories.

Repeal.

21. Chapters 56 and 60 of the Revised Statutes, 1906, are 20 repealed.

Explanatory Note.—The Acts repealed are The Dominion Forest Reserves Act, and The Rocky Mountains Park Act.

### SCHEDULE.

Forest Reserves set apart and established under section 2 of this Act.

Explanatory Note.—Donald Forest Reserve in British Columbia, and Lake Manitoba West Forest Reserve in Manitoba, set apart by The Dominion Forest Reserves Act, are omitted.

#### PROVINCE OF BRITISH COLUMBIA.

1. The Long Lake Forest Reserve situate in the province of British Columbia and more particularly described as follows:— Commencing at the southeast corner of section 4, township 17, range 18, west of the sixth meridian; thence due north 966 chains more or less following the centre line of townships 17 and 18, range 18, west of the sixth meridian to the northeast corner of section 33, township 18, range 18, west of the sixth meridian; thence due west 307.69 chains more or less to the southwest corner of township 19, range 18, west of the sixth meridian; thence due north 241.50 chains more or less to the northeast corner of section 13, township 19, range 19, west of the sixth meridian; thence due west 486 chains more or less to the northeast corner of section 13, township 19, range 20, west of the sixth meridian; thence due north 241.50 chains more or less to the northeast corner of township 19, range 20, west of the sixth meridian; thence due west 486 chains more or less along the northern boundary of the said township 19, range 20, west of the sixth meridian to the northwest corner of the said township; thence due south 483 chains more or less to the southwest corner of township 19, range 20, west of the sixth meridian; thence due east 71.88 chains more or less to the northwest corner of township 18, range 20, west of the sixth meridian; thence due south 483 chains more or less to the southwest corner of township 18, range 20, west of the sixth meridian; thence due east 486 chains more or less to the southwest corner of township 18, range 19, west of the sixth meridian; thence due south 161 chains more or less to the southwest corner of section 30, township 17, range 19, west of the sixth meridian; thence due east 162 chains more or less to the southeast corner of section 29, township 17, range 19, west of the sixth meridian; thence due south 23.37 chains more or less to a point on the northern boundary of Crown Grant Number 649, Group One: thence easterly following the northern boundary of said Crown Grant, 12.54 chains more or less to the northeast corner of said Crown Grant Number 649, Group One; thence southerly following the eastern boundary of said Crown Grant, 40.35 chains more or less to the southeast corner of said Crown Grant Number 649; thence westerly 12.54 chains more or less following the southern boundary of said Crown Grant Number 649 to a point where said southerly boundary of Crown Grant Number

649 intersects the western boundary of section 21, township 17, range 19, west of the sixth meridian; thence due south 258.28 chains more or less to the southwest corner of section 4, township 17, range 19, west of the sixth meridian; thence due east 567 chains more or less to the place of beginning, containing by admeasurement 190 square miles more or less.

Explanatory Note: There are no additions to, or withdrawals from, this reserve.

2. The Monte Hills Forest Reserve situate in the province of British Columbia and more particularly described as follows:— Commencing at the southeast corner of section 21, township 16. range 14, west of the sixth meridian; thence due north following the centre line of townships 16 and 17, range 14, west of the sixth meridian 724:50 chains more or less to the northeast corner of section 33, township 17, range 14, west of the sixth meridian; thence due west following the northerly boundaries of township 17, ranges 14, 15 and 16, west of the sixth meridian 972 chains more or less to the northwest corner of section 34, township 17, range 16, west of the sixth meridian; thence due south following the centre line of townships 16 and 17, range 16, west of the sixth meridian 644 chains more or less to the southwest corner of section 27, township 16, range 16, west of the sixth meridian; thence due east 162 chains more or less to the southwest corner of section 25, township 16, range 16, west of the sixth meridian; thence due south 80.50 chains more or less to the southwest corner of section 24, township 16, range 16, west of the sixth meridian; thence due east 810 chains more or less to the place of beginning, containing by admeasurement 106 square miles more or less.

Explanatory Note: There are no additions to, or withdrawals from, this reserve

3. The Martin Mountain Forest Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at the southeast corner of section 4, township 19, range 13, west of the sixth meridian; thence due north following the centre line of said township 322 chains more or less to the northeast corner of section 21, township 19, range 13, west of the sixth meridian; thence due west 243 chains more or less to the northwest corner of section 19, township 19, range 13, west of the sixth meridian; thence due south 161 chains more or less to the northeast corner of section 12, township 19, range 14, west of the sixth meridian; thence due west 121.50 chains more or less to the northwest corner of the northeast quarter of section 11, township 19, range 14, west of the sixth meridian; thence due south 20.125 chains more or less; thence due west 81 chains more or less; thence due north 20.125 chains more or less to the northwest corner of the northeast quarter of section 10, township 19, range 14, west of the sixth meridian; thence due west 40.50 chains more or less to the

northwest corner of section 10, township 19, range 14, west of the sixth meridian; thence due south 161 chains more or less to the southwest corner of section 3, township 19, range 14, west of the sixth meridian; thence due east along the southern boundary of township 19, ranges 13 and 14, west of the sixth meridian, 486 chains to place of beginning, containing by admeasurement 17.75 square miles more or less.

Explanatory Note: Legal subdivisions 15 and 16 of Section 10 and legal subdivision 13 and 14 of Section 11, township 19, range 14 west of the 6th meridian have been withdrawn owing to the presence of a squatter on this land, and to the fact that it carries little timber. The presence of this squatter will do much towards guarding the remainder of the reserve from fire.

4. The Niskonlith Forest Reserve situate in the province of British Columbia and more particularly described as follows:— Commencing at the southeast corner of township 21, range 14, west of the sixth meridian; thence due north following the eastern boundaries of townships 21 and 22, range 14, west of the sixth meridian 966 chains more or less to the northeast corner of township 22, range 14, west of the sixth meridian; thence due west following the northern boundary of township 22, range 14, west of the sixth meridian 486 chains more or less to the northwest corner of said township; thence due south along the western boundary of township 22, range 14, west of the sixth meridian 483 chains more or less to the northeast corner of township 21, range 15, west of the sixth meridian; thence due west along the northern boundaries of township 21, ranges 15 and part of 16, west of the sixth meridian 729 chains more or less to the northwest corner of section 34, township 21, range 16, west of the sixth meridian; thence due south 440.25 chains more or less to the northern boundary of a part of Kamloops Indian Reserve; thence easterly and southerly along the said northern boundary of said reserve to a point where it intersects the southern boundary of township 21, range 16, west of the sixth meridian in section 1; thence due east from the aforesaid intersection (between northern boundary of Kamloops Indian Reserve and southern boundary of township 21, range 16, west of the sixth meridian) 1042.72 chains more or less to the place of beginning, containing by admeasurement 125 square miles more or less.

Explanatory Note: There are no additions to, or withdrawals from, this reserve.

5. Tranquille Forest Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at the southeast corner of township 22, range 18, west of the sixth meridian; thence due north following the eastern boundary of township 22, range 18, west of the sixth meridian, 483 chains, more or less, to the northeast corner of township 22, range 18, west of the sixth meridian; thence due west 61.89 chains, more or less, to the southeast corner of township 23, 85—2

range 18, west of the sixth meridian; thence due north following the western boundary of township 23, range 18, west of the sixth meridian, 322 chains, more or less, to the northeast corner of section 24, township 23, range 18, west of the sixth meridian; thence due west 243 chains, more or less, to the northeast corner of section 21, township 23, range 18, west of the sixth meridian; thence due north 80.50 chains, more or less, to the northeast corner of section 28, township 23, range 18, west of the sixth meridian; thence due west 80.84 chains, more or less, to the northeast corner of section 29, township 23, range 18, west of the sixth meridian; thence due north 80.50 chains, more or less, to the northeast corner of section 32, township 23, range 18, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of township 23, range 19, west of the sixth meridian; thence due north 80.50 chains to the northeast corner of section 1, township 24, range 19, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 3, township 24, range 19, west of the sixth meridian; thence due north 80.50 chains, more or less, to the northeast corner of section 10, township 24, range 19, west of the sixth meridian; thence due west 161.68 chains, more or less, to the northeast corner of section 17, township 24, range 19, west of the sixth meridian; thence due west 81 chains, more or less, to the northwest corner of section 18, township 24, range 19, west of the sixth meridian; thence due south following the western boundary of townships 24 and 23, range 19, west of the sixth meridian, 524 chains, more or less, to the southwest corner of township 23, range 19, west of the sixth meridian; thence due east 69.17 chains to the northwest corner of township 23, range 19, west of the sixth meridian; thence due south following the western boundary of township 23, range 19, west of the sixth meridian, 483 chains, more or less, to the southwest corner of township 23, range 19, west of the sixth meridian; thence due east, following the southern boundaries of township 22, ranges 18 and 19, west of the sixth meridian, 972 chains, more or less, to the point of beginning, containing by admeasurement 149 square miles, more or less.

Explanatory Note: There are no additions to, or withdrawals from, this reserve.

6. Hat Creek Forest Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at the southeast corner of township 18, range 26, west of the sixth meridian; thence due north 483 chains more or less to the northeast corner of township 18, range 26, west of the sixth meridian; thence due east 153.50 chains more or less to the southeast corner of section 4, township 19, range 25, west of the sixth meridian; thence due north following the centre line of township 19, range 25, west of the sixth meridian, 482 chains more or less to a point where the said centre line intersects the

southwest boundary of Cornwall's Ranche in the northeast quarter of section 33, township 19, range 25, west of the sixth meridian; thence northerly following the southwesterly boundary of Cornwall's Ranche to a point where said boundary intersects the section line between sections 15 and 16, township 20, range 25, west of the sixth meridian; thence due north to the northeast corner of section 16, township 20, range 25, west of the sixth meridian; thence due west 486 chains more or less to the northwest corner of section 15, township 20, range 26, west of the sixth meridian; thence due south following the centre line of townships 20 and 19, range 26, west of the sixth meridian, 724.50 chains more or less to the southwest corner of section 3, township 19, range 26, west of the sixth meridian; thence due west 243 chains more or less to the southeast corner of township 19, range 27, west of the sixth meridian; thence due north following the eastern boundary of township 19, range 27, west of the sixth meridian, 483 chains more or less to the northeast corner of township 19, range 27, west of the sixth meridian; thence due west 243 chains more or less to the southeast corner of section 4, township 20, range 27, west of the sixth meridian; thence due north following the centre line of townships 20 and 21, range 27, west of the sixth meridian, 865 chains more or less to a point where said centre line intersects the southern boundary of Indian Reserve No. 3; thence due west 32 chains more or less to corner of said reserve; thence due north 50.50 chains more or less to the northwest corner of said Indian Reserve No. 3; thence due east along the northern boundary of said Reserve No. 3, 32 chains more or less to a point where said northern boundary of said Indian Reserve No. 3 intersects centre line of township 21, range 27, west of the sixth meridian between sections 33 and 34 of said township 21, range 27, west of the sixth meridian; thence due north 131 chains more or less to the northeast corner of section 4, township 22, range 27, west of the sixth meridian; thence due west 81.00 chains more or less to the northwest corner of section 4, township 22, range 27, west of the sixth meridian; thence due south 80.50 chains more or less to the northeast corner of section 32, township 21, range 27, west of the sixth meridian; thence due west 81.00 chains more or less to the northwest corner of section 32, township 21, range 27, west of the sixth meridian; thence due south 241.50 chains more or less to the northwest corner of section 17, township 21, range 27, west of the sixth meridian; thence due west 81. chains more or less to the northwest corner of section 18, township 21, range 27, west of the sixth meridian; thence due south 241.50 chains more or less to the northwest corner of township 20, range 27, west of the sixth meridian; thence due west 81 chains more or less to the northwest corner of section 36, township 20, range 28, west of the sixth meridian; thence due south 966 chains more or less

to the southwest corner of section 1, township 19, range 28, west of the sixth meridian; thence due east 16 chains more or less to the northwest corner of section 35, township 18, range 28, west of the sixth meridian; thence due south 161 chains more or less to the northeast corner of section 22, township 18, range 28, west of the sixth meridian; thence due west 19.73 chains more or less to the eastern boundary of Lytton Indian Reserve No. 6 (Kesikep); thence southerly following the easterly boundary of said Indian Reserve No. 6, 34.34 chains more or less; thence westerly still following boundary of Indian Reserve No. 6, 10 chains more or less; thence southerly following boundary of Indian Reserve No. 6, 20 chains more or less to a point on the northern boundary of Lot No. 85 G.I.; thence due east 31.78 chains more or less to the northeast corner of said lot 85; thence due south following the eastern boundary of aforesaid lot No. 85, 20.94 chains more or less to where the said easterly boundary of said lot 85 intersects the line running between sections 15 and 22, of township 18, range 28, west of the sixth meridian; thence due east 0.39 chains more or less to the southwest corner of section 23, township 18, range 28, west of the sixth meridian; thence due east 405 chains more or less to the southwest corner of section 15, township 18, range 27, west of the sixth meridian; thence due south 241.50 chains more or less to the southwest corner of section 3, township 18, range 27, west of the sixth meridian; thence due east following the southerly boundary of township 18, ranges 27 and 26, west of the sixth meridian, 729 chains more or less to the place of beginning, containing by admeasurement 205 square miles more or less.

Explanatory Note: There are no additions to, or withdrawals from, this Reserve.

7. Larch Hills Forest Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at a point where the western short line of Mara Lake intersects the southern boundary of township 21, range 8, west of the sixth meridian; thence northeasterly following said westerly shore line of Mara Lake and Sicamous Narrows to its intersection with the section line between sections 35 and 36, township 21, range 8, west of the sixth meridian, said point being on the southerly shore line of Salmon Arm of Shuswap Lake; thence southwesterly following the said southerly shore line of said Salmon Arm of Shuswap Lake to its intersection with the centre line of section 9, township 21, range 9, west of the sixth meridian; thence due south 100.62 chains, more or less, to the southwest corner of the southeast quarter of section 4; thence due east following the southern boundary of township 21, ranges 9 and 8, west of the sixth meridian, 497.54 chains, more or less, to the place of beginning, containing by admeasurement 25 square miles, more or less.

Explanatory Note: The west half of section 4 and the fractional southwest

quarter of section 9, ot township 21, range 9, west of the sixth meridian, have been withdrawn.

8. Yoho Park Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at a point where the height of land between the Beaverfoot River and the Columbia River intersects the southern boundary of section 28, township 23, range 17, west of the fifth meridian; thence due east 50.25 chains more or less to the southeast corner of section 28, township 23, range 17, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 34, township 23, range 17, west of the fifth meridian: thence due east 81 chains more or less to the southeast corner of section 34, township 23, range 17, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 2, township 24, range 17, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 2, township 24, range 17, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 12, township 24, range 17, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 12, township 24, range 17, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 18, township 24, range 16, west of the fifth meridian; thence due east 81.00 chains more or less to the southeast corner of section 18, township 24, range 16, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 20, township 24, range 16, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 20, township 24, range 16, west of the fifth meridian; thence due north 161 chains more or less to the southwest corner of section 33, township 24, range 16, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 33, township 24, range 16, west of the fifth meridian; thence due north 161 chains more or less to the southwest corner of section 10, township 25, range 16, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 10, township 25, range 16, west of the fifth meridian; thence due north 241.50 chains more or less to the southwest corner of section 26, township 25, range 16, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 26, township 25, range 16, west of the fifth meridian; thence due north 161 chains more or less to the southwest corner of section 1, township 26, range 16, west of the fifth meridian; thence due east 81 chains more or less to the southeast corner of section 1, township 26, range 16, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 7, township 26, range 15, west of the fifth meridian; thence due east 81 chains more or less to

the southeast corner of section 7, township 26, range 15, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 17, township 26, range 15, west of the fifth meridian; thence due east following the southern boundary of sections 17 and 16 till it intersects the interprovincial boundary between the Provinces of Alberta and British Columbia; thence northwesterly following the said interprovincial boundary line to a point where the said interprovincial boundary line intersects the northern boundary of section 26, township 31, range 19, west of the fifth meridian: thence due west along the northern boundary of sections 26 and 27 to the northwest corner of section 27, township 31, range 19, west of the fifth meridian; thence due south 80.50 chains more or less to the southwest corner of section 27, township 31, range 19, west of the fifth meridian; thence due west 162 chains more or less to the northwest corner of section 20, township 31, range 19, west of the fifth meridian; thence due south 80.50 chains more or less to the northwest corner of section 17, township 31, range 19, west of the fifth meridian; thence due west 81 chains more or less to the northwest corner of section 18, township 31, range 19, west of the fifth meridian; thence due south 241.50 chains more or less to the southwest corner of township 31, range 19, west of the fifth meridian; thence due east 70.29 chains more or less to the northwest corner of township 30, range 19, west of the fifth meridian; thence due south following the western boundary of townships 30, 29, 28 and 27, range 19, west of the fifth meridian, 1932 chains more or less to the southwest corner of township 27, range 19, west of the fifth meridian; thence due east 70.01 chains more or less to the northwest corner of township 26, range 19, west of the fifth meridian; thence due south following the western boundary of township 26, range 19, west of the fifth meridian, and part of the western boundary of township 25, range 19, west of the fifth meridian to where the said western boundary of township 25, range 19, west of the fifth meridian intersects the height of land between the Beaverfoot and Columbia Rivers; thence southeasterly following said height of land to point of commencement, containing by admeasurement 723.5 square miles more or less.

9. Glacier Park Reserve situate in the province of British Columbia and more particularly described as follows:—Commencing at the southeast corner of section 3, township 24, range 24, west of the fifth meridian; thence due north 80.50 chains more or less to the southwest corner of section 11, township 24, range 24, west of the fifth meridian; thence due east 162 chains more or less to the southeast corner of section 12, township 24, range 24, west of the fifth meridian; thence due north following the eastern boundaries of townships 24, 25 and 26, range 24, west of the fifth meridian, 1368.50 chains more or less to the north-

east corner of township 26, range 24, west of the fifth meridian; thence due west 84.75 chains more or less to the southeast corner of township 27, range 24, west of the fifth meridian; thence due north 483 chains more or less to the northeast corner of township 27, range 24, west of the fifth meridian; thence due west 486 chains more or less to the southeast corner of township 28, range 25, west of the fifth meridian: thence due north 483 chains more or less to the northeast corner of township 28, range 25, west of the fifth meridian; thence due west 972 chains more or less to the northwest corner of township 28, range 26, west of the fifth meridian; thence due south 483 chains more or less to the northeast corner of township 27, range 27, west of the fifth meridian; thence due west 486 chains more or less to the northwest corner of township 27, range 27, west of the fifth meridian; thence due south 483 chains more or less to the southwest corner of township 27, range 27, west of the fifth meridian; thence due east 99.5 chains more or less to the northwest corner of township 26, range 27, west of the fifth meridian; thence due south 483 chains more or less to the southwest corner of township 26, range 27, west of the fifth meridian; thence due east 486 chains more or less to the northwest corner of township 25, range 26, west of the fifth meridian; thence due south following the western boundary of townships 25 and 24, range 26, west of the fifth meridian, 966 chains more or less to the southwest corner of township 24, range 26, west of the fifth meridian; thence due east following the southern boundary of township 24, ranges 26, 25 and 24, west of the fifth meridian, 1296 chains more or less to the point of commencement, containing by admeasurement 574 square miles more or less.

## PROVINCE OF MANITOBA.

10. Riding Mountain Forest Reserve situate in the province of Manitoba and more particularly described as follows —Commencing at the southeast corner of township 18, range 16, west of the first meridian; thence due north 486.5 chains more or less to the northeast corner of section 36, township 18, range 16, west of the first meridian; thence due west 54.96 chains more or less to a point directly opposite the southeast corner of section 1, township 19, range 16, west of the first meridian; thence due north 936.50 chains more or less to the northeast corner of the southeast quarter of section 36, township 20, range 16, west of the first meridian; thence due west 40 chains more or less to the northeast corner of the southwest quarter of section 36, township 20, range 16, west of the first meridian; thence due north 40 chains more or less to the northeast corner of the northwest quarter of section 36, township 20, range 16, west of the first meridian; thence due west 41.5 chains more or less to the northeast corner of section 35, township 20, range 16. west of the first meridian; thence due north 204.5 chains more or less to the northeast corner of the southeast quarter of section 14, township 21, range 16, west of the first meridian: thence due west 40 chains more or less to the northeast corner of the southwest quarter of section 14, township 21, range 16, west of the first meridian; thence due north 40 chains more or less to the northeast corner of the northwest quarter of section 14, township 21, range 16, west of the first meridian; thence due west 123 chains more or less to the northeast corner of section 16, township 21, range 16, west of the first meridian: thence due north 244.5 chains more or less to the northeast corner of section 33, township 21, range 16, west of the first meridian; thence due west 284.5 chains more or less to the northeast corner of the northwest quarter of section 36, township 21, range 17, west of the first meridian; thence due north 244.5 chains more or less to the northeast corner of the northwest quarter of section 13, township 22, range 17, west of the first meridian; thence due west 445.24 chains more or less to the northeast corner of section 13, township 22, range 18, west of the first meridian: thence due north 244.05 chains more or less to the northeast corner of section 36, township 22, range 18, west of the first meridian: thence due west 66.80 chains more or less to a point directly opposite the southeast corner of section 1, township 23, range 18, west of the 1st meridian; thence due north 245.84 chains more or less to the northeast corner of section 13, township 23, range 18, west of the first meridian; thence due west 326.19 chains more or less to the northeast corner of section 17, township 23, range 18, west of the first meridian; thence due north 163.05 chains more or less to the northeast corner of section 29, township 23, range 18, west of the first meridian; thence due west 776.03 chains more or less to a point where the northerly boundary of section 26, township 23, range 20, west of the first meridian intersects the easterly bank of the Vermilion River; thence along the southerly bank of the Vermilion River to where it cuts the easterly boundary of township 23, range 21, west of the first meridian: thence due south 118 chains more or less to the northeast corner of the southeast quarter of section 1, township 23, range 21, west of the first meridian; thence due west 81.50 chains more or less to the northeast corner of the southeast quarter of section 2, township 23, range 21, west of the first meridian; thence due north 203 chains more or less to the northeast corner of section 14, township 23, range 21, west of the first meridian; thence due west 81.5 chains more or less to the northeast corner of section 15, township 23, range 21, west of the first meridian; thence due north 41.5 chains more or less to the northeast corner of the southeast quarter of section 23, township 23, range 21, west of the first meridian; thence due west 81.5 chains more or less to

the northeast corner of the southeast quarter of section 21, township 23, range 21, west of the first meridian; thence due north 40.02 chains more or less to the northeast corner of section 21, township 23, range 21, west of the first meridian; thence due west 736.16 chains more or less to the northeast corner of section 24, township 23, range 23, west of the first meridian; thence due north 81.5 chains more or less to the northeast corner of section 25, township 23, range 23, west of the first meridian; thence due west 490.24 chains more or less to the northeast corner of section 25, township 23, range 24, west of the first meridian; thence due north 81.5 chains more or less to the northeast corner of section 36, township 23, range 24, west of the first meridian; thence due west 734.82 chains more or less to the northeast corner of section 33, township 23, range 25, west of the first meridian; thence due north 491.53 chains more or less to the southeast corner of section 4, township 25, range 25, west of the first meridian; thence due east 81.5 chains more or less to the southeast corner of section 3, township 25, range 25, west of the first meridian; thence due north 405.63 chains more or less to the northeast corner of section 27, township 25, range 25, west of the first meridian; thence due west 163 chains more or less to the northeast corner of section 29, township 25, range 25, west of the first meridian; thence due north 41.5 chains more or less to the northeast corner of the southeast quarter of section 32, township 25, range 25, west of the first meridian; thence due west 121.5 chains more or less to the northeast corner of the southwest quarter of section 31, township 25, range 25, west of the first meridian; thence due north 40.00 chains more or less to the northeast corner of the northwest quarter of section 31, township 25, range 25, west of the first meridian; thence due west 1019.35 chains more or less to the northwest corner of township 25, range 27, west of the first meridian; thence due south 976.50 chains more or less to the southwest corner of township 24, range 27, west of the first meridian; thence due east 489.80 chains more or less to the southwest corner of section 6, township 24, range 26, west of the first meridian; thence due south 407.5 chains more or less to the southwest corner of section 7, township 23, range 26, west of the first meridian; thence due east 83.21 chains more or less to the southwest corner of section 8, township 23, range 26, west of the first meridian; thence due south 81.74 chains more or less to the southwest corner of section 5, township 23, range 26, west of the first meridian; thence due east 14.79 chains more or less to a point directly opposite the northwest corner of section 31, township 22, range 26, west of the first meridian; thence due south 489 chains more or less to the southwest corner of section 6, township 22, range 26, west of the first meridian: thence due east 1465.34 chains more or less

to a point directly opposite the northwest corner of section 31, township 21, range 23, west of the first meridian: thence due south 489 chains more or less to the southwest corner of section 6, township 21, range 23, west of the first meridian: thence due east 490.10 chains more or less to the southwest corner of section 16, township 21, range 22, west of the first meridian; thence due south 244.5 chains more or less to the southwest corner of section 19, township 20, range 22, west of the first meridian; thence due east 571.26 chains more or less to the southwest corner of section 20, township 20, range 21, west of the first meridian; thence due south 244.69 chains more or less to the southwest corner of section 5, township 20, range 21, west of the first meridian; thence due east 407.5 chains more or less to the southwest corner of section 6, township 20, range 20, west of the first meridian; thence due south 489 chains more or less to the southwest corner of section 6, township 19, range 20, west of the first meridian; thence due east 323.10 chains more or less to a point directly opposite the northwest corner of section 34, township 18, range 20, west of the first meridian; thence due south 244.50 chains more or less to the southwest corner of section 22, township 18, range 20, west of of the first meridian; thence due east 244.5 chains more or less to the southwest corner of section 19, township 18, range 19, west of the first meridian; thence due south 81.5 chains more or less to the southwest corner of section 18, township 18, range 19, west of the first meridian; thence due east 406 chains more or less to the southeast corner of section 14, township 18, range 19, west of the first meridian; thence due north 163 chains more or less to the southeast corner of section 26, township 18, range 19, west of the first meridian; thence due east 81.5 chains more or less to the southeast corner of section 25, township 18, range 19, west of the first meridian; thence due north 165.18 chains, more or less to a point directly opposite the northeast corner of section 36, township 18, range 19, west of the first meridian; thence due east 812.77 chains more or less to a point directly opposite the northwest corner of section 35, township 18, range 17, west of the first meridian; thence due south 162.35 chains more or less to the southwest corner of section 26, township 18, range 17, west of the first meridian; thence due east 81.5 chains more or less to the southwest corner of section 25, township 18, range 17, west of the first meridian; thence due south 163 chains more or less to the southwest corner of section 13, township 18, range 17, west of the first meridian; thence due east 41.5 chains more or less to the southwest corner of the southeast quarter of section 13, township 18, range 17, west of the first meridian; thence due south 83.0 chains more or less to the northwest corner of the northeast quarter of section 1, township 18, range 17, west of the first meridian; thence due west 40.0 chains more or less to the northwest corner of section

1, township 18, range 17, west of the first meridian; thence due south 80.00 chains more or less to the southeast corner of section 1, township 18, range 17, west of the first meridian; thence due east 567.93 chains more or less to the point of beginning, that is the southeast corner of section 1, township 18, range 16, west of the first meridian, containing by admeasurement 1535 square miles more or less.

Explanatory Note: No addition is made to this reserve. The north half of section 1, township 23, range 21, west of the first meridian, which is covered by homestead entry should not have been included and is therefore withdrawn.

11. Turtle Mountain Reserve situate in the province of Manitoba and more particularly described as follows:—Commencing at the southeast corner of township 1, range 19, west of the first meridian; thence due north 243 chains, more or less, to the northeast corner of section 13, township 1, range 19, west of the first meridian; thence due west 81.50 chains, more or less, to the northeast corner of section 14, township 1, range 19, west of the first meridian; thence due north 81.50 chains, more or less, to the northeast corner of section 23, township 1, range 19, west of the first meridian; thence due west 121.50 chains, more or less, to the northeast corner of the northwest quarter of section 22, township 1, range 19, west of the first meridian; thence due north 81.50 chains, more or less, to the northeast corner of the northwest quarter of section 27, township 1, range 19, west of the first meridian; thence due west 204.50 chains, more or less, to the northeast corner of section 30, township 1, range 19, west of the first meridian; thence due north 81.50 chains, more or less, to the northeast corner of section 31, township 1, range 19, west of the first meridian; thence due west, following the northern boundaries of township 1, ranges 19, 20, 21 and 22, west of the first meridian, 1136.51 chains, more or less, to the northwest corner of section 36, township 1, range 22, west of the first meridian; thence due south 121.50 chains, more or less, to the northwest corner of the southwest quarter of section 25, township 1, range 22, west of the first meridian; thence due west 41.50 chains, more or less, to the northwest corner of the southeast quarter of section 26, township 1, range 22, west of the first meridian; thence due south 123 chains, more or less, to the northwest corner of the northeast quarter of section 14, township 1, range 22, west of the first meridian; thence due west 40 chains, more or less, to the northwest corner of section 14, township 1, range 22, west of the first meridian; thence due south 243 chains, more or less, to the southwest corner of section 2, township 1, range 22, west of the first meridian; thence due east, following the international boundary, 1628.50 chains, more or less, to the place of beginning, containing by admeasurement 109.25 square miles, more or less.

Explanatory Note: No withdrawal from, or addition to, this reserve is made.

12. Spruce Woods Forest Reserve situate in the province of Manitoba and more particularly described as follows: Commencing at the southeast corner of section 4, township 9, range 12, west of the first meridian; thence due north 366 chains, more or less, to the northeast corner of the southeast quarter of section 28. township 9, range 12, west of the first meridian; thence due west 323.27 chains, more or less, to the northwest corner of the southwest quarter of section 25, township 9, range 13, west of the first meridian; thence due south 81.50 chains, more or less, to the northwest corner of the southwest quarter of section 24, township 9, range 13, west of the first meridian; thence due west 246 chains, more or less, to the southeast corner of the northeast quarter of section 20, township 9, range 13, west of the first meridian; thence due north 121.50 chains, more of less, to the northeast corner of section 29, township 9, range 13, west of the first meridian; thence due west 242.07 chains, more or less, to the northwest corner of section 25, township 9, range 14, west of the first meridian; thence due south 81.50 chains, more or less, to the northwest corner of section 24, township 9, range 14, west of the first meridian; thence due west 81.60 chains, more or less, to the northwest corner of section 23, township 9, range 14, west of the first meridian; thence due south 163 chains, more or less, to the northwest corner of section 11, township 9, range 14, west of the first meridian; thence due west 123 chains, more or less, to the northwest corner of the northeast quarter of section 9, township 9, range 14, west of the first meridian; thence due south 163 chains, more or less, to the northwest corner of the northeast quarter of section 33, township 8, range 14, west of the first meridian; thence due west 41.50 chains, more or less, to the northeast corner of section 32, township 8, range 14, west of the first meridian; thence due north 80.34 chains, more or less, to the northeast corner of section 5, township 9, range 14, west of the first meridian; thence due west 82.00 chains, more or less, to the northeast corner of section 6, township 9, range 14, west of the first meridian: thence due north 81.50 chains, more or less, to the northeast corner of section 7, township 9, range 14, west of the first meridian; thence due west 81.06 chains, more or less, to the northeast corner of section 12, township 9, range 15, west of the first meridian; thence due north 41.50 chains, more or less, to the southeast corner of the northeast quarter of section 13, township 9, range 15, west of the first meridian; thence due east 61.00 chains, more or less, to the southeast corner of legal subdivision 10, of section 18, township 9, range 14, west of the first meridian; thence due north 20 chains, more or less, to the northeast corner of legal subdivision 10, of section 18, township 9, range 14, west of the first meridian; thence due east 20 chains, more or less, to the southeast corner of legal subdivision 16, of section 18, township 9, range 14,

west of the first meridian; thence due north 264.50 chains, more or less, to the northeast corner of section 31, township 9, range 14, west of the first meridian; thence due west 324.50 chains, more or less, to the northeast corner of section 33, township 9, range 15, west of the first meridian; thence due north 326 chains, more or less, to the northeast corner of section 21, township 10, range 15, west of the first meridian; thence due west 406.68 chains, more or less, to the northeast corner of section 22, township 10, range 16, west of the first meridian; thence due north 81.50 chains, more or less, to the northeast corner of section 27, township 10, range 16, west of the first meridian; thence due west 322.67 chains, more or less, to the northwest corner of section 30, township 10, range 16, west of the first meridian; thence due south 487.50 chains, more or less, to the southwest corner of section 31, township 9, range 16, west of the first meridian; thence due east 81.50 chains, more or less, to the southwest corner of section 32, township 9, range 16, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of section 29, township 9, range 16, west of the first meridian; thence due east 40 chains, more or less, to the southwest corner of the southeast quarter of section 29, township 9, range 16, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of the southeast quarter of section 20, township 9, range 16, west of the first meridian; thence due east 41.50 chains, more or less, to the southwest corner of section 21, township 9, range 16, west of the first meridian; thence due south 163 chains, more or less, to the southwest corner of section 9, township 9, range 16, west of the first meridian; thence due east 81.50 chains, more or less, to the southwest corner of section 10, township 9, range 16, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of section 3, township 9, range 16, west of the first meridian; thence due east 40 chains, more or less, to the southwest corner of the southeast quarter of section 3, township 9, range 16, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of the southeast quarter of section 34, township 8, range 16, west of the first meridian; thence due east 81.50 chains, more or less, to the southwest corner of the southeast quarter of section 35, township 8, range 16, west of the first meridian; thence due south 41.50 chains, more or less, to the southwest corner of the northeast quarter of section 26, township 8, range 16, west of the first meridian; thence due east 41.50 chains, more or less, to the southwest corner of the northwest quarter of section 25, township 8, range 16, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of the northwest quarter of section 24, township 8, range 16, west of the first meridian; thence due east

244.50 chains, more or less, to the southwest corner of the northwest quarter of section 21, township 8, range 15, west of the first meridian; thence due south 40 chains, more or less, to the southwest corner of section 21, township 8, range 15, west of the first meridian: thence due east 40 chains, more or less, to the southwest corner of the southeast quarter of section 21, township 8, range 15, west of the first meridian; thence due south 41.50 chains, more or less, to the southwest corner of the northeast quarter of section 16, township 8, range 15, west of the first meridian; thence due east 41.50 chains, more or less, to the southwest corner of the northwest quarter of section 15, township 8, range 15, west of the first meridian; thence due south 40 chains, more or less, to the southwest corner of section 15, township 8, range 15, west of the first meridian; thence due east 81.50 chains, more or less, to the southwest corner of section 14, township 8, range 15, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of section 11, township 8, range 15, west of the first meridian; thence due east 244.07 chains, more or less, to the southeast corner of section 7, township 8, range 14, west of the first meridian; thence due north 81.50 chains, more or less, to the southeast corner of section 18, township 8, range 14, west of the first meridian; thence due east 244.50 chains, more or less, to the southeast corner of section 15, township 8, range 14, west of the first meridian; thence due north 244.50 chains, more or less, to the southeast corner of section 34, township 8, range 14, west of the first meridian; thence due east 41.50 chains, more or less, to the southeast corner of the southwest quarter of section 35, township 8, range 14, west of the first meridian; thence due north 40 chains, more or less, to the southwest corner of the northeast quarter of section 35, township 8, range 14, west of the first meridian; thence due east 40 chains, more or less, to the southeast corner of the northeast quarter or section 35, township 8, range 14, west of the first meridian; thence due north 163 chains, more or less, to the southeast corner of the northeast quarter of section 11, township 9, range 14, west of the first meridian; thence due east 81.50 chains, more or less, to the southeast corner of the northeast quarter of section 12, township 9, range 14, west of the first meridian; thence due north 41.50 chains, more or less, to the southeast corner of section 13, township 9, range 14, west of the first meridian; thence due east 164.50 chains, more or less, to the southwest corner of section 16, township 9, range 13, west of the first meridian; thence due south 81.50 chains, more or less, to the southwest corner of section 9, township 9, range 13, west of the first meridian; thence due east 81.50 chains, more or less, to the southwest corner of section 10, township 9, range 13, west of the first meridian; thence due south 81.38 chains, more or less, to the southwest corner of

section 3, township 9, range 13, west of the first meridian; thence due east 487.50 chains, more or less, to the place of beginning. This reserve also consists of another parcel or tract, commencing at the southeast corner of section 3, township 8, range 12, west of the first meridian; thence due north 324.50 chains, more or less, to the nortdeast corner of section 22, township 8, range 12, west of the first meridian; thence due west 488.14 chains, more or less, to the northwest corner of section 23, township 8, range 13, west of the first meridian; thence due south 81.50 chains, more or less, to the northwest corner of section 14, township 8, range 13, west of the first meridian; thence due west 81.50 chains, more or less, to the northwest corner of section 15, township 8, range 13, west of the first meridian; thence due south 243 chains, more or less, to the southwest corner of section 3, township 8, range 13, west of the first meridian; thence due east 560.92 chains, more or less, to the place of beginning; both parcels containing by admeasurement 224½ square miles, more or less.

Explanatory Note: No withdrawals are made from this reserve; the additions are portions of townships 8 and 9, ranges 12, 13 and 14; township 8, range 15, and townships 8 and 9, range 16, west of the first meridian; aggregating an area of 114½ square miles. The lands are broken and the soil is light.

13. Duck Mountain Forest Reserve No. 1 situate in the province of Manitoba and more particularly described as follows: - Commencing at the southeast corner of section 20, township 26, range 24, west of the first meridian; thence due north 245.78 chains, more or less, to a point directly opposite the northeast corner of section 32, township 26, range 24, west of the first meridian; thence due east following the southern boundary of township 27, range 24, west of the first meridian, 326 chains more or less to the southeast corner of township 27, range 24, west of the first meridian; thence due north following the eastern boundary of township 27, range 24, west of the first meridian, 327.82 chains, more or less, to the southeast corner of township 28, range 24, west of the first meridian; thence due east following the southern boundary of township 28, range 23, west of the first meridian, 243.06 chains, more or less, to the southeast corner of section 4, township 28, range 23, west of the first meridian; thence due north following the centre line of township 28, range 23, west of the first meridian, 483.23 chains, more or less, to the southeast corner of section 4, township 29, range 23, west of the first meridian; thence due east 162 chains, more or less to the southeast corner of section 2, township 29, range 23, west of the first meridian; thence due north 966 chains, more or less, to the northeast corner of section 35, township 30, range 23, west of the first meridian; thence due west 1.06 chains, more or less, to a point directly opposite the southeast corner of township 31, range 23, west of the first meridian; thence due north 1 chain, more or less, to the southeast corner of township 31, range 23, west of the first meridian; thence due north 482 chains, more or less, following the eastern boundary of township 31, range 23, west of the first meridian. to the northeast corner of township 31, range 23, west of the first meridian; thence due west following the northern boundary of township 31, range 23, west of the first meridian, 486 chains. more or less, to the northeast corner of township 31, range 24, west of the first meridian; thence due north following the eastern boundary of township 32, range 24, west of the first meridian, 484 chains, more or less, to the southeast corner of township 33, range 24, west of the first meridian: thence due east 243 chains, more or less, to the southeast corner of section 4, township 33, range 23, west of the first meridian: thence due north following the centre line of township 33, range 23, west of the first meridian, 481.74 chains, more or less, to the northeast corner of section 33, township 33, range 23, west of the first meridian; thence due west following the northern boundary of township 33, range 23, west of the first meridian, 243 chains, more or less, to the northeast corner of township 33, range 24, west of the first meridian; thence due north following the eastern boundary of township 34, range 24, west of the first meridian, 472.40 chains, more or less, to the northeast corner of township 34, range 24, west of the first meridian; thence due west following the northern boundary of township 34, range 24, west of the first meridian, 86.91 chains, more or less, to a point directly opposite the southeast corner of township 35, range 24, west of the first meridian: thence due north 1 chain, more or less, to the southeast corner of township 35, range 24, west of the first meridian; thence due north following the eastern boundary of township 35, range 24, west of the first meridian, 471.40 chains, more or less, to the northeast corner of township 35, range 24, west of the first meridian: thence due west following the northern boundary of township 35, ranges 24 and 25, west of the first meridian, 728 chains, more or less, to the northwest corner of section 34, township 35, range 25, west of the first meridian; thence due south following the centre line of township 35, range 25, west of the first meridian, 483.17 chains more or less, to a point directly opposite the southwest corner of section 3, township 35, range 25, west of the first meridian; thence due west following the northern boundary of township 34, ranges 25 and 26, west of the first meridian, 635.67 chains, more or less, to the northwest corner of township 34, range 26, west of the first meridian; thence due south following the western boundary of township 34, range 26, west of the first meridian, 485.07 chains, more or less, to the northwest corner of township 33, range 26, west of the first meridian; thence due west following the northern boundary of township 33, range 27, west of the first meridian, 484.92 chains, more or less, to the northwest corner of township 33, range 27, west of the first

meridian; thence due south following the western boundary of township 33, range 27, west of the first meridian, 161 chains, more or less, to the northwest corner of section 19, township 33, range 27, west of the first meridian; thence due west 243.30 chains, more or less, to the northwest corner of section 22, township 33, range 28, west of the first meridian; thence due south 322 chains, more or less, to the northwest corner of section 34, township 32, range 28, west of the first meridian; thence due west 242.93 chains, more or less, to the northwest corner of township 32, range 28, west of the first meridian; thence due south 322 chains, more or less, to the northwest corner of section 7, township 32, range 28, west of the first meridian; thence due west 242.70 chains, more or less, to the northwest corner of section 10, township 32, range 29, west of the first meridian; thence due south 161.56 chains, more or less, to the northwest corner of section 34, township 31, range 29, west of the first meridian; thence due west 243.30 chains, more or less to the northwest corner of township 31, range 29, west of the first meridian; thence due south following the western boundary of township 31, range 29, west of the first meridian, 281 chains, more or less, to the southwest corner of township 31, range 29, west of the first meridian; thence due east 23.44 chains, more or less, to a point directly opposite the northwest corner of township 30, range 29, west of the first meridian; thence due south 1.50 chains, more or less, to the northwest corner of township 30, range 29, west of the first meridian; thence due south following the western boundary of township 30, range 29, west of the first meridian, 485.65 chains, more or less, to the southwest corner of township 30, range 29, west of the first meridian: thence due east following the southern boundary of township 30, range 29, west of the first meridian, 485.40 chains, more or less, to a point directly opposite the southeast corner of township 30, range 29, west of the first meridian; thence due south 10 chains, more or less, to a point where the southern boundary of section 14 intersects the western boundary of township 30, range 29A, west of the first meridian; thence due east 80.84 chains, more or less, to the southeast corner of section 13, township 30, range 29A, west of the first meridian; thence due north following the eastern boundary of township 30, range 29A, west of the first meridian, 308 chains, more or less, to a point directly opposite the northeast corner of section 36, township 30, range 29A, west of the first meridian; thence due east following the southern boundary of township 31, range 28, west of the first meridian, 484.72 chains, more or less, to a point directly opposite the northwest corner of township 30, range 27, west of the first meridian; thence due south following the western boundary of townships 29 and 30, range 27, west of the first meridian, 912.04 chains, more or less, to the southwest

corner of township 29, range 27, west of the first meridian; thence due east following the southern boundary of township 29, range 27, west of the first meridian, 486 chains, more or less, to the southwest corner of township 29, range 26, west of the first meridian; thence due south following the western boundary of townships 27 and 28, range 26, west of the first meridian, 816 chains more or less, to the southwest corner of township 27, range 26, west of the first meridian; thence due east 5.25 chains, more or less, to a point directly opposite the northwest corner of township 26, range 26, west of the first meridian; thence due south 245.46 chains, more or less, to the southwest corner of section 19, township 26, range 26, west of the first meridian; thence due east 1,141.51 chains, more or less, to the place of beginning, containing by admeasurement 1,404 square miles, more or less.

Explanatory Note: The additions to this reserve are townships 31 and 32-range 28; townships 30 and 31, range 29, and parts of township 30, range 29 township 32, range 29, and township 33, range 28, all west of the first meridian, comprising an area of 153 square miles more or less. These lands are much broken and well timbered.

14. Porcupine Forest Reserve No. 1 situate in the province of Manitoba and more particularly described as follows:—Commencing at the southeast corner of township 41, range 27, west of the first meridian; thence due north, following the eastern boundaries of townships 41 and 42, range 27, west of the first meridian, 966 chains, more or less, to the northeast corner of township 42, range 27, west of the first meridian; thence due west, following the northern boundaries of township 42, ranges 27, 28 and 29, west of the first meridian, 1457 chains, more or less, to the northwest corner of township 42, range 29, west of the first meridian; thence due south, following the western boundaries of townships 42, 41, 40 and 39, range 29, west of the first meridian, 1770 chains, more or less, to the southwest corner of section 18, township 39, range 29, west of the first meridian; thence due east 485 chains, more or less, to the southeast corner of section 13, township 39, range 29, west of the first meridian; thence due north, following the eastern boundary of township 39, range 29, west of the first meridian, 322 chains, more or less, to the southeast corner of township 40, range 29, west of the first meridian; thence due east, following the southern boundary of township 40, range 28, west of the first meridian, 486 chains, more or less, to the southeast corner of township 40, range 28, west of the first meridian; thence due north following the eastern boundary of township 40, range 28, west of the first meridian, 483 chains, more or less, to the southeast corner of township 41, range 28, west of the first meridian; thence due east following the southern boundary of township 41, range 27, west of the first meridian, 486 chains, more or less, to the place of beginning, containing by admeasurement 312 square miles, more

Explanatory Note No addition or withdrawals are being made in this reserve.

## PROVINCE OF SASKATCHEWAN.

15. Beaver Hills Forest Reserve situate in the province of Saskatchewan and more particularly described as follows:-Commencing at the southeast corner of township 26, range 9, west of the second meridian; thence due north following the eastern boundary of said township 26, range 9, west of the second meridian, 487.50 chains, more or less, to the northeast corner of said township 26, range 9, west of the second meridian; thence due west 522.52 chains, more or less, to a point directly opposite the southeast corner of township 27, range 10, west of the second meridian; thence due north 81.05 chains, more or less, to the northeast corner of section 1, township 27, range 10, west of the second meridian; thence due west 81.78 chains, more or less, to the northeast corner of section 2, township 27, range 10, west of the second meridian; thence due north 81.50 chains, more or less, to the northeast corner of section 11, township 27, range 10, west of the second meridian; thence due west 81.70 chains, more or less, to the northeast corner of section 10, township 27, range 10, west of the second meridian; thence due north 325.92 chains, more or less, to the northeast corner of section 34, township 27, range 10, west of the second meridian; thence due west 324.94 chains, more or less, to the northwest corner of township 27, range 10, west of the second meridian; thence due south 486.82 chains, more or less, to the southwest corner of township 27, range 10, west of the second meridian; thence due east 38.29 chains, more or less, to a point directly opposite the northwest corner post of township 26, range 10, west of the second meridian; thence due south 488.38 chains, more or less to the southwest corner of township 26, range 10, west of the second meridian; thence due east following the southern boundary of township 26, ranges 10 and 9, west of the second meridian, 973.64 chains, more or less, to the place of beginning, containing by admeasurement 99 square miles, more or less.

Explanatory Note: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 of township 27, range 10, west of the second meridian containing by admeasurement 27 square miles more or less have been added to this reserve.

16. Pines Forest Reserve situate in the province of Saskatchewan and more particularly described as follows:—Commencing at a point where the southern boundary of section 34, township 44, range 1, west of the third meridian intersects the northerly bank of the South Saskatchewan River; thence northerly and easterly following the said northerly bank of the said South Saskatchewan River to a point where the third meridian intersects said north bank of the South Saskatchewan River; thence due north 346 chains, more or less, to the northeast corner of township 45, range 1, west of the third meridian; thence due west 203 chains,

more or less, to the northwest corner of the northeast quarter of section 34, township 45, range 1, west of the third meridian; thence due south 40 chains, more or less, to the northwest corner of the southeast quarter of section 34, township 45, range 1, west of the third meridian; thence due west 41.50 chains, more or less, to the northeast corner of the southeast quarter of section 33, township 45, range 1, west of the third meridian; thence due north 40 chains, more or less, to the northeast corner of section 33, township 45, range 1, west of the third meridian; thence due west 81.50 chains, more or less, to the northeast corner of section 32, township 45, range 1, west of the third meridian; thence due north 83 chains, more or less. to the southeast corner of section 8, township 46, range 1. west of the third meridian; thence due east 81.50 chains, more or less, to the southeast corner of section 9, township 46. range 1, west of the third meridian; thence due north 80 chains, more or less, to the northeast corner of section 9, township 46, range 1, west of the third meridian; thence due west 81.50 chains, more or less, to the northeast corner of section 8, township 46, range 1, west of the third meridian; thence due north 83 chains, more or less, to the southeast corner of section 20, township 46, range 1, west of the third meridian; thence due east 81.50 chains, more or less, to the southeast corner of section 21, township 46, range 1, west of the third meridian; thence due north 163 chains, more or less to the southeast corner of section 33, township 46, range 1, west of the third meridian; thence due east 81.50 chains, more or less, to the southeast corner of section 34, township 46, range 1, west of the third meridian; thence due north 80.16 chains, more or less, to the northeast corner of section 34, township 46, range 1, west of the third meridian; thence due west 163 chains, more or less, to the northeast corner of section 32, township 46, range 1. west of the third meridian; thence due north 83 chains, more or less to the southeast corner of section 8, township 47, range 1, west of the third meridian; thence due east 81.50 chains, more or less, to the southeast corner of section 9, township 47, range 1, west of the third meridian; thence due north 80.00 chains, more or less, to the northeast corner of section 9, township 47, range 1, west of the third meridian; thence due west 81.50 chains, more or less, to the northeast corner of section 8, township 47, range 1, west of the third meridian: thence due north 83 chains, more or less, to the southeast corner of section 20, township 47, range 1, west of the third meridian: thence due east 81.50 chains, more or less, to the southeast corner of section 21, township 47, range 1, west of the third meridian; thence due north 81.50 chains, more or less, to the southeast corner of section 28, township 47, range 1, west of the third meridian; thence due east 81.50 chains, more or less, to the southeast corner of section 27, township 47, range 1, west of the

third meridian; thence due north 80 chains, more or less to the northeast corner of section 27, township 47, range 1, west of the third meridian; thence due west 81.50 chains, more or less, to the northeast corner of section 28, township 47, range 1, west of the third meridian; thence due north 81.50 chains, more or less to the northeast corner of section 33, township 47, range 1, west of the third meridian; thence due west 244 chains, more or less, to the northwest corner of township 47, range 1, west of the third meridian; thence due south 40 chains, more or less, to the northwest corner of the southwest quarter of section 31, township 47, range 1, west of the third meridian: thence due west following the northern boundaries of section 13, 14, 15 and part of 16, of township 48, range 2, west of the third meridian, 265.90 chains, more or less, to a point where said northern boundary intersects the southern bank of the North Saskatchewan River; thence following the said southern bank of the North Saskatchewan River to a point where the northern boundary of township 47, range 2, west of the third meridian intersects same; thence due west crossing said river 105 chains, more or less, to the northwest corner of township 47, range 2, west of the third meridian: thence due south following the western boundary of township 47, range 2, west of the third meridian, 482.40 chains, more or less, to the southwest corner of township 47, range 2, west of the third meridian; thence due east 8.96 chains, more or less, to a point opposite the northwest corner of township 46, range 2, west of the third meridian; thence due south following the western boundary of township 46, range 2, west of the third meridian, 403 chains, more or less, to the southwest corner of section 7, township 46, range 2, west of the third meridian; thence due east 162 chains, more or less, to the southwest corner of section 9, township 46, range 2, west of the third meridian; thence due south 80 chains, more or less, to the southwest corner of section 4, township 46, range 2. west of the third meridian; thence due east 161.68 chains, more or less, to the southwest corner of section 2, township 46, range 2, west of the third meridian; thence due south 161 chains, more or less, to the southwest corner of section 26, township 45, range 2, west of the third meridian; thence due east 160.85 chains, more or less, to a point directly opposite the southeast corner of section 25, township 45, range 2, west of the third meridian; thence due south 58.25 chains, more or less, to the southwest corner of township 45, range 1, west of the third meridian; thence due east 244.50 chains, more or less to the southwest corner of section 3, township 45, range 1, west of the third meridian; thence due south 81.50 chains, more or less, to the southwest corner of section 34, township 44, range 1, west of the third meridian; thence due east following the southern boundary of section 34, township 44, range 1,

west of the third meridian, to the place of beginning, containing by admeasurement 154 square miles, more or less.

Explanatory Note: No withdrawals from this reserve. The additions are: sections 3, 13, 24, 25, 35 and 36, and parts of sections 2-11 and 34, township 45, range 1, west of the third meridian, and section 34 and part of section 35, township 44, range 1, west of the third meridian, containing by admeasurement 9 square miles more or less

17. Moose Mountain Forest Reserve situate in the province of Saskatchewan and more particularly described as follows:-Commencing at the southeast corner of section 11, township 10, range 2, west of the second meridian; thence due north 241.22 chains, more or less, to the northeast corner of section 23, township 10, range 2, west of the second meridian; thence due west 80.50 chains, more or less, to the northeast corner of section 22, township 10, range 2, west of the second meridian: thence due north 81 chains, more or less, to the northeast corner of section 27, township 10, range 2, west of the second meridian: thence due west 242.10 chains, more or less, to the northeast corner of section 30, township 10, range 2, west of the second meridian; thence due north 81 chains, more or less, to the northeast corner of section 31, township 10, range 2, west of the second meridian; thence due west 87.914 chains, more or less, to a point directly opposite the southeast corner of secton 1, township 11, range 2, west of the third meridian; thence due north 82.26 chains, more or less, to the northeast corner of section 1, township 11, range 3, west of the second meridian; thence due west 81.14 chains, more or less, to the northeast corner of section 2, township 11, range 3, west of the second meridian; thence due north 80 chains, more or less, to the northeast corner of section 11, township 11, range 3, west of the second meridian; thence due west 283.49 chains, more or less, to the northwest corner of the northeast quarter of section 8, township 11, range 3, west of the second meridian; thence due south 40.00 chains, more or less, to the northwest corner of the southeast quarter of section 8, township 11, range 3, west of the second meridian; thence due west 121.21 chains, more or less, to the northwest corner of the southwest quarter of section 7, township 11, range 3, west of the second meridian; thence due south 40.00 chains, more or less, to the northwest corner of section 6, township 11, range 3, west of the second meridian; thence due west 41.21 chains, more or less, to the northeast corner of the northwest quarter of section 1, township 11, range 4, west of the second meridian; thence due north 80 chains, more or less, to the northeast corner of the northwest quarter of section 12, township 11, range 4, west of the second meridian; thence due west 447.14 chains, more or less, to the northwest corner of section 7, township 11. range 4, west of the second meridian; thence due south 162.70 chains, more or less, to a point on the north boundary of section 36, township 10, range 5, west of the second meridian;

thence due west 69.65 chains, more or less, to the northwest corner of section 36, township 10, range 5, west of the second meridian; thence due south 161.51 chains, more or less, to the northwest corner of section 24, township 10, range 5, west of the second meridian; thence due west 187.96 chains, more or less, to a point intersecting the eastern boundary of Indian lands; thence due south, following the said eastern boundary of Indian lands 562.45 chains, more or less, to a point where said eastern boundary intersects the centre line of section 28, township 9, range 5, west of the second meridian; thence due east 67.23 chains, more or less, to the southwest corner of the northeast quarter of section 27, township 9, range 5, west of the second meridian; thence due south 40 chains, more or less, to the southwest corner of the southeast quarter of section 27, township 9, range 5, west of the second meridian; thence due east 40.96 chains, more or less, to the southwest corner of section 26, township 9, range 5, west of the second meridian; thence due south 41 chains, more or less, to the southwest corner of the northwest quarter of section 23, township 9, range 5, west of the second meridian; thence due east 40.02 chains, more or less, to the southwest corner of the northeast quarter of section 23, township 9, range 5, west of the second meridian; thence due south 40 chains, more or less, to the southwest corner of the southeast quarter of section 23, township 9, range 5, west of the second meridian; thence due east 363.88 chains, more or less, to the southeast corner of section 21, township 9, range 4, west of the second meridian; thence due north 81.02 chains, more or less, to the southeast corner of section 28, township 9, range 4, west of the second meridian; thence due east 243.66 chains, more or less, to the southwest corner of section 30, township 9, range 3, west of the second meridian; thence due south 81.10 chains, more or less, to the southwest corner of section 19, township 9, range 3, west of the second meridian; thence due east 272.85 chains, more or less, to a point on the western boundary of White Bear Indian Reserve No. 70; thence due north, following the western boundary of said White Bear Indian Reserve 342.00 chains, more or less, to the northwest corner of said White Bear Indian Reserve; thence due east, following the northern boundary of said White Bear Indian Reserve 606.00 chains, more or less, to the northeast corner of said White Bear Indian Reserve; thence due south, following the eastern boundary of said White Bear Indian Reserve 7 chains, more or less; thence due east 3.50 chains, more or less, to the place of beginning, containing by admeasurement 156 square miles, more or less.

Explanatory Note:—No addition is made to this Reserve. The lands withdrawn are section 13, township 10, range 2, west of the second meridian, and sections 1, 2 and 12, township 11, range 5, west of the second meridian, and section 35, township 10, range 5, west of the second meridian, which are the prop-

erty of the Canadian Pacific Railway Company, and were included by an error in description, and section 11, township 11, range 5, which is outside the boundaries of the reserve as now properly described, and therefore should not be included.

18. Porcupine Forest Reserve No. 2 situate in the province of Saskatchewan and more particularly described as follows:-Commencing at the southeast corner of township 39, range 30, west of the first meridian; thence due north, following the eastern boundaries of townships 39, 40, 41 and 42, range 30, west of the first meridian, 1,931 chains, more or less, to the northeast corner of township 42, range 30, west of the first meridian; thence due west, following the northern boundaries of township 42, ranges 30, 31 and 32, west of the first meridian, 1,235.41 chains, more or less, to the northwest corner of township 42, range 32, west of the first meridian; thence due south. following the western boundaries of townships 42, 41, 40 and 39, range 32, west of the first meridian, 1,931 chains, more or less, to the southwest corner of township 39, range 32, west of the first meridian; thence due east, following the southern boundaries of township 39, ranges 32, 31 and 30, west of the first meridian, 1,235.41 chains, more or less, to the place of beginning, containing by admeasurement 360 square miles, more or less.

Explanatory Note:-No additions or withdrawals are being made on this reserve.

19. Duck Mountain Forest Reserve No. 2 situate in the province of Saskatchewan and more particularly described as follows:-Commencing at the southeast corner of township 30, range 30, west of the first meridian; thence due north 483.65 chains, more or less, to the northeast corner of township 30, range 30, west of the first meridian; thence due west 20 chains, more or less, to a point directly opposite the southeast corner of township 31, range 30, west of the first meridian; thence due north, following the eastern boundary of townships 31 and part of 32, range 30, west of the first meridian, 604.12 chains, more or less, to the northeast corner of section 24, township 32, range 30, west of the first meridian; thence due west 476.95 chains, more or less, to the northwest corner of section 19, township 32, range 30, west of the first meridian; thence due south, following the western boundary of townships 32 and 31, range 30, west of the first meridian, 602.95 chains, more or less, to the southwest corner of township 31, range 30, west of the first meridian: thence due east 20 chains, more or less, to a point directly opposite the northwest corner of township 30, range 30, west of the first meridian; thence due south, following the western boundary of township 30, range 30, west of the first meridian, 485.96 chains, more or less, to the southwest corner of township 30, range 30, west of the first meridian; thence due east, following the southern boundary of township 30, range 30, west

of the first meridian, 484.92 chains, more or less, to the place of beginning, containing by admeasurement 81 square miles, more or less.

Explanatory Note: - This is a new reserve.

20. Cypress Hills Forest Reserve No. 2 situate in the province of Saskatchewan and more particularly described as follows:-Commencing at the southeast corner of section 25, township 7, range 29, west of the third meridian; thence due north following the east boundaries of townships 7 and 8, range 29, west of the third meridian, 482 chains, more or less, to the northeast corner of section 24, township 8, range 29, west of the third meridian; thence due west 737.80 chains, more or less, to the northwest corner of section 21, township 8, range 30, west of the third meridian; thence due south, following the west boundaries of townships 8 and 7, range 30, west of the third meridian, 482 chains, more or less, to the southwest corner of section 27, township 7, range 30, west of the third meridian; thence due east 738.14 chains, more or less, to the place of beginning; also the following tract described as follows:—Commencing at the southeast corner of section 15, township 8, range 26, west of the third meridian; thence due north 241 chains, more or less, to the northeast corner of section 27, township 8, range 26, west of the third meridian; thence due west 485 chains, more or less, to the northwest corner of section 26, township 8, range 27, west of the third meridian; thence due south 241 chains, more or less, to the southwest corner of section 14, township 8, range 27, west of the third meridian; thence due east 485 chains, more or less, to the place of beginning, both tracts containing by admeasurement 72 square miles, more or less.

Explanatory Note:-This is a new reserve.

## PROVINCE OF ALBERTA.

21. The Cooking Lake Forest Reserve situate in the province of Alberta and more particularly described as follows:—Commencing at the southeast corner of section 4, township 52, range 19, west of the fourth meridian; thence due north, following the centre line of the said township 52, range 19, west of the fourth meridian, 483 chains, more or less, to the northeast corner of section 33, township 52, range 19, west of the fourth meridian; thence due west 243 chains, more or less, to the northeast corner of township 52, range 20, west of the fourth meridian; thence due north 484 chains, more or less, to the southeast corner of township 54, range 20, west of the fourth meridian; thence due east 80.82 chains, more or less, to the southeast corner of section 6, township 54, range 19, west

of the fourth meridian: thence due north, following the cast boundary of the westerly tier of sections in township 54, range 19, west of the fourth meridian, 482 chains, more or less, to the northeast corner of section 31, township 54, range 19, west of the fourth meridian; thence due west 320.72 chains, more or less, to the northwest corner of section 34, township 54, range 20, west of the fourth meridian; thence due south following the centre line of township 54, range 20, west of the fourth meridian. 322.16 chains, more or less, to the northwest corner of section 10, township 54, range 20, west of the fourth meridian: thence due west 80.80 chains, more or less, to the northwest corner of section 9, township 54, range 20, west of the fourth meridian: thence due south 80.14 chains, more or less, to the northwest corner of section 4, township 54, range 20, west of the fourth meridian; thence due west 80.80 chains, more or less, to the northwest corner of section 5, township 54, range 20, west of the fourth meridian; thence due south 81.00 chains, more or less, to the northwest corner of section 32, township 53. range 20, west of the fourth meridian; thence due west 80.06 chains, more or less, to the northwest corner of township 53, range 20, west of the fourth meridian; thence following the western boundary of townships 52 and 53, range 20, west of the fourth meridian, 805.45 chains, more or less, to the southwest corner of section 18, township 52, range 20, west of the fourth meridian: thence due east 162 chains, more or less, to the southwest corner of section 16, township 52, range 20, west of the fourth meridian; thence due south 81 chains, more or less, to the southwest corner of section 9, township 52, range 20, west of the fourth meridian; thence due east 81 chains, more or less, to the southwest corner of section 10, township 52, range 20, west of the fourth meridian; thence due south 40.00 chains, more or less, to the southwest corner of the northwest quarter of section 3, township 52, range 20, west of the fourth meridian; thence due east 81 chains, more or less, to the southwest corner of the northwest quarter of section 2, township 52, range 20, west of the fourth meridian; thence due south 40.00 chains, more or less, to the southwest corner of section 2, township 52, range 20, west of the fourth meridian; thence due east 404.76 chains, more or less, to the place of beginning, containing by admeasurement 111.50 square miles, more or less.

Explanatory Note:—An addition has been made to this reserve by adding sections 1 and 12 in township 54, range 20, west of the fourth meridian, and sections 6 and 7 in township 54, range 19, west of the fourth meridian and the following lands have been withdrawn, viz.—south half of section 3, sections 4, 5, 6, 7 and 8, township 53, range 20, west of the fourth meridian, and section 7, township 51, range 21, west of the fourth meridian.

22. Cypress Hills Forest Reserve No. 1, situate in the province of Alberta and more particularly described as follows:—Commencing at the southeast corner of section 25, township

7, range 1, west of the fourth meridian; thence due north, following the eastern boundary of townships 7 and 8, range 1, west of the fourth meridian, 482 chains, more or less, to the northeast corner of section 24, township 8, range 1, west of the fourth meridian; thence due west 243.30 chains, more or less, to the northeast corner of section 21, township 8, range 1, west of the fourth meridian; thence due north 81 chains, more or less, to the northeast corner of section 28, township 8, range 1, west of the fourth meridian; thence due west 647 chains, more or less, to the northwest corner of section 29, township 8, range 2, west of the fourth meridian; thence due south 81 chains, more or less, to the northwest corner of section 20, township 8, range 2, west of the fourth meridian; thence due west 80.80 chains, more or less, to the northwest corner of section 19, township 8, range 2, west of the fourth meridian; thence due south to a point where the western boundary of section 19 intersects the southern shore of Elkwater lake: thence due west following the southern shore of Elkwater lake to a point where said south shore intersects the western boundary of section 23, township 8, range 3, west of the fourth meridian; thence due south to the northwest corner of section 14, township 8, range 3, west of the fourth meridian; thence due west 324 chains, more or less, to the northwest corner of section 18, township 8, range 3, west of the fourth meridian; thence due south following the western boundary of township 8, range 3, west of the fourth meridian, 241 chains, more or less, to the southwest corner of township 8, range 3, west of the fourth meridian; thence due east following the southern boundary of township 8, ranges 3, 2 and 1, west of the fourth meridian, 1,213.92 chains, more or less, to the southwest corner of section 3, township 8, range 1, west of the fourth meridian; thence due south 160.56 chains, more or less, to the southwest corner of section 27, township 7, range 1, west of the fourth meridian; thence due east 242.18 chains, more or less, to the place of beginning, containing by admeasurement 81 square miles, more or less.

Explanatory Note:—There are no withdrawals from this reserve. The additions are:—Sections 25, 26, 27, 34, 35 and 36, township 7, range 1, west of the fourth meridian; sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 29 and 30, township 8, range 1, west of the fourth meridian; sections 1 to 29 both nelusive, of township 8, range 2, west of the fourth meridian, and sections 23 and 24 south of Elkwater Lake in township 8, range 3, west of the fourth meridian, containing by admeasurement 63 square miles, more or less.

23. The Rocky Mountains Forest Reserve situate in the province of Alberta and more particularly described as follows:—Commencing at the southeast corner of section 5, township 1, range 27, west of the fourth meridian; thence due north 322 chains, more or less, to the northeast corner of section 20, township 1, range 27, west of the fourth meridian; thence due west 324

chains, more or less, to the northeast corner of section 22, township 1, range 28, west of the fourth meridian; thence due north 81 chains, more or less, to the northeast corner of section 27, township 1, range 28, west of the fourth meridian; thence due west 486 chains, more or less, to the northeast corner of section 27, township 1, range 29, west of the fourth meridian; thence due north 80 chains, more or less, to the northeast corner of section 34, township 1, range 29, west of the fourth meridian: thence due west 81 chains, more or less, to the northeast corner of section 33, township 1, range 29, west of the fourth meridian: thence due north 242 chains, more or less, to the northeast corner of section 16, township 2, range 29, west of the fourth meridian; thence due west 243 chains, more or less, to the northeast corner of section 13, township 2, range 30, west of the fourth meridian; thence due north 241 chains, more or less, to the northeast corner of section 36, township 2, range 30, west of the fourth meridian: thence due west 262.23 chains, more or less, to a point directly opposite the southeast corner of section 3, township 3, range 30, west of the fourth meridian; thence due north 161 chains, more or less, to the northeast corner of section 10, township 3, range 30, west of the fourth meridian; thence due west 81 chains, more or less, to the northeast corner of section 9, township 3, range 30, west of the fourth meridian; thence due north 81 chains, more or less, to the northeast corner of section 16, township 3, range 30, west of the fourth meridian; thence due west 81 chains, more or less, to the northeast corner of section 17, township 3, range 30, west of the fourth meridian; thence due north 241 chains, more or less, to the northeast corner of section 32, township 3, range 30, west of the fourth meridian; thence due west 30 chains, more or less, to a point directly opposite the southeast corner of section 1, township 4, range 1, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 12, township 4, range 1, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 10, township 4, range 1, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 15, township 4, range 1, west of the fifth meridian: thence due west 162 chains, more or less, to the northeast corner of section 17, township 4, range 1, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 32, township 4, range 1, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 36, township 4, range 2, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 1, township 5, range 2, west of the fifth meridian; thence due west 324 chains, more or less, to the northeast corner of section 5, township 5, range 2, west of the fifth meridian; thence due north 80 chains, more or less,

to the northeast corner of section 8, township 5, range 2, west of the fifth meridian: thence due west 162 chains, more or less, to the northeast corner of section 12, township 5, range 3, west of the fifth meridian; thence due north 403 chains, more or less, to the northeast corner of section 1, township 6, range 3, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 4, township 6, range 3, west of the fifth meridian; thence due north 40 chains, more or less, to the northeast corner of the southeast quarter of section 9, township 6, range 3, vest of the fifth meridian; thence due west 40 chains, more or less, to the northeast corner of the southwest quarter of section 9, township 6, range 3, west of the fifth meridian; thence due north 121 chains, more or less, to the northeast corner of the northwest quarter of section 16, township 6, range 3, west of the fifth meridian; thence due east 40 chains, more or less, to the northeast corner of section 16, township 6, range 3, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 33, township 6, range 3, west of the fifth meridian; thence due west 10.39 chains, more or less, to a point directly opposite the southeast corner of section 4, township 7, range 3, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 4, township 7, range 3, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 6, township 7, range 3, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 7, township 7, range 3, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 12, township 7, range 4, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 24, township 7, range 4, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 22, township 7, range 4, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 27, township 7; range 4, west of the fifth meridian; thence due due west 81 chains, more or less, to the northeast corner of section 28, township 7, range 4, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 33, township 7, range 4, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 32, township 7, range 4, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 5, township 8, range 4, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 1, township 8, range 5, west of the fifth meridian; thence due south 40 chains, more or less, to the northeast corner of the southeast quarter of section 1, township 8, range 5, west of the fifth meridian

thence due west 243 chains, more or less, to the northeast corner of the southeast quarter of section 4, township 8, range 5, west of the fifth meridian; thence due north 40 chains, more or less, to the northeast corner of section 4, township 8. range 5, west of the fifth meridian; thence due west 324 chains, more or less, to the northeast corner of section 2, township 8, range 6, west of the fifth meridian; thence due north to where the eastern boundary of section 11, township 8, range 6, west of the fifth meridian, cuts the interprovincial boundary of British Columbia; thence northeast along this interprovincial boundary to where the line south of section 13, township 8, range 6, west of the fifth meridian, cuts the interprovincial boundary; thence due east following the southern boundary of section 13, township 8, range 6, west of the fifth meridian, and section 18, township 8, range 5, west of the fifth meridian, to its intersection with the interprovincial boundary; thence easterly along said interprovincial boundary to a point where it intersects the southern boundary of section 17, township 8, range 5, west of the fifth meridian; thence due east following the said southern boundary of section 17, township 8, range 5, west of the fifth meridian, to the southeast corner of said section 17, township 8, range 5, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 17, township 8, range 5, west of the fifth meridian; thence due east 648 chains, more or less, to the northeast corner of section 15, township 8, range 4, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 27, township 8, range 4, west of the fifth meridian; thence due east 81 chains, more or less, to the northeast corner of section 26, township 8, range 4, west of the fifth meridian; thence due north 80 chains, more or less, to the southeast corner of section 2, township 9, range 4, west of the fifth meridian; thence due east 243 chains, more or less, to the southeast corner of section 4, township 9, range 3, west of the fifth meridian; thence due south 402 chains, more or less, to the southwest corner of section 9, township 8, range 3, west of the fifth meridian; thence due east 122 chains, more or less, to the northeast corner of the northwest quarter of section 3, township 8 range 3, west of the fifth meridian; thence due north 40 chains, more or less, to the northeast corner of the southwest quarter of section 10, township 8, range 3, west of the fifth meridian; thence due east 40 chains, more or less, to the northeast corner of the southeast quarter of section 10, township 8, range 3, west of the fifth meridian; thence due north 926 chains, more or less, to the northeast corner of section 3, township 10, range 3, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 4, township 10, range 3, west of the fifth meridian; thence due north 403 chains,

more or less, to a point directly opposite the northeast corner of section 33, township 10, range 3, west of the fifth meridian; thence due east 192.5 chains, more or less, to the southeast corner of the southwest quarter of section 1, township 11, range 3, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of the northwest quarter of section 1, township 11, range 3, west of the fifth meridian; thence due east 40 chains, more or less, to the northeast corner of section 1, township 11, range 3, west of the fifth meridian; thence due north 24? chains, more or less, to the southeast corner of section 25, township 11, range 3, west of the fifth meridian; thence due east 41 chains, more or less, to the southeast corner of the southwest quarter of section 30, township 11, range 2, west of the fifth meridian; thence due north 161 chains, more or less, to the southeast corner of the southwest quarter of section 6, township 12, range 2, west of the fifth meridian; thence due east 40 chains, more or less, to the southeast corner of section 6, township 12, range 2, west of the fifth meridian: thence due north 81 chains, more or less, to the northeast corner of section 6, township 12, range 2, west of the fifth meridian; thence due east 162 chains, more or less, to the northeast corner of section 4, township 12, range 2, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 21, township 12, range 2, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 20, township 12, range 2, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 29, township 12, range 2, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 30, township 12, range 2, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 31, township 12, range 2, west of the fifth meridian; thence due west 40 chains, more or less, to the northeast corner of the northwest quarter of section 31, township 12, range 2, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of the northwest quarter of section 7, township 13, range 2, west of the fifth meridian; thence due west 41 chains, more or less, to the northeast corner of section 12, township 13, range 3, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 13, township 13, range 3, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 15, township 13, range 3, west of the fifth meridian; thence due north 402 chains, more or less, to the southeast corner of section 15, township 14, range 3, west of the fifth meridian; thence due east 81 chains, more or less, to the southeast corner of section 14, township 14, range 3, west of the fifth meridian; thence due north 322 chains,

more or less, to the northeast corner of section 35, township 14, range 3, west of the fifth meridian; thence due west 10.65 chains, more or less, to a point directly opposite the southeast corner of section 2, township 15, range 3, west of the fifth meridian; thence due north 242 chains, more or less, to the northeast corner of section 14, township 15, range 3, west of the fifth meridian; thence due west 81 chains, more or less. to the northeast corner of section 15, township 15, range 3, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 27, township 15, range 3, west of the 5th meridian; thence due west 81 chains, more or less, to the northeast corner of section 28, township 15, range 3, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 33, township 15, range 2, west of the fifth meridian: thence due west 162 chains. more or less, to the northeast corner of section 31, township 15, range 3, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 6, township 16, range 3, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 3, township 16, range 4, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 22, township 16, range 4, west of the fifth meridian: thence due west 162 chains. more or less, to the northeast corner of section 20, township 16, range 4, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 32, township 16, range 4, west of the fifth meridian: thence due west 81 chains, more or less, to the northeast corner of section 31, township 16, range 4, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 6, township 17, range 4, west of the fifth meridian: thence due east 81 chains, more or less, to the northeast corner of section 5, township 17, range 4, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 20, township 17, range 4, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 19, township 17, range 4, west of the fifth meridian; thence due north 483 chains, more or less, to the southeast corner of section 30, township 18, range 4, west of the fifth meridian; thence due east 162 chains, more or less, to the southeast corner of section 28, township 18, range 4, west of the fifth meridian: thence due north 161 chains, more or less, to a point directly opposite the northeast corner of section 33, township 18, range 4, west of the fifth meridian; thence due east 147.63 chains, more or less, to the southeast corner of section 2, township 19, range 4, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 11, township 19, range 4, west of the fifth meridian: thence due west 81 chains, more or less, to the northeast corner of section 10, township 19, range 4,

west of the fifth meridian; thence due north 564 chains, more or less, to the northeast corner of section 15, township 20, range 4, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 18, township 20, range 4, west of the fifth meridian; thence due north 644 chains, more or less, to the northeast corner of section 30, township 21, range 4, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 25, township 21, range 5, west of the fifth meridian; thence due north 402 chains. more or less, to the northeast corner of section 24, township 22, range 5, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 21, township 22, range 5, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 33, township 22, range 5, west of the fifth meridian; thence due west 97.2 chains, more or less, to a point directly opposite the southeast corner of section 5, township 23, range 5, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 5, township 23, range 5, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 6, township 23, range 5, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 7, township 23, range 5, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 12, township 23, range 6, west of the fifth meridian; thence due north 322 chains, more or less, to the northeast corner of section 36, township 23, range 6, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 35, township 23, range 6, west of the fifth meridian; thence due north 322 chains, more or less, to the northeast corner of section 23, township 24, range 6, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 20, township 24, range 6, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 32, township 24, range 6, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 31, township 24, range 6, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 6, township 25, range 6, west of the fifth meridian; thence due west following the northern boundaries of section 6, township 25, range 6, and section 1, township 25, range 7, west of the fifth meridian, to a point where said northern boundary cuts the southern boundary of the Stoney Indian Reserve; thence westerly, northerly and easterly following the boundary of said Stoney Indian Reserve to a point where the eastern boundary of township 26, range 8, west of the fifth meridian, cuts the northern boundary of said Stoney Indian Reserve; thence due north 393.3 chains, more or less, to a point directly opposite the northeast corner of section 36. township 26, range 8, west of the fifth meridian; thence due east 54.2 chains, more or less, to the southeast corner of section 6, township 27, range 7, west of the fifth meridian; thence due north 162 chains, more or less, to the southeast corner of section 18, township 27, range 7, west of the fifth meridian; thence due east 405 chains, more or less, to the southeast corner of section 13, township 27, range 7, west of the fifth meridian; thence due north 1,609 chains, more or less, to the northeast corner of section 24, township 30, range 7, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 21, township 30, range 7, west of the fifth meridian; thence due north 162 chains, more or less, to the northeast corner of section 33, township 30, range 7, west of the fifth meridian; thence due west 26.12 chains, more or less, to a point directly opposite the southeast corner of section 4, township 31, range 7, west of the fifth meridian: thence due north 161 chains, more or less, to the northeast corner of section 9. township 31, range 7, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 12, township 31, range 8, west of the fifth meridian: thence due north 323 chains, more or less, to the southeast corner of section 1, township 32, range 8, west of the fifth meridian; thence due east 486 chains, more or less, to the southeast corner of section 1, township 32, range 7, west of the fifth meridian; thence due north 321 chains, more or less, to the northeast corner of section 24, township 32, range 7, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 21, township 32, range 7, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 28, township 32, range 7, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 29, township 32, range 7, west of the fifth meridian; thence due north 80 chains, more or less, to the northeast corner of section 32, township 32, range 7, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 36, township 32, range 8, west of the fifth meridian; thence due north 966 chains, more or less, to the northeast corner of section 36, township 34, range 8, west of the fifth meridian; thence due west 26.45 chains, more or less, to a point directly opposite the southeast corner of section 1, town ship 35, range 8, west of the fifth meridian; thence due north 242 chains, more or less, to the northeast corner of section 13, township 35, range 8, west of the fifth meridian: thence due west 486 chains, more or less, to the northeast corner of section 13, township 35, range 9, west of the fifth meridian; thence due north 734 chains, more or less, to the northeast corner of section 36, township 36, range 9, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section

33, township 36, range 9, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 4, township 37, range 9, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 6, township 37, range 9, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 18, township 37, range 9, west of the fifth meridian; thence due west 81 chains, more or less, to the northeast corner of section 13, township 37, range 10, west of the fifth meridian; thence due north 724 chains, more or less, to the northeast corner of section 36, township 38, range 10, west of the fifth meridian; thence due west 676.26 chains, more or less, to a point directly opposite the southeast corner of section 3, township 39, range 11, west of the fifth meridian; thence due north 563 chains, more or less, to the northeast corner of section 3, township 40, range 11, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 3, township 40, range 12, west of the fifth meridian; thence due north 81 chains, more or less, to the northeast corner of section 10, township 40, range 12, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 8, township 40, range 12, west of the fifth meridian; thence due north 322 chains, more or less, to the northeast corner of section 32, township 40, range 12, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 32, township 40, range 13, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 8, township 41, range 13, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 12, township 41, range 14, west of the fifth meridian; thence due north 322 chains, more or less, to the northeast corner of section 36, township 41, range 14, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 36, township 41, range 15, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 36, township 42, range 15, west of the fifth meridian; thence due west 544.13 chains, more or less, to a point directly opposite the southeast corner of section 1, township 43, range 16, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 36, township 43, range 16, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 36, township 43, range 17, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 36, township 44, range 17, west of the fifth meridian; thence due west 972 chains, more or less, to the northeast corner of section 36, township 44, range 19, west of the fifth meridian; thence due north 644 chains, more or less, to the northeast corner of section 12, township 46, range 19, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 12, township 46, range 20, west of the fifth meridian: thence due north 322 chains, more or less, to the northeast corner of section 36, township 46, range 20, west of the fifth meridian; thence due west 309.73 chains, more or less, to a point directly opposite the southeast corner of section 4, township 47, range 20, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 33, township 47, range 20, west of the fifth meridian; thence due west 243 chains, more or less, to the northeast corner of section 36, township 47, range 21, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 36, township 48, range 21, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 36, township 48, range 22, west of the fifth meridian; thence due north 242 chains, more or less, to the northeast corner of section 13, township 49, range 22, west of the fifth meridian; thence due west 162 chains, more or less, to the northeast corner of section 15, township 49, range 22, west of the fifth meridian; thence due north 241 chains, more or less, to the northeast corner of section 34, township 49, range 22, west of the fifth meridian; thence due west 486 chains, more or less, to the northeast corner of section 34, township 49, range 23, west of the fifth meridian; thence due north 483 chains, more or less, to the northeast corner of section 34, township 50, range 23, west of the fifth meridian; thence due west 10.28 chains, more or less, to a point directly opposite the southeast corner of section 2, township 51, range 23, west of the fifth meridian; thence due north 161 chains, more or less, to the northeast corner of section 11, township 51, range 23, west of the fifth meridian; thence due west 891 chains, more or less, to the northeast corner of section 12, township 51, range 25, west of the fifth meridian; thence due south 161 chains, more or less, to the southeast corner of section 1, township 51, range 25, west of the fifth meridian; thence due west 224.68 chains, more or less, to a point directly opposite to the northeast corner of section 32, township 50, range 25, west of the fifth meridian; thence due south 241 chains, more or less, to the northeast corner of section 17, township 50, range 25, west of the fifth meridian; thence due west 310.32 chains, more or less, to a point where this line produced cuts the boundary of the Jasper Park Reserve; thence north 40 degrees west along the said Jasper Park Reserve 1,540 chains, more or less, to the northeast corner of section 36, township 52, range 1, west of the sixth meridian; thence due west 729 chains, more or less, to the southeast corner of section 4, township 53, range 2, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 9, township 53, range 2, west of the sixth meridian; thence due west 81 chains, more

or less, to the northeast corner of section 8, township 53, range 2, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 20, township 53, range 2, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 24, township 53, range 3, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 36, township 53, range 3, west of the sixth meridian; thence due west 81 chains, more or less, to the northeast corner of section 35, township 53, range 3, west of the sixth meridian; thence due north 81 chains, more or less, to the northeast corner of section 2, township 54, range 3, west of the sixth meridian; thence due west 81 chains, more or less, to the northeast corner of section 3, township 54, range 3, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 15, township 54, range 3, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 17, township 54, range 3, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 29, township 54, range 3, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 25, township 54, range 4, west of the sixth meridian; thence due north 80 chains, more or less, to the northeast corner of section 36, township 54, range 4, west of the sixth meridian; thence due west 176 chains, more or less, to a point directly opposite the southeast corner of section 3, township 55, range 4, west of the sixth meridian; thence due north 322 chains, more or less, to the northeast corner of section 22, township 55, range 4, west of the sixth meridian; thence due west 243 chains, more or less, to the northeast corner of section 19, township 55, range 4, west of the sixth meridian: thence due north 161 chains, more or less, to the northeast corner of section 31, township 55, range 4, west of the sixth meridian; thence due west 405 chains, more or less, to the northeast corner of section 32, township 55, range 5, west of the sixth meridian; thence due north 81 chains, more or less, to the northeast corner of section 5, township 56, range 5, west of the sixth meridian; thence due west 324 chains, more or less, to the northeast corner of section 3, township 56, range 6, west of the sixth meridian; thence due north 80 chains, more or less, to the northeast corner of section 10, township 56, range 6, west of the sixth meridian; thence due west 324 chains, more or less, to the northeast corner of section 12, township 56, range 7, west of the sixth meridian; thence due north 81 chains, more or less, to the northeast corner of section 13, township 56, range 7, west of the sixth meridian; thence due west 486 chains, more or less, to the northeast corner of section 13, township 56, range 8, west of the sixth meridian; thence due north 80 chains, more or less, to the northeast corner of section 24, township 56, range 8, west of the sixth meridian; thence due west 324 chains, more or less, to the northeast corner of section 20, township 56, range 8, west of the sixth meridian; thence due north 242 chains, more or less, to the northeast corner of section 5, township 57, range 8, west of the sixth meridian: thence due west 162 chains, more or less, to the northeast corner of section 1, township 57, range 9, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 13, township 57, range 9, west of the sixth meridian: thence due west 162 chains, more or less, to the northeast corner of section 15, township 57, range 9, west of the sixth meridian: thence due north 241 chains, more or less, to the northeast corner of section 34, township 57, range 9, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 32, township 57, range 9, west of the sixth meridian; thence due north 242 chains, more or less, to the northeast corner of section 17, township 58, range 9, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 13, township 58, range 10, west of the sixth meridian; thence due north 241 chains, more or less, to the northeast corner of section 36, township 58, range 10, west of the sixth meridian; thence due west 203.77 chains, more or less, to a point directly opposite the southeast corner of section 3, township 59, range 10, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 10, township 59, range 10, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 8, township 59, range 10, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 20, township 59, range 10, west of the sixth meridian; thence due west 324 chains, more or less, to the northeast corner of section 22, township 59, range 11, west of the sixth meridian; thence due north 161 chains, more or less to the northeast corner of section 34, township 59, range 11, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 32, township 59, range 11, west of the sixth meridian: thence due north 161 chains, more or less, to the northeast corner of section 8, township 60, range 11, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 12, township 60, range 12, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 24, township 60, range 12, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 22, township 60, range 12, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 34, township 60, range 12, west of the sixth meridian; thence due west 162 chains, more or less, to the northeast corner of section 32, township 60, range 12, west of the sixth meridian; thence due north 81 chains, more or less, to the northeast corner of section 5,

township 61, range 12, west of the sixth meridian; thence due west 486 chains, more or less, to the northeast corner of section 5, township 61, range 13, west of the sixth meridian; thence due north 161 chains, more or less, to the northeast corner of section 17, township 61, range 13, west of the sixth meridian; thence due west 324 chains, more or less, to the interprovincial boundary; thence southeast along the interprovincial boundary to the international boundary to the point of beginning, containing by admeasurement 18,213 square miles, approximately.

 $\label{eq:explanatory} \textit{Note:} — \text{This is a new Reserve, but includes Rocky Mountains Park,} \\ \textit{Jasper Park and Kootenay Lakes Forest Reserve.}$ 

24. Buffalo Park Reserve situate in the province of Alberta and more particularly described as follows:—Commencing at a point where the southern boundary of section 24, township 42, range 6, west of the fourth meridian, intersects the western shore of Boundary Lake; thence northerly and easterly following the western shore of Boundary Lake to a point where said shore intersects the eastern boundary of township 42, range 6, west of the fourth meridian; thence due north following said eastern boundary of township 42, range 6, west of the fourth meridian, to the northeast corner of said township 42, range 6, west of the fourth meridian; thence due west 19.37 chains, more or less, to a point directly opposite the southeast corner of township 43, range 6, west of the fourth meridian; thence due north 81 chains, more or less, to the northeast corner of section 1, township 43, range 6, west of the fourth meridian; thence due west 486 chains, more or less, to the northeast corner of section 1, township 43, range 7, west of the fourth meridian; thence due north following the boundary line of township 43, range 7, west of the fourth meridian, 402 chains, more or less, to the northeast corner of township 43, range 7, west of the fourth meridian; thence due west 81 chains, more or less, to the northeast corner of section 35, township 43, range 7, west of the fourth meridian; thence due north 483 chains, more or less, to the northeast corner of section 35, township 44, range 7, west of the fourth meridian; thence due west 405 chains, more or less, to the northeast corner of township 44, range 8, west of the fourth meridian; thence due north 81 chains, more or less, to the northeast corner of section 1, township 45, range 8, west of the fourth meridian; thence due west 80 chains, more or less, to the northwest corner of section 1, township 45, range 8, west of the fourth meridian; thence due south 81 chains, more or less, to the northwest corner of section 36, township 44, range 8, west of the fourth meridian; thence due west 202 chains, more or less, to the northwest corner of the northeast quarter of section 34, township 44, range 8, west of the fourth meridian; thence due south 241 chains, more or less, to the northwest corner of the northeast quarter of section 15, township 44, range 8, west of the fourth meridian: thence due west 121 chains, more or less, to the northwest corner of section 16, township 44, range 8, west of the fourth meridian; thence due south 161 chains, more or less, to the northwest corner of section 4, township 44, range 8, west of the fourth meridian; thence due west 81 chains, more or less to the northwest corner of section 5, township 44, range 8, west of the fourth meridian; thence due south 40 chains, more or less, to the northwest corner of the southwest quarter of section 5, township 44, range 8, west of the fourth meridian; thence due west 81 chains, more or less, to the northwest corner of the southwest quarter of section 6, township 44, range 8, west of the fourth meridian; thence due south 41 chains, more or less, to the northwest corner of township 43, range 8, west of the fourth meridian; thence due west 81 chains, more or less, to the northwest corner of section 36, township 43, range 9, west of the fourth meridian; thence due south 321 chains, more or less, to the southwest corner of section 13, township 43, range 9, west of the fourth meridian; thence due east 405 chains, more or less, to the southwest corner of section 14, township 43, range 8, west of the fourth meridian; thence due south 161 chains, more or less, to the southwest corner of section 2, township 43, range 8, west of the fourth meridian; thence due east 189.12 chains, more or less, to a point directly opposite the northwest corner of township 42, range 7, west of the fourth meridian; thence due south 161 chains, more or less, to the southwest corner of section 30, township 42, range 7, west of the fourth meridian; thence due east 243 chains, more or less, to the southwest corner of section 27, township 42, range 7, west of the fourth meridian; thence due south 81 chains, more or less, to the southwest corner of section 22, township 42, range 7, west of the fourth meridian; thence due east 708 chains, more or less, to the place of beginning, containing by admeasurement 159 square miles, more or less.

Explanatory Note:-This is a new reserve.

First reading, January 13, 1911.

An Act respecting Forest Reserves a Parks.

BILL 85.

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910

85

OTTAWA

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Printer to the King's most Excellent Majesty

1910-11

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#### THE HOUSE OF COMMONS OF CANADA.

### BILL 86.

An Act to amend the Criminal Code respecting offensive weapons.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. It shall be the duty of every peace officer to search any Arrest and 5 person whom he has reason to believe is possessed of the weapon examination of persons carrying sembling it, or which is not of a character or kind calculated to bowie knife, pistol or be used solely for an inoffensive purpose, or any weapon known revolver. as a pistol or revolver; and if any such weapon is found in the 10 possession of such person, the peace officer shall forthwith take him before the nearest justice of the peace or magistrate, who

shall proceed to investigate the facts and, if the accused is by such justice or magistrate believed not to be a native of Canada, he shall make a report to the Minister of the Interior in the Report to 15 matter, together with the evidence; and, if the said Minister is Minister of satisfied that such person was an immigrant to Canada within Interior. four years previously, and had in his possession any such weapon, or if such immigrant is found within four years of his arrival in Canada in possession of any such weapon, the said Minister may

20 order the deportation of such immigrant, and section 42 of The Deportation. Immigration Act shall apply to the case.

2. Every vagrant, or loose, idle or disorderly person, may vagrants be searched for offensive or dangerous weapons.

searched.

3. Section 119 of The Criminal Code is amended by adding R.S., c. 146 s. 119,

thereto the following subsections:-

"3. No revolver or pistol shall be sold to any person unless Permit he produces to and leaves with the vendor a permit, in writing, for sale from the chief of police or a police magistrate or justice of the peace allowing him to purchase a revolver or pistol.

"4. Any person who knowingly sells a revolver or pistol to any sale to person who is intoxicated, or is not of sound mind, or who there person intoxicated, is any reason to believe is going to use the same illegally, or to or of

unsound to minors. any person under the age of eighteen years, shall be liable to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour, for a period not exceeding six months, or to both fine and imprisonment."

S. 120 amended.

4. Section 120 of the said Code is amended by inserting 5 after the word "air-gun," in the third line thereof, the words "or any sheath knife, bowie knife, dagger, metal knuckles, skull cracker, revolver, razor or other offensive weapon."

S. 121 amended.

5. Section 121 of the said Code is amended by adding at the end thereof the following words:- "or if convicted on indict-10 ment, to a like fine or to imprisonment for any term not less than one year or more than five years, with or without hard labour."

S. 123 amended.

6. Section 123 of the said Code, as that section is enacted by chapter 9 of the statutes of 1909, is amended by inserting the 15 words "revolver or pistol" after the word "shot" in the second line thereof.

S. 274 amended.

7. Section 274 of the said Code is amended by adding thereto the following subsection:-

Wounding weapons.

"2. Every one is guilty of an indictable offence, and liable to 20 imprisonment for not less than two years and not more than five years, who unlawfully wounds or attempts to wound, or inflicts or attempts to inflict grievous bodily harm upon any other person with any revolver, knife, stiletto, razor, or other offensive weapon." E 25

S. 1064 amended.

8. Section 1064 of the said Code is amended by adding, after the word "judgment" in the second line thereof, the words "be taken to the nearest penitentiary prison and."

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE OTTAWA

MR.

LEWIS

First reading, January 13, 1911.

Act to respecting offensive weapons. amend the Criminal

An

OF CANADA.

THE

HOUSE OF COMMONS

Session, 11th Parliament, 1 George V., 1910-11 3rd Session, 11th Parliament, 1 George V., 1910-11.

### THE HOUSE OF COMMONS OF CANADA.

#### **BILL** 87.

An Act to prevent the giving and taking of Gratuities.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

10

1. In this Act, unless the context otherwise requires,—

(a) "consideration" means valuable consideration of any "Consideration."

Definitions.

(b) "employee" includes any person employed by or acting "Employee." for another; and a person serving under the Crown or a corporation shall be deemed an employee within the meaning of this Act.

2. This Act shall only apply to the form of gift commonly Application known as a gratuity or tip.

3. If any male employee corruptly accepts or obtains, or Corrupt agrees to accept or attempts to obtain, from any person, for transactions by 15 himself or for any other person, any gift or consideration as an employee. Inducement or reward for doing or forbearing to do, or for having after the passing of this Act done or forborne to do, any act in relation to his employer's affairs or business, or for showing or forbearing to show favour or disfavour to any person in 20 relation to his employer's affairs or business; or,

If any person corruptly gives or agrees to give or offers Corrupt any gift or consideration to any male employee as an inducement indictments or reward for doing or forbearing to do, or for having after the to employee. passing of this Act done or forborne to do, any act in relation to

25 his employer's affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his employer's affairs or business;

he shall be guilty of an offence, and shall be liable, upon Penalty. conviction on indictment, to imprisonment, with or without hard

30 labour, for a term not exceeding two years, or to a fine not exceeding two hundred dollars, or to both imprisonment

and fine, or, upon summary conviction, to imprisonment, with or without hard labour, for a term not exceeding four months, or to a fine not exceeding fifty dollars, or to both imprisonment and fine.

Application of R.S., c. 146.

4. This Act shall be read as if its provisions formed part of 5 The Criminal Code.

Commencement of Act.

5. This Act shall come into force on the first day of January, one thousand nine hundred and twelve.

First reading, January 13, 1911.

Act to prevent the giving and taking of Gratuities.

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laboury exceeding

THE

HOUSE OF COMMONS OF CANADA. 3rd Session, 11th Parliament, 1 George V., 1910-11

Printed by C. H. Parmerre

Printer to the King's most Excellent Majesty

1910-11

OTTAWA

MR. LEWIS.

87

3rd Session, 11th Parliament, 1 George V., 1910-11.

#### THE HOUSE OF COMMONS OF CANADA.

# BILL 88.

An Act respecting the Bay of Quinté Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1896 (1st
grant the prayer of the said petition: Therefore His Majesty, Sess.) c. 15;
by and with the advice and consent of the Senate and House 1902, c. 40;
5 of Commons of Canada, enacts as follows:—

1905, c. 61;
1910, c. 67.

1. Subject to the provisions of sections 361, 362 and 363 of Agreements The Railway Act, the Bay of Quinté Railway Company may with other enter into agreements, for any of the purposes specified in the said section 361, with the Canadian Northern Ontario Railway Company and the Ontario and Ottawa Railway Company, or either of them.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 88.

An Act respecting the Bay of Quinté Railway Company.

First reading, January 16, 1911.

(PRIVATE BILL.)

Mr. Currie, (Prince Edwar d

OTTAWA
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1910-11

## THE HOUSE OF COMMONS OF CANADA.

#### BILL 89.

An Act respecting the Canadian Northern Quebec Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1907, c. 73;
grant the prayer of the said petition: Therefore His Majesty, 1909, c. 64.
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Canadian Northern Quebec Short title. Railway Act, 1911.

2. The Canadian Northern Quebec Railway Company, here-Lines of inafter called "the Company," may construct the following lines railway authorized. 10 of railway:—

(a) From a point at or near Rawdon, thence in a generally northerly direction to a junction with the National Transcontinental Railway;

(b) From a point at or near St. Jerôme to a point at or near 15 St. Eustache.

3. Unless the Company commences within two years and Time for completes and puts in operation within five years after the construction passing of this Act the railways which the Company is hereby authorized to construct, the powers of construction conferred 20 upon the Company by Parliament shall cease with respect to so much of the said railways as then remains uncompleted.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 89.

An Act respecting the Canadian Northern Quebec Railway Company.

First reading, January 16, 1911.

(PRIVATE BILL.)

MR. LAFORTUNE.

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

#### BILL 90.

An Act respecting the Indian River Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1902, c. 64; grant the prayer of the said petition: Therefore His Majesty, 1907, c. 95. by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. The Indian River Railway Company may commence its Extension of railway, and expend fifteen per cent of the amount of its capital time for stock thereon, within two years after the passing of this Act, of railway. and may finish the said railway and put it in operation within 10 five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not finished and put in operation within the said periods, respectively, the powers of construction conferred upon the said company by Parliament shall cease and be 15 null and void as respects so much of the railway as then remains uncompleted.

2. Chapter 95 of the statutes of 1907 is repealed.

1907, c. 98 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 90.

An Act respecting the Indian River Railway Company.

First reading, January 16, 1911.

(PRIVATE BILL.)

Mr. Turcotte, (Quebec County.)

OTTAWA

Printed by C. H. PARMELES
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1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 91.

An Act to incorporate the Pacific and Peace Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Réné Lemarchand, agent, Victor Pujebet, gentleman, Incorporand Alex. Michelet, journalist, all of the city of Edmonton, in ation. the province of Alberta, and Edouard Brunet, importer, of Le Havre, Gerard Pujebet, physician, of Audruicq, Paul Bounet, 10 merchant, of Montbron, and Aristide Clement, capitalist, of Perigueux, all in France, together with such persons as become shareholders in the company, are incorporated under the name Corporate

of "The Pacific and Peace Railway Company," hereinafter name. called "the Company."

The newspaper news div section 1 of this Act are constituted a

15 2. The persons named in section 1 of this Act are constituted Provisional provisional directors of the Company.

- 3. The capital stock of the Company shall be five hundred Capital thousand dollars. No one call thereon shall exceed ten per stock. cent on the shares subscribed.
- 20 4. The head office of the Company shall be in the city of Head office. Edmonton, in the province of Alberta.
  - 5. The annual meeting of the shareholders shall be held on Annual the first Tuesday in September.
- 6. The number of directors shall be not less than five nor Number of 25 more than nine, one or more of whom may be paid directors.
  - 7. So soon as fifty per cent of the capital stock of the Com-Election of pany has been subscribed, and ten per cent of that amount has directors. been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders of the

Company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per cent of the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications mentioned in section 112 of *The Railway Act*, elect the number of directors prescribed by section 6 of this Act.

Notice of meeting.

2. Notice of such meeting shall be given by advertisement for the time and in the manner required by *The Railway Act* for meetings of shareholders.

R.S. c 37, s. 84. 3. Section 84 of The Railway Act shall not apply to the Company.

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Line of railway described.

S. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches running from a point at or near Bella Coola on Burk Channel, in the province of British Columbia, thence following the valley of 15 the Bella Coola River, a distance of about twenty miles, thence in a northeasterly direction passing east of Teta Chuck, Cheslatta and Fraser lakes to a point at or near Fort Fraser, thence northerly passing east of Stewart Lake to a point at or near Fort St. James, and thence northeasterly to a point at or near 20 Fort McLeod, and thence through the Pine Pass to Peace River to a point at or near Dunvegan, in the province of Alberta, a distance in all of about four hundred and eighty miles.

Issue of securities on railway. 9. The securities issued by the Company on the part of the line in the province of Alberta shall not exceed thirty-25 five thousand dollars per mile of the railway, and on the part of the line in the province of British Columbia shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Special powers.

10. The Company may, for the purposes of its undertaking,—
(a) construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, operate, lease and dispose of wharves, docks, elevators, warehouses, offices and other structures to be used 35 to facilitate the carrying on of business in connection therewith;

Vessels.

(b) acquire, develop and use water powers, and sell or otherwise dispose of surplus power derived therefrom:

Water power.

(c) acquire or build, maintain and conduct hotels at any points along the railway.

Hotels.

11. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for, and undertake the transmission of messages for the public, and collect tolls

Telegraph and telephone lines.

R.S., c. 37. therefor; and for the purpose of operating such lines, or ex- 45

changing or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such 5 companies.

2. No toll or charge shall be demanded or taken for the Tolls or transmission of any messages, or for leasing or using the tele-charges. graphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which

10 may also revise such tolls and charges from time to time. 3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act, or with The Railway Act, shall apply to the telegraphic business of the Company.

12. In addition to the securities authorized by section 9 of Issue of securities for purposes of the shareholders passed at any special general meeting called other than railway. for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy,

20 from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock, or other securities, for the construction and acquisition of any of the vessels or works, other than the railway, which the 25 Company is authorized to construct, acquire or operate; but

such bonds, debentures, perpetual or terminable debenture stock, or other securities, shall not exceed in amount the value of such vessels and works.

2. For the purposes of securing the issue of such bonds, Mortgages. 30 debentures, debenture stock, or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

3. All the provisions of sections 136 to 148, both inclusive, R.S., c. 37. 35 of The Railway Act, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

13. Subject to the provisions of sections 361, 362 and 363 Agreements with other of The Railway Act, the Company may, for any of the purposes companies. 40 specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and with any other railway company whose railway crosses or connects with the railway of the Company.

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

# BILL 91.

An Act to incorporate the Pacific an Peace Railway Company.

First reading, January 16, 1911.

(PRIVATE BILL.)

MR. DOUGLAS.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 92.

An Act respecting the Alberta Central Railway Company.

THEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, 1901, c. 44; by and with the advice and consent of the Senate and House 1907, c. 56; of Commons of Consederate as follows: 5 of Commons of Canada, enacts as follows:-

1. The Alberta Central Railway Company, hereinafter called Lines of "the Company," may lay out, construct and operate the follow- authorized.

ing lines of railway,

(a) Extend its already authorized line from Saskatoon in a 10 general northeasterly and northerly direction to a point at or near Fort Churchill on Hudson Bay, with a branch line from some point on such extension in the Northwest Territories to a point, at or near Port Nelson on Hudson Bay.

(b) Extend its already authorized line from Moose Jaw to a 15 point on the international boundary in township one, range

sixteen, west of the second meridian;

(c) Construct and operate a railway from a point on its already authorized line between the Red Deer River and Cygnet Lake, in a general northeasterly direction to a point at or near

20 Blackfalds, and thence to Lacombe;

- (d) Construct three branch lines of a length of thirty miles each, from its already authorized line of railway into the Big Horn Range between the North Saskatchewan and Brazeau rivers, and two branch lines, each twenty-five miles in length, 25 northerly and northeasterly near where its already authorized line crosses the Brazeau river.
- 2. The securities issued by the Company in respect of its Issue of already authorized lines of railway and the extensions author- on railway. ized by section 1 of this Act shall not exceed thirty-five thousand 30 dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Special powers.

Vessels.

Freight.

Shares in other companies.

3. The Company may, for the purpose of its undertaking, build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers, mails and cargo, on any lakes, rivers or navigable waters within the limits of Canada, or between ports in Canada and ports beyond Canada, as is found expedient; and may enter into agreements with owners of such vessels for any of such purposes; and may purchase grain and other freight for cargo, and sell or otherwise dispose thereof, and of such vessels; and may generally carry on the business of ship-owners and carriers by water 10 in connection with its undertaking, and may take and hold, either in the name of the Company, or in the name of some person as trustee for the Company, and dispose of, shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the Company.

Powers.

4. The Company may, in the operation of its steamship business.—

Rates and charges.

(a) charge on all property placed with it, or in its custody such fair remuneration as may be fixed by the directors, for 20 storage, warehousing, wharfage, dockage, cooperage, or any other care or labour in or about such property on the part of the Company over and above the regular freight and primage upon such property carried, or contracted to be, or intended to be, carried by it;

Recovery of rates and charges.

(b) recover all charges and moneys paid or assumed by it subject to which goods come into possession, and, without any formal transfer, shall have the same lien for the amount thereof upon such goods as the persons to whom such charges were originally due had upon such goods while in their possession, 30 and the Company shall be subrogated by such payment to the rights and remedies of such persons for such charges;

Sale of property on nonpayment of charges.

of se.

the parties.

(c) on non-payment of freight advances and other charges due upon goods or property in its possession or under its control, sell at public auction the goods whereupon such advances and 35 other charges have been made, and retain the proceeds, or so much thereof as is due the Company, together with the costs and expenses incurred in and about such sale, and shall return the surplus (if any) to the owner of such goods or property; but before any such sale takes place thirty days' notice of the 40 time and place thereof and of the amount of the charges or moneys payable to the Company in respect of such goods or property shall be given by registered letter, transmitted through the post office to the last known address of the owner of any such goods or property, except in the case of perishable goods 45 or effects, which may be sold after the expiration of one week or sooner, if necessary, unless otherwise provided for between

Notice of sale.

5. The Company may, for the purposes of its undertaking, Lands, purchase, lease, take or otherwise acquire, hold, enjoy and warehouses manage, as well in Canada as in such other places as are deemed and other buildings. expedient for the purposes of the Company, and either in the

5 name of the Company or in the name of a trustee or trustees for the Company, such lands, water lots, wharfs, docks, dockvards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for its purposes; and may construct any of such works or buildings and sell or otherwise

10 dispose thereof for the purposes of the Company; and may Wharfaging, carry on the business of warehousemen and wharfingers; and and warehousing charge wharfage and other dues for the use of any such property; and may take and hold either in the name of the Company, or in the name of some person as trustee for the Company, and Shares in

15 dispose of shares in any incorporated company having for one other of its objects the exercise of any of the powers by this section companies. conferred upon the Company, and may enter into any agreement with any such company respecting the use of any of the property

of such Company.

2. If the Company cannot agree with the owner or occupier Expropriaof any lands which it may take for the purposes aforesaid, with tion of land for wharfs. respect to the compensation to be paid for such lands, it may cause a map or plan thereof and book of reference to be made, and all the provisions of section 178 of *The Railway Act* shall Proceedings where parties 25 apply to the subject matter of this subsection and to the obtain-cannot agree.

ing of such lands and determining the compensation payable therefor.

6. The Company, having been first authorized by a resolu-Issue of tion passed at any annual meeting, or at a special general securities on meeting of the shareholders duly called for that purpose and property 30 meeting of the shareholders duly called for that purpose, may other than from time to time issue bonds, debentures or other securities railway. for the purchase of lands, the construction or acquisition of any vessels, or other properties, or works of any kind, other than the railways, which the Company is authorized to acquire or operate, 35 but such bonds, debentures or other securities shall not exceed Limitation.

in amount the value of such vessels, properties and works.

7. The Company may grant or lease to any person the right Erection of to erect on lands belonging to the Company, warehouses, ele-company's vators, mills, manufacturing establishments or other buildings lands 40 or works for the purpose of giving greater facilities to the public

in doing business with the Company; and the buildings or works so erected shall not be bound by, or be subject to, any mortgage, or lien on the property of the Company without the written consent of the owner of such buildings or works.

8. The Company may, if deemed expedient, so construct or Bridges for arrange any bridge required for its lines of railway, or any of railway

Tolls.

Notice to be posted.

R.S., c. 37, s. 150 not to apply. Agreements with other companies. them, as to make it suitable for the passage of horses, vehicles and foot passengers and for general traffic purposes, and may construct and maintain all necessary approaches thereto and works in connection therewith, and shall in such case have a right to charge such tolls for use thereof as are approved of by the Board of Railway Commissioners for Canada, and such tolls shall be subject to revision from time to time by the said Board; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridges.

2. The provisions of section 150 of *The Railway Act* shall not apply to any bridge constructed for the aforesaid purposes.

3. The Company may unite with, or enter into any agreement with any other company, corporation or person for the construction or maintenance of any such bridge and the approaches thereto, as a joint work or for the joint working, control, management and use thereof.

Agreements.

As to Hudson Bay

railway.

9. Notwithstanding anything in The Railway Act or any

other Act the Company may,-

(a) enter into agreements with His Majesty the King, as 20 represented by the Governor in Council, or by the Minister of Railways and Canals, to earn the cash and other subsidies that may be from time to time voted for the building of a line of railway to Hudson Bay, and to this end may enter into an agreement as aforesaid to construct and operate its proposed 25 railway from Saskatoon easterly to a point at or near Fort Churchill, and to a point at or near Port Nelson, so as to provide for a national common railway highway:

for a national common railway highway;

(b) enter into agreements with any co

(b) enter into agreements with any companies authorized to construct railways in western Canada to construct and operate 30 such railway as a common railway highway under the supervision of the Board of Railway Commissioners for Canada and, except in so far as regards agreements with other companies to construct the railway, the said railway shall be subject to The Railway Act.

Time for construction of railways extended

railways in

western

Canada.

10. The Company may commence the construction of the railways authorized by chapter 44 of the statutes of 1901, chapter 75 of the statutes of 1903, chapter 39 of the statutes of 1909, and by this Act, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the 40 passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not completed and put in operation within the said periods 45

respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

5 11. Section 5 of chapter 39 of the statutes of 1909 is repealed. 1909, c. 39. 92—2

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 92.

An Act respecting the Alberta Central Railway Company.

First reading, January 19, 1911.

(PRIVATE BILL.)

MR. McCRANEY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

# BILL 92.

An Act respecting the Alberta Central Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1903, c. 75;
by and with the advice and consent of the Senate and House 1907, c. 56;
5 of Commons of Canada, enacts as follows:—

1. The Alberta Central Railway Company, hereinafter called Lines of "the Company," may lay out, construct and operate the follow-authorized.

ing lines of railway,-

(a) Extend its already authorized line from Saskatoon in a 10 general northeasterly and northerly direction to a point at or near Fort Churchill on Hudson Bay, with a branch line from some point on such extension in the Northwest Territories at or near the Pas to a point at or near Port Nelson on Hudson Bay.

(b) Extend its already authorized line from Moose Jaw to a 15 point on the international boundary in township one, range

sixteen, west of the second meridian;

(c) Construct and operate a railway from a point on its already authorized line between the Red Deer River and Cygnet Lake, in a general northeasterly direction to a point at or near

20 Blackfalds, and thence to Lacombe;

(d) Construct three branch lines of a length of thirty miles each, from its already authorized line of railway into the Big Horn Range between the North Saskatchewan and Brazeau rivers, along or near the Wapiabi Creek, Smith Creek and

25 Chungo or Trail Creek respectively; and two branch lines, each twenty-five miles in length, northerly and easterly from at or near the north end of the Big Horn Range of Mountains through ranges 20, 21 and 22, townships 43, 44, 45 and 46, west of the 5th principal meridian; and northeasterly from the north end

30 of the Big Horn Range of Mountains along the Brazeau River to at or near the mouth of the north branch of the Brazeau River,

thence northerly to and up the Pembina River; near where its already authorized line crosses the Brazeau river.

Consent of municipalities.

2. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Issue of securities on railway.

3. The securities issued by the Company in respect of its already authorized lines of railway and the extensions authorized by section 1 of this Act shall not exceed thirty-five thousand 10 dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

1909, c. 39. s. 2 repealed.

4. Section 2 of chapter 39 of the statutes of 1909 is repealed.

Capital stock.

5. The capital stock of the Company shall be five million 15 dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Special powers.

Vessels.

Docks.

6. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, and dispose of wharfs, docks, elevators, ware houses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Lands, wharfs, warehouses and other buildings.

7. The Company elsewhere than in Canada may, for the purposes of its undertaking, purchase, lease, or otherwise 25 acquire, hold, enjoy and manage, for the purposes of the Company, and either in the name of the Company or in the name of a trustee or trustees for the Company, such lands, water lots, wharfs, docks, dockyards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for its 30 purposes; and may construct any of such works or buildings and sell or otherwise dispose thereof for the purposes of the Company; and may carry on the business of warehousemen and wharfingers: and charge wharfage and other dues for the use of any such property.

Wharfaging, and warehousing.

- Issue of securities on property other than railway.
- 8. The Company, having been first authorized by a resolution passed at any annual meeting, or at a special general meeting of the shareholders duly called for that purpose, may from time to time issue bonds, debentures or other securities for the purchase of lands, the construction or acquisition of any 40 vessels, or other properties, or works of any kind, other than the railways, which the Company is authorized to acquire or operate,

but such bonds, debentures or other securities shall not exceed Limitation.

in amount the value of such vessels, properties and works.

2. For the purpose of securing the issue of such bonds, deben- Mortgages. tures, debenture stock, or other securities, the Company may 5 execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described in such mortgages.

3. All the provisions of sections 136 to 148, both inclusive, of R.S., c. 37. The Railway Act, shall, so far as they are applicable, apply to

10 such bonds, debentures, debenture stock and other securities and mortgages.

9. The Company may grant or lease to any person the right Erection of to erect on lands belonging to the Company, warehouses, ele-Company's vators, mills, manufacturing establishments or other buildings lands. 15 or works for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not be bound by, or be subject to, any mortgage, or lien on the property of the Company without the written consent of the owner of such buildings or works.

10. The Company may, if deemed expedient, so construct or Bridges for arrange any bridge required for its lines of railway, or any of them, as to make it suitable for the passage of horses, vehicles and foot passengers and for general traffic purposes, and may construct and maintain all necessary approaches thereto and

25 works in connection therewith, and shall in such case have a right to charge such tolls for use thereof as are approved of Tolls. by the Board of Railway Commissioners for Canada, and such tolls shall be subject to revision from time to time by the said

Board; and a notice showing the tolls authorized to be charged Notice to be 30 shall at all times be posted up in a conspicuous place on the posted.

said bridges.

2. The Company may unite with, or enter into any agree- Agreements ment with any other company, corporation or person for the with other companies. construction or maintenance of any such bridge and the ap-35 proaches thereto, as a joint work or for the joint working, control, management and use thereof.

11. The Company may commence the construction of the Time for railways authorized by chapter 44 of the statutes of 1991, construction of railways chapter 75 of the statutes of 1903, chapter 39 of the statutes of extended.

40 1909, and by this Act, and may expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and

such expenditure is not so made, or if the said railways are not completed and put in operation within the said periods

BILL 92.

An Act respecting the Alberta Central Railway Company.

(Reprinted as amended and reported by th Railway Committee.)

(PRIVATE BILL.)

Mr. McCraney.

OTTAWA
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1910-11

respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

09. c. 39.

19.

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Section 5 of chapter 39 of the statutes of 1909 is repealed.

# THE HOUSE OF COMMONS OF CANADA.

## BILL 93.

An Act to incorporate the Alberta Electric Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. Reuben Rupert Jamieson, gentleman, George Ernest Incorpora-Wood, gentleman, Duncan Stuart, barrister-at-law, William tion.

  Thomas Daniel Lathwell, barrister-at-law, and Robert S. Barbour, gentleman, all of the city of Calgary in the province of 10 Alberta, together with such persons as become shareholders in the company, are incorporated under the name of "The Corporate Alberta Electric Railway Company," hereinafter called "the name. Company."
- 2. The persons named in section 1 of this Act are constituted Provisional directors of the Company.
  - 3. The capital stock of the Company shall be ten million Capital stock. dollars. No one call thereon shall exceed twenty-five per cent on the shares subscribed.
- 4. The head office of the Company shall be in the city of Head office. 20 Calgary, in the province of Alberta.
  - 5. The annual meeting of the shareholders shall be held on Annual the first Tuesday in October.
  - 6. The number of directors shall be not less than five, nor Number of more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate, in the Line of province of Alberta and Saskatchewan, a railway of the gauge railway of four feet eight and one-half inches, to be operated by electricity or by gas, gasoline, steam or other motive power as follows:—

(a) From a point at or near the city of Calgary to the town

of Banff in the Rocky Mountain Park;

(b) From a point at or near the said city of Calgary south of the Bow River, through or near the Thigh Hills, to the city of Medicine Hat, crossing the Bow River at a point between Little 5 Rolling Hills and Grand Forks;

(c) From the said railway between Calgary and Medicine Hat, at a point in or near Long Coulee, to the city of Leth-

bridge;

(d) From a point on the said railway between Calgary and 10 Medicine Hat at or near Expanse Coulee to the town of Taber, thence westerly to the city of Lethbridge, thence to the said railway between Calgary and Medicine Hat, at a point on the said railway at or near Long Coulee:

(e) From a point on the said railway between Calgary and 15 Medicine Hat, at or near the Thigh Hills, to the town of Macleod:

(f) From a point at or near the city of Calgary to the town of Carbon and thence to the Red Deer River at or near the junction of the Knee Hill Creek;

(g) From a point at or near the city of Lethbridge to the 20 international boundary line at or near the point where the South Branch of the Milk River crosses the said international boundary line;

(h) From the city of Medicine Hat to the town of Wood

Mountain, in the province of Saskatchewan;

(i) From a point at or near the city of Calgary to the town of Brooks, passing through or near Windermere, Strathmore and Bassano, with power to construct branch lines from the said lines of railway in the districts known as the Canadian Pacific Irrigation Blocks.

In certain cities and towns.

8. The Company may also construct and operate the said railway in the cities of Calgary, Medicine Hat and Lethbridge and in the towns of Banff, Taber, Macleod and Carbon.

Special powers.

Lands, buildings and water powers.

Electricity and power. 9. The Company, may, for the purposes of its undertaking, acquire, by purchase or otherwise, and utilize and develop lands, 35 water powers, easements, and privileges in the vicinity of its railway, and may construct, maintain and operate dams, reservoirs, buildings and works, including transmission lines, for the generation, transmission and distribution of electricity for light, heat and power, or any other purpose in connection 40 with its railway, and other properties and works, and for the purpose of supplying water for the use of its railway and other properties and works; and may supply, sell or otherwise dispose of any surplus water, electric or other power or electricity so developed or generated and not required for the purposes of the 45 Company.

2. Nothing in this section shall exempt the Company from Acts of complying with the provisions of any Act now or hereafter Saskatche passed by the Legislature of the province of Saskatchewan or Alberta by the Legislature of the province of Alberta by the Legislature of the province of Alberta, and applicable to to apply. 5 the Company, with respect to the supply, sale or other disposition of any surplus water, electric or other power, or electricity developed or generated and not required for the purposes of the Company.

10. The Company may, for the purposes of its undertaking Telegraph 10 and subject to the provisions of The Railway Act, construct and telephone lines. and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines or exchanging or transmitting 15 messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own line with the lines of, or lease its own lines to, any such company.

2. No toll or charge shall be demanded or taken for the Tolls or 20 transmission of any message, or for leasing or using the tele-charges. graphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

3. Part II of The Telegraphs Act, except such portions R.S., c. 126. 25 thereof as are inconsistent with this Act or with The Railway

Act, shall apply to the telegraphic business of the company.

11. Nothing in this Act or in The Telegraphs Act shall author- Consent of ize the Company to construct or operate any telegraph or ities. telephone lines, or any lines for the purposes of distributing 30 electricity for lighting, heating or motor purposes or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having 35 jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

12. The Company may lease or otherwise acquire coal mines Coal mines and coal-mining rights, and work, develop, operate and turn to and coal-mining account all such coal mines and coal-mining rights held by the rights. 40 Company.

13. The Company may issue bonds debentures, perpetual Issue of or terminable debenture stock or other securities for the securities on property construction, acquisition, extension or development of any other than of the properties, assets or works, other than the railway, which the Company is authorized to construct the construction. 45 the Company is authorized to construct, acquire or operate;

but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of such properties, assets and works.

Execution of mortgages.

14. For the purposes of securing the issue of such bonds, debentures, debenture stock or other securities the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

R.S., c. 37.

**15.** All the provisions of sections 136 and 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to 10 such bonds, debenture stock or other securities or mortgages.

An Act to incorporate the Alberta Electric Railway Company.

First reading, January 19, 1911.

(PRIVATE BILL.)

MR. McCARTHY.

THE HOUSE OF COMMONS OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910-11

OTTAWA

Printed by C. H. Parmeran

Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

# BILL 93.

An Act to incorporate the Alberta Electric Railway Company.

(Reprinted as proposed to be amended in the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. Reuben Rupert Jamieson, gentleman, George Ernest Incorpora-Wood, gentleman, Duncan Stuart, barrister-at-law, William Thomas Daniel Lathwell, barrister-at-law, and Robert S. Barbour, gentleman, all of the city of Calgary in the province of 10 Alberta, together with such persons as become shareholders in the company, are incorporated under the name of "The Corporate Alberta Electric Railway Company," hereinafter called "the Company."
- 2. The persons named in section 1 of this Act are constituted Provisional directors of the Company.
  - 3. The capital stock of the Company shall be ten million Capital stock. dollars. No one call thereon shall exceed twenty-five per cent on the shares subscribed.
- 4. The head office of the Company shall be in the city of Head office. 20 Calgary, in the province of Alberta.
  - 5. The annual meeting of the shareholders shall be held on Annual the first Tuesday in September.
  - 6. The number of directors shall be not less than five, nor Number of more than nine, one or more of whom may be paid directors.
- 25 7. The Company may lay out, construct and operate, in the Line of province of Alberta and Saskatchewan, a railway of the gauge described.

of four feet eight and one-half inches, to be operated by electricity or by gas, gasoline, steam or other motive power as follows:—

(a) From a point at or near the city of Calgary to the town

of Banff in the Rocky Mountain Park;

(b) From a point at or near the said city of Calgary south of 5 the Bow River, through or near the Thigh Hills, to the city of Medicine Hat, crossing the Bow River at a point between Little Rolling Hills and Grand Forks; (c) From the said railway between Calgary and Medicine

Hat, at a point in or near Long Coulee, to the city of Leth-10

bridge:

(d) From a point on the said railway between Calgary and Medicine Hat at or near Expanse Coulee to the town of Taber, thence westerly to the city of Lethbridge, thence to the said railway between Calgary and Medicine Hat, at a point on the 15 said railway at or near Long Coulee;

(e) From a point on the said railway between Calgary and Medicine Hat, at or near the Thigh Hills, to the town of Macleod;

(f) From a point at or near the city of Calgary to the town of Carbon and thence to the Red Deer River at or near the junction 20 of the Knee Hill Creek;

(g) From a point at or near the city of Lethbridge to the international boundary line at or near the point where the South Branch of the Milk River crosses the said international boundary line;

(h) From the city of Medicine Hat to the town of Wood

25

Mountain, in the province of Saskatchewan:

(i) From a point at or near the city of Calgary to the town of Brooks, passing through or near Windermere, Strathmore and Bassano, with power to construct branch lines from the said 30 lines of railway in the districts known as the Canadian Pacific Irrigation Blocks.

In certain cities and towns.

Consent of municipali-

8. The Company may also construct and operate the said railway in the cities of Calgary, Medicine Hat and Lethbridge and in the towns of Banff, Taber, Macleod and Carbon; provided 35 that the Company shall not construct or operate the said railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality. 40

Traction motors.

**9.** In connection with its business and for the purposes of its undertaking the Company may establish and operate a service of traction motors or cars driven by mechanical or other power for collecting, carrying, transporting and delivering freight, goods and passengers, and may collect rates and charges therefor: but 45 no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

Approval by Railway Commission.

10. The securities issued by the Company shall not exceed Issue of thirty thousand dollars per mile of its railway, and may be securities. issued only in proportion to the length of railway constructed or under contract to be constructed.

11. For the purposes of its undertaking, and subject to the Transmission provisions of section 247 of *The Railway Act*, the Company may and delivery acquire, but not by expropriation, electric or other power or electricity. energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been con-

10 structed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it Approval by Railway has been approved of by the Board of Railway Commissioners Commission. 15 for Canada, which may also revise such rates and charges.

2. Nothing in this section shall exempt the Company from Acts of Saskatchecomplying with the provisions of any Act now or hereafter wan and passed by the Legislature of the province of Saskatchewan or Alberta legislatures

by the Legislature of the province of Alberta, and applicable to to apply. 20 the Company, with respect to the supply, sale or other disposition of any surplus water, electric or other power, or electricity

developed or generated and not required for the purposes of the

Company.

12. The Company may, subject to the provisions of *The Rail*-Telegraph 25 way Act, construct and operate telegraph and telephone lines lines. upon its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said 30 Act, enter into contracts with any companies having telegraph

or telephone powers, and may connect its own line with the lines of, or lease its own lines to, any such company. 2. No toll or charge shall be demanded or taken for the Tolls or

transmission of any message, or for leasing or using the tele-charges. 35 graphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

3. Part II of The Telegraphs Act, except such portions R.S., c. 126. thereof as are inconsistent with this Act or with The Railway 40 Act, shall apply to the telegraphic business of the company.

13. Nothing in this Act or in The Telegraphs Act shall author- Consent of ize the Company to construct or operate any telegraph or ities. telephone lines, or any lines for the purposes of distributing electricity for lighting, heating or motor purposes or disposing 45 of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or

across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality without the consent, expressed by by-law, of such municipality.

Coal mines and coal-mining rights. 1.4. The Company may lease or otherwise acquire coal mines and coal-mining rights, and work, develop, operate and turn to account all such coal mines and coal-mining rights held by the 10 Company.

Issue of securities for purposes other than railway.

15. In addition to the securities authorized by section 10 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meeting called for the purpose, or at any annual meeting at which shareholders 15 representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to time at their discretion borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock, 20 or other securities, for the construction and acquisition of any of the properties, assets or works, other than the railway, which the Company is authorized to construct, acquire or operate; but such bonds, debentures, perpetual or terminable debenture stock, or other securities, shall not exceed in amount the value 25 of such properties, assets and works.

Mortgages.

2. For the purposes of securing the issue of such bonds, debentures, debenture stock, or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company present or future, other than the 30 railway, as is described in such mortgages.

R.S., c. 37.

3. All the provisions of sections 136 to 148, both inclusive, of *The Railway Act*, shall, so far as they are applicable, apply to such bonds, debentures, debenture stock and other securities and mortgages.

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OTTAWA

Printed by C. H. PARMELES

Printer to the King's most Excellent Majesty
1910-11

Mr. McCarthy.

(PRIVATE BILL.)

Reprinted as proposed to be amended in the Railway Committee.)

An Act to incorporate the Alberta Electri Railway Company.

THE HOUSE OF COMMONS OF CANADA.

5rd Session, 11th Parliament, 1 George V., 1910-1

#### BILL 94.

An Act respecting the Western Central Railway Company.

WHEREAS the Western Central Railway Company has by Preamble.
its petition represented that it is incorporated by chapter Ont., 1905, 109 of the statutes of 1905 of Ontario, whereby, and by 1906, c. 125; subsequent amendments to the said Act, the said company 1908, c. 127; subsequent amendments to the said Act, the said company 1908, c. 137; subsequent amendments to the said Act, the said company 1908, c. 137; 1910, c. 155.

5 was authorized to construct an electric railway from the city of Toronto to the city of London, with branches, as set forth in the said Acts, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the 10 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act the expression "the Company" means the "Company" body corporate and politic heretofore created by the Acts defined. mentioned in the preamble under the name of "The Western

15 Central Railway Company," and the railway which the Company Declaratory. has been authorized to construct is declared to be a work for the general advantage of Canada.

2. Nothing in this Act, or in The Railway Act, shall invali-Confirmation date any action heretofore taken by the Company pursuant of powers.

20 to the powers contained in the Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed, subject to the conditions and obligations imposed by the said Acts: Provided that hereafter The Railway R.S., c. 37 Act shall apply to the Company and the said railway to the to apply.

25 exclusion of any of the provisions of the said Acts mentioned in the preamble which are inconsistent therewith, and in lieu of any general Railway Act of the province of Ontario.

3. The Company may lay out, construct and operate the Time for railway referred to in section 1 of this Act, and may issue the construction of railway securities authorized by the Acts mentioned in the preamble, in limited. proportion only to the length of railway constructed or under Issue of contract to be constructed; and if the construction of the said

railway is not commenced, and fifteen per cent of the amount of the capital stock of the Company is not expended thereon, within two years after the passing of this Act, or if the said railway is not completed and put in operation within five years after the passing of this Act, the powers of construction granted 5 to the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Time for construction of extension limited.

4. The Company may lay out, construct and operate an extension of its railway from the city of London in the county of 10 Middlesex, through the county of Kent, to the city of Windsor in the county of Essex; and if the construction of the said extension is not commenced within two years after the passing of this Act, or if the said extension is not completed and put in operation within five years after the passing of this Act, the powers of 15 construction granted to the Company by Parliament shall cease and be null and void as respects so much of the said extension as then remains uncompleted.

Issue of securities.

2. The securities issued by the Company shall not exceed thirty thousand dollars per mile of single track, and an additional 20 fifteen thousand dollars per mile of double track of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Ferries.

3. The Company may, in connection with the extension of its railway mentioned in subsection 1 of this section, construct, 25 lease, maintain and operate ferries across the Detroit River.

Guarantee of of other companies.

5. The Company may, from time to time, guarantee in whole or in part the payment of the principal or interest, or both, of the bonds, debentures or other securities of any railway company, or any terminal, transportation, navigation, rolling stock, 30 park, elevator, warehouse, express, hotel or any other company authorized to carry on any business incidental to the working of a railway; provided that such guarantee is approved by resolution passed by not less than two-thirds in value of the shareholders present or represented by proxy at a special 35 general meeting called for that purpose.

Agreements with for running of trains.

6. The Company may enter into an agreement with any municipalities municipal corporation for the running of the trains and cars of the Company on and over any surface or underground systems of railways which such corporation may construct or acquire, or 40 may lease or operate them.

Powers extended to railways acquired.

7. The powers conferred upon the Company under its Act of incorporation and amendments thereto, and under this Act, shall extend to any railway acquired by the Company.

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PRIVATE BILL.

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First reading, January 19, 1911.	Railway Company.
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Act respecting the Western Centre	BILL 94.	THE HOUSE OF COMMONS OF CANADA.
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Session, 11th Parliament, 1 George V., 1910-11

# BILL 94.

An Act respecting the Western Central Railway Company.

(Reprinted as proposed to be amended in the Railway Committee.)

WHEREAS the Western Central Railway Company has by Preamble.
its petition represented that it is incorporated by chapter Ont., 1905,
109 of the statutes of 1905 of Ontario, whereby, and by 1906, c. 109;
subsequent amendments to the said Act, the said company 1908, c. 137;
subsequent amendments to the said Act, the said company 1908, c. 137;
to was authorized to construct an electric railway from the city of Toronto to the city of London, with branches from the town of Berlin to the village of Wellesley; from at or near the village of Plattsville to the city of Woodstock, and from a point on the said railway between Plattsville and Mannheim to the city of Stratford, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 15 1. In this Act the expression "the Company" means the "Company" body corporate and politic heretofore created by the Acts defined. mentioned in the preamble under the name of "The Western Central Railway Company," and the railway which the Company Declaratory. has been authorized to construct is declared to be a work for 20 the general advantage of Canada.
  - 2. Nothing in this Act, or in *The Railway Act*, shall invaliprior action date any action heretofore taken by the Company pursuant unaffected. to the powers contained in the Acts mentioned in the preamble.
- 3. The Company may lay out, construct and operate an Extension of 25 extension of its railway from the city of London in the county of railway authorized. Middlesex, through the county of Kent, to the city of Windsor in the county of Essex.

2. The Company may, in connection with the said extension Ferries of its railway, construct, lease, maintain and operate ferries 30 across the Detroit river.

Consent of eity of Toronto.

4. The Company shall not construct its railway, or any extension thereof, along, under, above or across any highway or public place within the limits of the city of Toronto, without first obtaining the consent, expressed by by-law, of the city of Toronto and upon terms to be agreed upon with the said city.

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Consent of municipalities.

5. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality. 10

Time for construction of railway extended.

6. The Company may commence the construction of the railway referred to in the preamble, and of the extension authorized by section 3 of this Act, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and 15 extension and put them in operation within five years after the passing of this Act; and if the said railway and extension are not so commenced and such expenditure is not so made, or if the said railway and extension are not so completed and put in operation within the said periods, respectively, the powers of 20 construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway and extension as then remains uncompleted.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the second Monday in September. 25

Issue of securities.

S. In lieu of the securities authorized by the Acts mentioned in the preamble, the Company may issue securities on the railway referred to in section 1 and on the extension authorized by section 3 of this Act to the extent of thirty-five thousand dollars per mile of single track and an additional twenty thousand 30 dollars per mile of double track of the said railway and extension, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Preference stock. 9. The Company may, by by-law, sanctioned by a vote of 35 three-fourths of the shareholders present or represented by proxy at a general meeting of the Company, duly called, in accordance with the by-laws, for considering the same, create and issue any part of the capital stock as preference stock, giving such preferences and priority over ordinary stock, as respects dividends 40 and otherwise, as may be declared by the by-law.

Rights of holders.

2. Holders of shares of such preference stock shall be share-holders within the meaning of *The Railway Act* and of this Act, and shall, in all respects, possess the rights and be subject to the

liabilities of shareholders within the meaning of the said Acts; provided that as against ordinary shareholders, they shall be entitled to the preferences and rights with respect to dividends and otherwise given by such by-law.

10. The Company may, from time to time, guarantee in Guarantee of whole or in part the payment of the principal or interest, or both, of other of the bonds, debentures or other securities of any railway com-companies. pany, or any terminal, transportation, navigation, rolling stock, park, elevator, warehouse, express, hotel or any other company

- 10 authorized to carry on any business incidental to the working of a railway; provided that such guarantee is approved by resolution passed by not less than two-thirds in value of the shareholders present or represented by proxy at a special general meeting called for that purpose.
- 11. Subject to the provisions of sections 361, 362, and 363 of Agreement The Railway Act, the Company may, for any of the purposes companies. specified in the said section 361, enter into agreements with the Pere Marquette Railway Company, the Lake Erie and Detroit Railway Company, the Grand Valley Railway Company, the 20 London and Port Stanley Railway Company, the London and Lake Erie Railway and Transportation Company and the

London Street Railway Company.

12. The Company may enter into an agreement with the Agreement municipal corporation of the city of Toronto, for the running of Toronto 25 the trains and cars of the Company on and over any surface or for running underground systems of railways which such corporation may of trains. construct or acquire, or may lease or operate them.

THE HOUSE OF COMMONS OF CANADA.

# BILL 94.

An Act respecting the Western Central Railway Company.

(Reprinted as proposed to be amended in the Railway Committee.)

(PRIVATE BILL.)

MR. RANKIN.

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
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## BILL 94.

An Act respecting the Western Central Railway Company.

(Reprinted as amended and reported by the Railway Committee.)

W HEREAS the Western Central Railway Company has by Preamble.

its petition represented that it is incorporated by chapter Ont., 1905,
109 of the statutes of 1905 of Ontario, whereby, and by 1906, c. 125;
subsequent amendments to the said Act, the said company 1908, c. 137;
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swas authorized to construct an electric railway from the city of Toronto to the city of London, with branches from the town of Berlin to the village of Wellesley; from at or near the village of Plattsville to the city of Woodstock, and from a point on the said railway between Plattsville and Mannheim to the 10 city of Stratford, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 15 1. In this Act the expression "the Company" means the "Company" body corporate and politic heretofore created by the Acts mentioned in the preamble under the name of "The Western Central Railway Company," and the railway which the Com-Declaratory. pany has been authorized to construct is declared to be a work 20 for the general advantage of Canada.
  - 2. Nothing in this Act, or in *The Railway Act*, shall invali- Prior action date any action heretofore taken by the Company pursuant unaffected. to the powers contained in the Acts mentioned in the preamble.
- 3. The Company may lay out, construct and operate an Extension of 25 extension of its railway from the city of London in the county of railway authorized. Middlesex, through the county of Kent, to the city of Windsor in the county of Essex.

2. The Company may, in connection with the said extension Ferries of its railway, construct, lease, maintain and operate ferries 30 across the Detroit river.

Construction within High

**4.** If the Company wishes to construct its railway through or across High Park (one of the public places or parks of the city of Toronto), it may construct it along the south limit of the said park, north of and parallel with and contiguous to the right of way of the Grand Trunk Railway Company of Canada, or along 5 such other location near thereto as may be agreed upon between the Company and the council of the said city, such railway to be constructed and kept, from time to time, at the same elevation as the tracks of the said Grand Trunk Railway Company; the Company to make compensation to the city according to the 10 provisions of The Railway Act for lands taken or injuriously affected; and the Company to make safe and suitable provision for crossing all roads entering or in the said park, by means of bridges or under-crossings to be constructed at such places and according to such plans, and at such elevations, as may be 15 approved by the engineer for the time being of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada. 20

Passengers to and from points terminal of western city limit

5. The Company shall not, without the consent of the council of the city of Toronto expressed by by-law and upon such terms as are agreed upon and contained in such by-law, receive or Company and discharge passengers between its terminal in the said city and the present western limit of the said city: Provided that if the 25 Company and the city cannot agree as aforesaid, the Company may, upon leave being obtained from the Board of Railway Commissioners for Canada and upon reasonable notice to the said city, apply to the said Board for permission to locate stations or stopping places, subject to The Railway Act, between 30 its terminal in the said city and the present western limit of the said city.

Commission.

Passengers to and from points within

city limits.

Application to Railway

6. Neither the Company nor any other company that may acquire or have the right to run over the line of the Company within the city of Toronto shall receive, carry or discharge 35 passengers from any point within the limits of the said city to any other point within the limits of the said city; but the powers for the carriage of passenger traffic that may be exercised by the Company or by any other company over the line of the Company within the limits of the said city, shall only extend to 40 and include the receiving, forwarding and delivering of through passenger traffic originating outside the limits of the said city for delivery within the limits of the said city, or originating within the limits of the said city for delivery outside the limits of the said city. 45

Through passenger traffic.

Construction of railway

7. Unless with the consent of the city of Toronto expressed by by-law the railway of the Company shall not be constructed

along, upon, above or below any highway as defined by The within city Railway Act, but notwithstanding anything in this section of Toronto. the railway of the Company may be constructed across any such highway, or along or across any easement acquired for 5 public works in the said city, but only above or below such highway or easement, and only after the levels, plans and specifications thereof are approved by the engineer, for the time being, of the said city, or such engineer as may be appointed for that purpose, and the engineer for the time being of the 10 Company, and in the event of the said engineers failing to agree, by the Board of Railway Commissioners for Canada.

- 8. The Company shall not construct or operate its railway Consent of along any highway, street or other public place without first municipalities. obtaining the consent, expressed by by-law, of the municipality 15 having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.
- 9. The Company may commence the construction of the Time for railway referred to in the preamble, and of the extension author- of railway ized by section 3 of this Act, and expend fifteen per cent of the extended. 20 amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and extension and put them in operation within five years after the passing of this Act; and if the said railway and extension are not so commenced and such expenditure is not so made, or if 25 the said railway and extension are not so completed and put in operation within the said periods, respectively, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway and extension as then remains uncompleted.
- 10. The annual meeting of the shareholders shall be held on Annual the second Monday in September.
- 11. In lieu of the securities authorized by the Acts mentioned Issue of in the preamble, the Company may issue securities on the railway referred to in section 1 and on the extension authorized by 35 section 3 of this Act to the extent of thirty-five thousand dollars per mile of single track and an additional twenty thousand dollars per mile of double track of the said railway and extension, and such securities may be issued only in proportion to the length of railway constructed or under contract to be con-40 structed.

12. The capital stock of the Company is hereby increased to Capital two million dollars. No one call thereon shall exceed ten per stock. cent on the shares subscribed.

Preference stock. 13. The Company may, by by-law, sanctioned by a vote of three-fourths of the shareholders present or represented by proxy at a general meeting of the Company, duly called, in accordance with the by-laws, for considering the same, create and issue any part of the capital stock as preference stock, giving such preferences and priority over ordinary stock, as respects dividends and otherwise, as may be declared by the by-law.

Rights of holders.

2. Holders of shares of such preference stock shall be share-holders within the meaning of *The Railway Act* and of this Act, and shall, in all respects, possess the rights and be subject to the 10 liabilities of shareholders within the meaning of the said Acts; provided that as against ordinary shareholders, they shall be entitled to the preferences and rights with respect to dividends and otherwise given by such by-law.

Guarantee of securities of other companies.

14. The Company may, from time to time, guarantee in 15 whole or in part the payment of the principal or interest, or both, of the bonds, debentures or other securities of any railway company, or any terminal, transportation, navigation, rolling stock, express or other company authorized to carry on any business incidental to the working of a railway; provided that such 20 guarantee is approved by resolution passed by not less than two-thirds in value of the shareholders present or represented by proxy at a special general meeting called for that purpose; and provided that such guarantee has been approved by the Governor in Council.

Approval.

Agreement with other companies.

15. Subject to the provisions of sections 361, 362 and 363 of The Railway Act, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Pere Marquette Railway Company, the Lake Erie and Detroit River Railway Company, the Grand Valley Railway Company, 30 the London and Port Stanley Railway Company, the London and Lake Erie Railway and Transportation Company and the London Street Railway Company.

(PRIVATE BILL.)

(Reprinted as amended and reported Railway Committee.)

by

An Act respecting the Western Centr. Railway Company.

THE HOUSE OF COMMONS OF CANADA. 3rd Session, 11th Parliament, 1 George V., 1910-1

Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

OTTAWA

MR. RANKIN

F.C.

## THE HOUSE OF COMMONS OF CANADA.

#### BILL 95.

An Act to amend the Indian Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 45 of *The Indian Act*, chapter 81 of the Revised R.S., c. 81, 5 Statutes, 1906, is amended by adding thereto the following subsection:—

"3. Notwithstanding anything herein, whenever the band or Liability of the particular Indian is in default in the construction of any band or Indian in line fence, the said band or the said Indian shall be amenable default of to any provincial law or municipal by-law of the province or construction of line municipality where the reserve is situated regulating the construction of line fences, and shall be entitled to the same rights and privileges and be subject to the same liabilities thereunder as any other person."

THE HOUSE OF COMMONS OF CANADA.

BILL 95.

An Act to amend the Indian Act.

First reading, January 19, 1911.

Mr. Sharpe, (Ontario.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## BILL 96.

An Act to prohibit the manufacture and importation of Matches made with White Phosphorus.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The White Phosphorus Matches short title. 5 Act.
  - 2. In this Act, unless the context otherwise requires,—

(a) "Minister" means the Minister of Labour; (b) "white phosphorus" means the substance usually known as "White white or yellow phosphorus;

(c) "inspector" means any person authorized by regulation or "Inspector." appointed by the Minister to perform any duties under 10 this Act or under any regulation made thereunder;

(d) "regulation" means and includes any order or regulation "Regulation." made by the Governor in Council under the authority of

15 this Act.

> 3. It shall not be lawful for any person to use white phos- Manufacture phorus in the manufacture of matches.

> 2. The owner or operator of any factory in which the manu- Samples for

- facture of matches is carried on shall allow any officer of the be taken. 20 Department of Labour, authorized by the Minister, at any ime to take for analysis sufficient samples of any material in use or mixed for use: Provided that the owner or operator may, at any time when the sample is taken, and on providing the necessary appliances, require the said officer to divide the sample so taken 25 into two parts and to mark, seal and deliver to him one part.
  - 4. It shall not be lawful to import into Canada matches made Importation with white phosphorus, and matches so made shall be included prohibited. amongst the goods enumerated and described in Schedule C to The Customs Tariff, 1907.

Petition for compulsory license. 5. Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Commissioner of Patents, praying for the grant of a compulsory license to use any process patented at the time of the passing of this Act for the manufacture of matches without white phosphorus, other than matches intended to strike only on a surface specially prepared for the purpose.

Order of Commissioner.

2. The Commissioner of Patents, after considering any representations that may be made by the patentee, or his legal representatives, or any person claiming an interest in the patent, may 10 order the patentee or other interested party to grant a license to such petitioner on such terms as he may consider just; Provided that the Commissioner may, if he thinks fit, and shall on the request of any one of the parties to the proceedings, call in the aid of an assessor, specially qualified, and hear the case wholly 15

Assessor.
Operation

of order.

or partially with his assistance.

3. An order of the Commissioner of Patents directing the grant of license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the petitioner and 20 patentee and such other persons claiming an interest in the patent as aforesaid.

Regulations.

6. The Governor in Council may make such orders and regulations, as to him seem necessary for the carrying out of the provisions of this Act.

Force of.

2. Such orders and regulations shall have the same force and effect as if embodied in this Act.

25

Publication.

3. Every such order or regulation shall be published twice in *The Canada Gazette*.

Proof by certificate.

7. The certificate of an inspector shall, for the purposes of this 30 Act, be *prima facie* evidence in all courts of justice and elsewhere of the matter certified.

Powers of inspectors.

S. Any inspector may, at any time, for the purpose of carrying into effect any of the provisions of this Act or any regulation made thereunder, enter any place or premises, or any steamship, 35 vessel or boat, or any carriage, car, truck or other vehicle used or which the inspector or other person suspects is being used for the carriage of matches made with white phosphorus, and may also open any package or store containing matches made with white phosphorus or which he suspects to contain such matches. 40

Penalty for obstructing inspector.

**9.** Every person who refuses to admit, or who obstructs or impedes an inspector, and every person who aids and assists him therein, shall be liable on summary conviction to a penalty not exceeding five hundred dollars and costs.

- 10. Every person who violates any provision of this Act, or of Penalty for any regulation, in respect of which no penalty is hereinbefore of Act. provided, shall be liable on summary conviction to a penalty not exceeding five hundred dollars and costs.
- 5 11. Every offence against this Act, or against any regulation, Venue of shall, for the purposes of proceedings under this Act, or of any such order or regulation, be deemed to have been committed, and every cause of complaint under this Act, or any such regulation, shall be deemed to have arisen either in the place in which 10 it actually was committed or arose, or in any place in which the person charged or complained against happens to be.
  - 12. This Act shall come into force on the first day of January, Commence-one thousand nine hundred and twelve.

THE HOUSE OF COMMONS OF CANADA.

BILL 96.

An Act to prohibit the manufacture and importation of Matches made with White Phosphorus.

First reading, January 19, 1911.

MR. KING.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### BILL 97.

An Act to prohibit the improper use of Opium and other Drugs.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Opium and Drug Act.

Short title.

5 2. In this Act, unless the context otherwise requires,—
(a) "drug" means and includes any substance mentioned "Drug."
in the Schedule to this Act; or which may be added thereto
under the authority of this Act;

(b) "opium" means and includes crude opium, powdered "opium." opium, and opium prepared for smoking, or in any stage

of such preparation;

10

15

(c) "imports" or "imported" means and includes the bring- "Imports." ing or conveying, or the causing to be brought or conveyed, "Imported." into Canada of any drug;

into Canada of any drug;
(d) "export" or "exporting" means and includes the taking "Export."
or conveying, or causing to be taken or conveyed, out of "Exporting."

Canada of any drug;

- (e) "magistrate" means and includes any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace.
- 3. Every person who imports, manufactures, sells, offers for Importation, sale, has in his possession, or takes or carries or causes to be taken or carried from any place in Canada to any other place in Canada, any drug for other than scientific or medicinal purposes, shall be liable, upon summary conviction, to a fine not exceeding five hundred dollars and costs, or to imprisonment for a term not exceeding one year, or to both fine and impriposal somment.

  Penalty

Smoking and possession of opium.

Penalty.

Being in opium resorts.

Penalty.

4. Every person who smokes opium, or who, without lawful or reasonable excuse, has in his possession opium prepared or being prepared for smoking, shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty dollars, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

2. Any person who, without lawful and reasonable excuse, is found in any house, room or place to which persons resort for the purpose of smoking or inhaling opium, shall be liable, upon summary conviction, to a fine not exceeding one hundred 10 dollars and costs, or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.

Dealing in drugs.

Exceptions.

5. Any person who deals in any drug, who gives, sells or furnishes any drug to any person other than a duly authorized and practising physician, veterinary surgeon or dentist, or to 15 a druggist carrying on business in a bona fide drug store, or who neglects to make or preserve a proper record in a suitable book of the name and address of the physician, veterinary surgeon, dentist or druggist to whom he gives, sells or furnishes any drug, and the date of such sale; and any druggist who gives, 20 sells or furnishes any drug except upon a written order or prescription signed by a duly authorized and practising physician, veterinary surgeon or dentist, or who, without the authority of the prescribing physician, veterinary surgeon or dentist, uses any prescription to sell any drug on more than one occasion, 25 or who neglects to make or preserve a proper record in a suitable book of the name of the physician, veterinary surgeon or dentist signing such order or prescription, the date of filling the order or prescription, and in the case of a prescription the name of the person for whose use the prescription was granted, or who refuses 30 to allow such record to be examined by any police officer, shall be liable, upon summary conviction, to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

Penalty.

Prescriptions.

2. Any physician who signs any prescription or order for the 35 filling of which any drug is required, unless such drug is required for medicinal purposes or is prescribed for the medical treatment of a person who is under professional treatment by such physician, and any dentist or veterinary surgeon who signs any order for any drug, unless such drug is required for medicinal purposes 40 in connection with his practice as a dentist or veterinary surgeon, shall, upon summary conviction, be liable to a fine not exceeding two hundred dollars and costs, or to imprisonment for a term

Penalty.

Exportation of drugs.

6. Any person exporting or attempting to export any drug 45 to any country which prohibits the entry of such drug shall be liable, upon summary conviction, to a fine not exceeding five

not exceeding three months, or to both fine and imprisonment.

hundred dollars and costs, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

7. If it be proved upon oath before any magistrate that there search is reasonable cause to suspect that any drug is kept or concealed warrants. 5 for any purpose contrary to this Act in any dwelling-house, store, shop, warehouse, outhouse, garden, yard, vessel or other place such magistrate may grant a warrant to search by day or night any such place for such drug, and if such drug is there found, to bring it before him.

8. When any person is convicted of an offence against this Drugs and Act, the convicting magistrate may adjudge and order, in seized to be addition to any other penalty or punishment, that the drug destroyed. in respect of which the offence was committed, or which has been seized under the search warrant as aforesaid, and all 15 receptacles of any kind whatsoever found containing the same.

be forfeited and destroyed, and such order shall thereupon be carried out by the constable or peace officer who executed the said search warrant, or by such other person as may be thereunto authorized by the said convicting magistrate.

9. Any drug now in the custody of any court, and any Drugs drug that may be seized for the violation of any law, shall unclaimed for the destroyed, unless such drug is claimed within three destroyed, months after the passing of this Act, or after such seizure subject to order. as the case may be, and it is established to the satisfaction of 25 the court that no offence has been committed in connection therewith, or unless the court otherwise orders, provided however, that the provisions of The Customs Act shall apply to any R.S., c. 48. drug unlawfully imported into Canada.

10. If any person charged with an offence against this Act Burden of 30 pleads or alleges that he imported, manufactured, sold or offered offender. for sale, or had in his possession, any drug in respect of which the offence is charged, for scientific or medicinal purposes, the burden of proof thereof shall be upon the person so charged.

- 11. One half of any fine recovered from any person convicted Disposition 35 of an offence against this Act may be paid to the person giving of fines. information leading to such conviction, if so directed by the magistrate.
- 12. No conviction, judgment or order in respect of an Proceedings. offence against this Act shall be removed by certiorari into any No. 40 of His Majesty's courts of record.
  - 13. The Governor in Council may make such orders and Regulations. regulations as are deemed necessary or expedient for carrying

out the intention of this Act; for the seizure of any drug that there is reason to believe is liable to forfeiture under this Act; and for the use or sale of any drug for scientific purposes.

Additions to Schedule.

14. The Governor in Council may, from time to time, add to the Schedule to this Act any substance, the addition of which is 5 by him deemed necessary in the public interest, and every order in council in that behalf shall be published in The Canada Gazette, and shall take effect at the expiration of thirty days from the date of such publication.

1908, c. 50 repealed.

15. Chapter 50 of the statutes of 1908 is hereby repealed.

10

Commence-

16. Section 4 of this Act shall not come into force until the first day of July, one thousand nine hundred and eleven.

SCHEDULE.

Cocaine. Morphine. Opium.

> An Act to prohibit the improper use Opium and other Drugs.

First reading, January 19, 1911.

OF CANADA.

Session, 11th Parliament, 1 George V., 1910-1

97

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER

OTTAWA

MR. KING

#### BILL 98.

An Act respecting Load Lines on Ships.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Every Canadian ship, except ships under fifty tons gross, Ships to be 5 employed in the navigation of inland waters in Canada, shall, marked with discs, within sixty days after the passing of this Act, be permanently and with and conspicuously marked on each of her sides amidships, or lines indicating as near thereto as is practicable, in white and yellow on a dark decks. ground, or in black on a light ground, with a circular disc

10 twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre; and the said ship shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, or as near thereto as is 15 practicable, and indicating the position of each deck which is above water.

2. The upper edge of each of these lines shall be level with Position the upper side of the deck plank next the waterway at the place of lines.

3. The lines shall be white or yellow on a dark ground, or Colour. black on a light ground.

2. With respect to the marking of a load-line on Canadian Marking of ships the following provisions shall have effect:-

(a) The owner of every Canadian ship, except ships under ships. fifty tons gross, employed in the navigation of inland Distance waters in Canada, shall, before entering his ship outwards decks to from any port in Canada upon any voyage for which he is be stated in customs required so to enter her, or, if that is not practicable, as entry. soon after as may be, insert in the form of entry delivered to the customs officer in charge a statement in writing of the distance in feet and inches between the centre of the load line disc and the upper edge of each of the lines indicating the position of the ship's deck which is above that centre:

30

Refusal to enter ships

(b) If default is made in delivering this statement in the case of any ship, any customs officer may refuse to enter the ship outwards;

Log book.

(c) The master of the ship shall also enter a copy of this statement in the official log book;

Alterations

(d) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

Barges to be marked with disc

3. Every Canadian barge, except barges under one hundred tons, proceeding to sea from any port on the Atlantic or Pacific 10 coasts, or employed in the navigation of the Great Lakes or of the Gulf of St. Lawrence, shall, within sixty days after the passing of this Act, be marked on each of its sides amidships, or as near thereto as is possible, in white or yellow on a dark ground, or in black on a light ground, a circular disc, twelve 15 inches in diameter having a horizontal line eighteen inches in length drawn through its centre.

Centre of disc to indicate load line.

2. The centre of the said disc shall be placed at such a level as is approved of by the inspector of hulls and equipment for the district, and shall indicate the maximum load line to which 20 the barge may be loaded.

Load line not to be submerged.

3. If the barge is so loaded as to submerge the centre of the said disc, the barge shall be deemed to be unseaworthy, and such submersion shall be reasonable cause for the detention of the said barge.

Penalty for failure to keep load

4. Any owner or master of a Canadian ship or barge, to which this Act applies, who neglects to cause his ship or barge to be marked as this Act requires, or to keep it so marked, or who, in the case of a barge, allows it to be loaded so as to submerge the centre of the disc, indicating the load line, or any 30 person who conceals, removes, alters, defaces or obliterates any of the said marks, is guilty of an offence and for each such offence shall be liable to a fine not exceeding one thousand dollars.

An

Act respecting Load Lines on Ships

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEN

OTTAWA

First reading, January 20, 1911.

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

gr.d

# BILL 99.

An Act to incorporate the Niagara, Welland and Lake Erie Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. Cyrenus J. Laughlin, jr., capitalist, Archibald P. Laughlin, Incorporacapitalist, both of the town of Welland in the county of Welland, in the province of Ontario; David L. Stafford, gentleman, of the city of Dunkirk in the state of New York; Frederick C.

  10 Carlesen, capitalist, of the city of Los Angeles in the state of California, in the United States, and Francis W. Griffiths, barrister at law, of the city of Niagara Falls in the county of Welland, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under Corporate 15 the name of "The Niagara, Welland and Lake Erie Railway name. Company," hereinafter called "the Company."
  - 2. The undertaking of the Company is declared to be a work Declaratory. for the general advantage of Canada.
- 3. The persons named in section 1 of this Act are constituted Provisional 20 provisional directors of the Company.
  - 4. The capital stock of the Company shall be five hundred Capital stock. thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
- 5. The head office of the Company shall be at the town of Head office. 25 Welland, in the province of Ontario.
  - 6. The annual meeting of the shareholders shall be held on Annual meeting. the first Tuesday in September.
  - 7. The number of directors shall not be less than five, nor Directors more than nine, one or more of whom may be paid directors.

Lines of railway described.

S. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the international boundary at or near the city of Niagara Falls, in the province of Ontario, thence westerly through or near the said city of Niagara Falls, the town of Welland and 5 the village of Port Colborne, all in the county of Welland, in the province of Ontario, with branch lines as follows:-

(a) From a point in or near the said village of Port Colborne.

thence in a generally westerly direction to Port Dover;

(b) From a point in or near Port Colborne, thence in a gener- 10 ally easterly direction to Fort Erie, in the said county of Welland.

Consent of municipalities

9. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other 15 public place, and upon terms to be agreed upon with such municipality.

Transmission and delivery of power and electricity.

10. For the purposes of its undertaking, and subject to the provisions of section 247 of The Railway Act, the Company may acquire and develop water, electric or other power and energy, 20 and may erect lines for the transmission of such power, and transmit or deliver it to any place in the cities or municipalities through which the works of the Company are authorized to be built, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of 25 the surplus thereof and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges from time to time: Provided, however, that the Company shall not erect 30 any poles or lines upon or along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, nor carry on a lighting or power business within any municipality without first obtaining 35 the consent, expressed by by-law, of such municipality and upon terms to be agreed upon with such municipality.

Proviso.

Railway Commission.

Rates to be

approved by

11. The Company may, for the purposes of its undertaking, subject to the provisions of The Railway Act, construct and operate telegraph and telephone lines upon its railway and 40 establish offices for and undertake the transmission of messages

for the public, and collect tolls therefor.

12. The Company may acquire, construct and operate amusement parks, and charge admission thereto.

Telegraph and telephone lines.

Parks.

- 13. The securities issued by the Company shall not exceed Issue of thirty thousand dollars per mile of its railway, and may be securities, issued only in proportion to the length of railway constructed, or under contract to be constructed.
- 14. Subject to the provisions of sections 361, 362 and 363 of Agreements The Railway Act, the Company may enter into agreements companies. with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being the Michigan Central Railway Company, the Grand Trunk 10 Railway Company of Canada, the Niagara, St. Catherines and

Toronto Railway Company, the New York Central and Hudson River Railroad, the Toronto, Hamilton and Buffalo Railway Company, the Wabash Railroad Company, the Père Marquette Railway Company, and with any person or company engaged

15 in traffic by sea or inland waters.

THE HOUSE OF COMMONS OF CANADA.

BILL 99.

An Act to incorporate the Niagara, Welland and Lake Erie Railway Company.

First reading, January 24, 1911.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA

Printed by C. H. PARMELER

Printer to the King's most Excellent Majesty
1910-11

## BILL 100.

An Act respecting the Orford Mountain Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to
grant the prayer of the said petition: Therefore His Majesty, 1907, c. 115.
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

- 1. The Orford Mountain Railway Company, hereinafter called Line of "the Company," may lay out, construct and operate a railway authorized. from a point at or near Mansonville to a point at or near the international boundary, in the province of Quebec.
- 2. The securities issued by the Company in respect of the Issue of said railway and the other railways which the Company is author-securities. ized to construct shall not exceed twenty-five thousand dollars per mile of its railway, and may be issued only in proportion to the length of railway constructed or under contract to be 15 constructed.
- 3. Unless the Company commences within two years, and Time for completes and puts in operation within five years after the construction passing of this Act, the railway which the Company is hereby limited. authorized to construct, the powers of construction conferred 20 upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

THE HOUSE OF COMMONS OF CANADA.

# BILL 100.

An Act respecting the Orford Mountain Railway Company.

First reading, January 24, 1911.

(PRIVATE BILL.)

MR. HUNT.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 101.

An Act respecting the Huron and Ontario Railway Company.

WHEREAS a petition has been presented praying that to be Freamed enacted as hereinafter set forth, and it is expedient to 1896 (1st grant the prayer of the said petition: Therefore His Majesty, Sess.), c. 20; by and with the advice and consent of the Senate and House 1903, c. 130; by and with the advice and consent of the Senate and House 1906, c. 111; 1907, c. 94; 1909, c. 92. WHEREAS a petition has been presented praying that it be Preamble. 5 of Commons of Canada, enacts as follows:-

1. The Huron and Ontario Railway Company may com-Time for mence the construction of its railways, and expend fifteen per construction of the amount of its capital stock thereon, within two extended. years after the passing of this Act, and may complete the said

10 railways and put them in operation within five years after the passing of this Act; and if the said railways are not so commenced and such expenditure is not so made, or if the said railways are not so completed and put in operation, within the said periods, respectively, the powers of construction conferred upon 15 the said company by Parliament shall cease and be null and void as respects such portion of the said railways as then remains uncompleted.

2. Section 3 of chapter 92 of the statutes of 1909 is repealed. 1909, c. '92,

THE HOUSE OF COMMONS OF CANADA.

BILL 101.

An Act respecting the Huron and Ontaric Railway Company.

First reading, January 26, 1911.

(PRIVATE BILL.)

MR. SEALEY.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 102.

An Act to incorporate the Imperial Traction Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:-

1. Lucien Barnes Howland, of the city of Toronto, in the Incorporacounty of York, railway manager, Roger Miller, of the town of tion. Ingersoll, in the county of Oxford, contractor, George M. Reid of the city of London, in the county of Middlesex, manufacturer,

10 John M. Taylor, of the city of Guelph, in the county of Wellington, manufacturer, F. Wellington Hay, of the town of Listowell, in the county of Perth, produce merchant, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Imperial Corporate 15 Traction Company," hereinafter called "the Company."

- 2. The undertaking of the Company is declared to be a work Declaratory. for the general advantage of Canada.
- 3. The persons named in section 1 of this Act are constituted Provisional provisional directors of the Company.
- 4. The capital stock of the Company shall be six million Capital dollars. No one call thereon shall exceed ten per cent on the stock. shares subscribed.
  - 5. The head office of the Company shall be in the city of Head office. Hamilton, in the province of Ontario.
- 6. The annual meeting of the shareholders shall be held on Annual the second Monday in September.
  - 7. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.

Line of railway

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from Hamilton to Guelph, from Guelph to Berlin, from Berlin to Stratford, from Stratford to St. Mary's, from St. Mary's to London, from London to Ingersoll, from Ingersoll to Woodstock, 5 from Woodstock to Brantford, and from Brantford to Hamilton, with extensions from a point between Brantford and Hamilton to Niagara Falls, and from a point between St. Mary's and Stratford to Lake Huron, following the shore of the said lake to Sarnia.

Issue of securities.

9. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed, and shall not exceed fifty thousand dollars per mile of that portion of the railway that is 15 double tracked.

10

Special powers.

Vessels.

Docks, wharfs and buildings.

10. The Company may, for the purpose of its undertaking construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise between the town of Sarnia and the city of Port Huron, or other places, and 20 construct, acquire, lease or dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used in facilitating the carrying on of the business of the Company.

Telegraph lines.

11. The Company may, subject to the provisions of The and telephone Railway Act, construct and operate telegraph and telephone 25 lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any com- 30 panies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved 35 of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges,

R.S., c. 126.

3. Part II of The Telegraphs Act, except such portions thereof as are inconsistent with this Act or with The Railway Act, shall 40 apply to the telegraphic business of the Company.

Hotels and restaurants

12. The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or restaurants along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the

travelling public; and may lay out, manage and lease parks Parks. and summer pleasure resorts with the approval, expressed by by-law, of the municipality having jurisdiction over the place Consent of in which such parks and summer pleasure resorts are situated.

- 5 13. The Company may do an express business on its railway Express and may enter into agreements with Canadian express combusiness. panies and foreign express companies for exchange of traffic or hauling arrangements.
- 14. Any director of the Company may contract with the special 10 Company, or may be a director or shareholder of a construction powers of company to be formed which may undertake and build the whole or any part of the said railway, or may supply material for its construction.
- 15. Subject to the provisions of sections 361, 362 and 363 of Agreements 15 The Railway Act, the Company may, for any of the purposes specified in the said section 361, enter into agreements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Railway Company, the Toronto, Hamilton and Buffalo Railway Company, any electric railway companies operating in any of the towns or cities through which the said railway passes and with any other electric company,
- 16. For the purpose of its undertaking, and subject to the Electric provisions of section 247 of *The Railway Act*, the Company may power and 25 acquire from any of the electric companies now doing business in the province of Ontario, electric and other power and energy which may be transmitted and delivered to it at any point through which its railway is authorized to be built.

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act to incorporate the Imperial Traction Company.

First reading, January 26, 1911.

(PRIVATE BILL.)

MR. RANKIN.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## BILL 102.

An Act to incorporate the Imperial Traction Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:

1. Lucien Barnes Howland, of the city of Toronto, in the Incorporacounty of York, railway manager, Roger Miller, of the town of tion. Ingersoll, in the county of Oxford, contractor, George M. Reid of the city of London, in the county of Middlesex, manufacturer,

10 John M. Taylor, of the city of Guelph, in the county of Wellington, manufacturer, F. Wellington Hay, of the town of Listowell, in the county of Perth, produce merchant, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Imperial Corporate 15 Traction Company," hereinafter called "the Company."

- 2. The undertaking of the Company is declared to be a work Declaratory. for the general advantage of Canada.
- 3. The persons named in section 1 of this Act are constituted Provisional provisional directors of the Company.
- 20 4. The capital stock of the Company shall be six million Capital dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
  - •5. The head office of the Company shall be in the city of Head office. Hamilton, in the province of Ontario.
- 6. The annual meeting of the shareholders shall be held on Annual the second Monday in September.
  - 7. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from Hamilton to Guelph, from Guelph to Berlin, from Berlin to Stratford, from Stratford to St. Mary's, from St. Mary's to London, from London to Arkona, from London to Ingersoll, 5 from Ingersoll to Woodstock, from Woodstock to Brantford, and from Brantford to Hamilton, with extensions from a point between Brantford and Hamilton to Niagara Falls, and from a point between St. Mary's and Stratford to Lake Huron, following the shore of the said lake to Sarnia.

Consent of municipali-

9. The Company shall not construct or operate its railway along any highway, street or other public place, without first obtaining the consent, expressed by by-law, of the municipalities having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such munici-15 pality.

Issue of securities.

10. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed, and shall not exceed fifty 20 thousand dollars per mile of that portion of the railway that is double tracked.

Special powers.

Vessels.

Docks, wharfs and buildings.

11. The Company may, for the purpose of its undertaking construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise between the 25 town of Sarnia and the city of Port Huron, or other places, and construct, acquire, lease or dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used in facilitating the carrying on of the business of the Company.

Telegraph and telephone Railway Act, construct and operate telegraph and telephone lines 12. The Company may, subject to the provisions of The 30 lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the 35 provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls or charges.

2. No toll or charge shall be demanded or taken for the 40 transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges,

3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act or with The Railway Act, shall apply to the telegraphic business of the Company.

13. The Company may, for the purposes of its undertaking, Hotels and 5 construct, acquire or lease buildings for hotels or restaurants restaurants. along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out, manage and lease parks Parks. and summer pleasure resorts with the approval, expressed by 10 by-law, of the municipality having jurisdiction over the place Consent of municipality.

in which such parks and summer pleasure resorts are situated,

14. The Company may, subject to the provisions of The Express business. Railway Act, carry on the business of an express company, upon 15 and in connection with its railway, and establish offices therefor, and undertake the carriage of goods by express, and collect tolls therefor, and for the purpose of operating such express business and system, may, subject to the provisions of the said Act, enter into contracts with other companies for the carriage of 20 such goods and for through rates, and may lease its express rights and privileges to any such companies.

and upon terms to be agreed upon by such municipality.

15. Subject to the provisions of sections 361, 362 and 363 of Agreements with other The Railway Act, the Company may, for any of the purposes companies. specified in the said section 361, enter into agreements with 25 the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Canadian Northern Ontario Railway Company, the Toronto, Hamilton and Buffalo Railway

Company, and with the following electric railway companies: The Berlin and Bridgeport Railway Company, the Berlin and 30 Waterloo Railway Company, the Brantford and Hamilton Electric Railway Company, the Brantford Street Railway Company, the Grand Valley Railway Company, the Galt, Preston and Hespeler Railway Company, the Guelph Radial Railway Company, the Guelph Street Railway Company, the Hamilton

35 and Dundas Street Railway Company, the Hamilton, Grimsby and Beamsville Electric Railway Company, the Hamilton Radial Electric Street Railway Company, the Hamilton Street Railway Company, the International Traction Company, the London

Street Railway Company, the London Radial Electric Railway 40 Company, the London and Lake Erie Railway and Transportation Company, the Niagara Falls Park and River Railway Company, the Niagara and St. Catharines Street Railway Company, the Sarnia Street Railway Company, the Peoples Railway Company, and the South Western Traction Company.

THE HOUSE OF COMMONS OF CANADA.

BILL 102.

An Act to incorporate the Imperial Traction Company.

(Reprinted as amended and reported by the Railway Committee.)

(PRIVATE BILL.)

MR. RANKIN.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 103.

An Act relating to Steamship Subsidies.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Governor in Council may, on or after the seventh day Steamship 5 of April, one thousand nine hundred and eleven, grant and pay a service between subsidy for steamship service between a port or ports on the Canada and Pacific coast of Canada and China and Japan for such period or China and Japan. periods of time as he deems expedient, not to exceed in the aggregate ten years, and the amount of such subsidy not to 10 exceed the sum of twenty five thousand pounds sterling per annum for such service as may be deemed expedient from time to time.

THE HOUSE OF COMMONS OF CANADA.

**BILL** 103.

An Act relating to Steamship Subsidies.

First reading, January 26, 1911.

SIR W. LAURIER.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 104.

An Act to amend paragraph (l) of section 2, and paragraphs (n) and (o) of section 9 of the Post Office Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. Paragraph (l) of section 2 of The Post Office Act, chapter R.S., c. 66, 5 66 of the Revised Statutes, 1906, is amended by inserting after s. 2 amended. the words "street letter box" in the second line thereof the Definition. words "street stamp vending box."
- 2. Paragraph (n) of subsection 1 of section 9 of the said Act s. 9 is amended by inserting after the word "expedient," in the third amended.

  10 line thereof, the words "or for the sale of stamps or other post office supplies," and by striking out the word "letter," in the street boxes. sixth line thereof, and substituting therefor the word "such."
- **3.** Paragraph (o) of the said subsection 1 of section 9 is Sale of amended by striking out the words "revocable at pleasure," in stamps. 15 the first line thereof.

THE HOUSE OF COMMONS OF CANADA.

BILL 104.

An Act to amend paragraph (l) of section 2, and paragraphs (n) and (o) of section 9 of the Post Office Act.

First reading, January 31, 1911.

MR. LEMIEUX.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 105.

An Act to incorporate the All Red Steamship Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. Messrs. Chaplin, Milne, Grenfell and Company, Vickers Incorpora-Sons and Maxim Limited, Perry and Company, Sir Thomas Tancred, Baronet, Linton Clarke and Company, Sir Thomas Troubridge, Baronet, F. J. Burt, Captain C. E. S. Clitherow, of

10 London, Wm. Beardmore and Company, Limited, of Glasgow, R. Stephenson and Company, of Hepburn-on-Tyne, Swan, Hunter and Wigham Richardson, Limited, and E. L. Bentley, Newcastle-on-Tyne, W. H. Leslie, Price Forbes and Company,

Major Ralph Patterson Cobbold, Wm. Harris and D. H. Allan of 15 London, Wilfred Fitzgerald of Dublin, The Gloucester Wagon Company, Limited of Gloucester, The North British Locomotive Company of Glasgow, J. Lithgow, Port Glasgow, S. G. Fraser, John Kennedy, H. McCorquodale, Hoare and Wheeler, Andrew Weir and Company, H. Haulder and Partners Limited, Capt. J.

20 A. Morrison, and Gellatly Hankey and Company, of London, Pickford and Black and H. G. Bauld, Arthur William Redden, R. T. MacIlreith and J. A. Chisholm of Halifax, Nova Scotia, together with such persons as become shareholders in the company, are incorporated under the name of "The All Red Steam-Corporate name.

25 ship Company," hereinafter called "the Company."

2. Sir Thomas Troubridge, N. H. Skipnith, Andrew Weir, H. Provisional Haulder, Henry Gibson Bauld, W. A. Black and John Kennedy directors. are constituted provisional directors of the Company, and may add to their numbers.

3. The capital stock of the Company shall be one million Capital dollars divided into shares of one hundred dollars each.

Head office.

4. The head office of the Company shall be in the city of Montreal, Canada, but it may be removed to such other place as the shareholders determine.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the first Wednesday of September.

5

Directors.

6. The number of directors shall not be less than seven nor more than fifteen, one or more of whom may be paid directors.

Special powers.

Vessels.
Doeks,
hotels, etc.

7. The Company may purchase, own, charter, lease and operate steamers and other vessels between Canadian ports and all ports of the British Empire and foreign countries. The 10 Company may also lease, purchase, construct and work docks, piers, wharfs, dockyards, warehouses, elevators, hotels and other buildings and works in connection with its enterprise, and may build branch lines of railway on its properties and connect such branch lines with other lines of railway, provided none of 15 such branch lines shall exceed six miles in length.

Branch lines of railway.

Expropriation.

S. In constructing and operating the said branch lines of railway the Company shall be subject to *The Railway Act*, and, subject to the said Act, the Company may expropriate property required in connection with the construction of its docks, piers, 20 wharves and other works.

Issue of securities.

Mortgages.

9. The Company may issue debenture stock, debentures, bonds or other securities, and may mortgage its railways, docks, piers, vessels and other properties to secure the payment of interest on and principal of such securities; provided that the 25 total amount of such securities shall not exceed the cost of the properties mortgaged.

Lien on subsidies.

10. The Company may, to secure the payment of interest or principal of any of its securities, grant a lien on any or all subsidies, grants or payments of any kind which it may be 30 entitled to receive.

Agreement with Collooney, Ballina and Belmullet Railway and Piers Company. 11. The Company may enter into an agreement with the Collooney, Ballina and Belmullet Railway and Piers Company to acquire the property, rights and franchises of the said company or to lease or work its railway and harbour, and may 35 pay therefor in cash, or partly in cash and partly in shares, bonds, debentures or other securities of the Company. The Company may guarantee the principal and interest, or either, of the shares or other securities of the said Collooney, Ballina and Belmullet Railway and Piers Company.

12. The Company may enter into agreements with the Agreements British Government and the Governments of Canada, Australia with British and New Zealand, or that of any other British colony or depend-Governments. ency, for the carriage of mails or for the rendering of any other 5 service to any of the said Governments.

THE HOUSE OF COMMONS OF CANADA.

BILL 105.

An Act to incorporate the All Red Steamship Company.

First reading, February 1, 1911.

(PRIVATE BILL.)

MR. MCKENZIE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 106.

An Act to incorporate the Lake Erie and Northern Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. John Muir, manufacturer, Robert Ryerson, merchant, Incor-Willoughby Staples Brewster, barrister, William Platt Kellett, engineer, William David Schultz, manufacturer and John Aitcheson Sanderson, manufacturer, all of the city of Brant-10 ford, in the county of Brant, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Lake Erie and Corporate Northern Railway Company," hereinafter called "the Company."
- 2. The undertaking of the Company is hereby declared to be Declaratory. a work for the general advantage of Canada.
  - 3. The persons named in section 1 of this Act are constituted Provisional provisional directors of the Company.
- 4. The capital stock of the Company shall be one million five Capital 20 hundred thousand dollars. No one call thereon shall exceed stock. ten per cent on the shares subscribed.
  - 5. The head office of the Company shall be in the city of Head office. Brantford, in the province of Ontario.
- 6. The annual meeting of the shareholders shall be held on Annual 25 the first Wednesday in September.

Directors.

7. The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described. S. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near the town of Port Dover, on Lake Erie, 5 passing through or near the town of Simcoe and through or near the village of Waterford, in the county of Norfolk, to a point at or near the city of Brantford, thence northerly through the town of Paris to a point at or near the town of Galt, in the county of Waterloo, with a branch line from the town of Paris 10 or the village of Glenmorris to the village of Ayr.

Consent of municipalities. 9. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public 15 place, and upon terms to be agreed upon with such municipality.

Issue of securities.

10. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or 20 under contract to be constructed.

Special powers.

Vessels.

11. The Company may, for the purposes of its undertaking, construct, acquire and navigate and dispose of steam and other vessels for the conveyance of passengers, goods and merchandise between any ports in Canada, and between any port in Canada 25 and any ports in any other country, carry on the business of elevating grain, of buying, selling and dealing in coal, ore, lumber and other commodities, of common carriers of passengers and goods, and of forwarders, wharfingers and warehousemen, and may also construct, acquire, lease and dispose of wharfs, 30 docks, elevators, warehouses and offices.

Docks, etc.

- Telegraphs and telephones.
- 12. The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway and establish offices for and undertake the transmission of messages for the public, and, for the purpose 35 of constructing and operating such telegraph and telephone lines, may enter into contracts with any other companies.

Steam and other power.

13. Subject to the provisions of section 247 of *The Railway Act*, the Company may, for the purposes of its undertaking, acquire and utilize water and steam power for the compressing 40 of air or the generating of electricity for lighting, heating or motor purposes, and dispose of the surplus power generated by the Company's works and not required for the undertaking of

the Company, and for the purposes of such acquisition, utilization and disposal, may construct operate and maintain lines for the conveyance of light, heat and electricity.

14. For the purposes of its undertaking, the Company may Trans-5 acquire electric or other power or energy, which may be trans-mission mitted and delivered to any place in the municipalities through of electric and other which the railway is authorized to be built, and may receive, power. transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and shall be demanded or taken until it has been approved of by approved by

10 collect rates and charges therefor; but no such rate or charge Rates to be the Board of Railway Commissioners for Canada, which may Comalso revise such rates and charges.

15. Nothing in this Act shall authorize the Company to Consent 15 construct or operate any telegraph or telephone lines, or any of municipalities for the distribution of electricity for lighting, heating or required for motor purposes, or disposing of the surplus power generated telephone by the Company's works and not required for the undertaking lines upon of the Company, upon, along or across any highway, street or highways, etc.

20 other public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

16. Subject to the provisions of sections 361, 362, and 363 of Agreements 25 The Railway Act, the Company may, for any of the purposes with other companies. specified in the said section 361, enter into agreements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Toronto, Hamilton and Buffalo Railway Company, the Canadian Northern Railway Company,

30 the Grand Valley Railway Company, the Galt, Preston and Hespeler Railway Company, the Michigan Central Railway Company and the Wabash Railway Company.

THE HOUSE OF COMMONS OF CANADA.

# BILL 106.

An Act to incorporate the Lake I and Northern Railway Company.

First reading, February 1, 1911.

(PRIVATE BILL.)

MR. HARRE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 107.

An Act to amend the Dominion Lands Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 40 of The Dominion Lands Act, chapter 20 of the 1908, c. 20.
 statutes of 1908, is amended by adding thereto the following smended. subsection:—

"2. Until such school lands are disposed of by sale, the Lease, Governor in Council may, if he deems it expedient, authorize occupation or use of the lease, occupation or use of such lands, or any portion thereof, school lands pending sale. lations with respect to the leasing, occupation or use of such lands."

2. Section 42 of the said Act is amended by inserting after Investment the word "sale," in the first line thereof, the words "lease, of rental...

15 occupation or use."

THE HOUSE OF COMMONS OF CANADA.

BILL 107.

An Act to amend the Dominion Lands Act.

First reading, February 1, 1911.

MR. OLIVER.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 108.

An Act respecting the Canadian Pacific Railway Company.

WHEREAS a petition bas been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

1. This Act may be cited as The Canadian Pacific Railway Short title. Act, 1911.

2. The Canadian Pacific Railway Company, hereinafter Lines of called "the Company," may lay out, construct, maintain and authorized.

10 operate the following lines of railway, viz .:-

(a) from a point at or near Conquest on the Company's Moosejaw Branch to a point at or near Asquith or Dunfermline, on the Company's Pheasant Hills branch, or to a point between those two places, in the province of Saskatchewan;

15 (b) from a point at or near Wilkie on the Company's Pheasant Hills branch in a southerly and southeasterly direction to a junction with the Company's Moosejaw branch in township 30, ranges 16 or 17, west of the third meridian, in the province of Saskatchewan;

(c) from a point at or near Kerr Robert on the Company's Moosejaw branch in a northeasterly and easterly direction to a junction with the line described in paragraph (b) in township 38 or 39, range 19 or 20, west of the third meridian in the province of Saskatchewan;

25 (d) from a point at or near Boissevain on the Manitoba and Southwestern Colonization Railway to a point at or near Lauder,

in the province of Manitoba;

(e) from a point on the Company's Crow's Nest branch in section 12, township 9, range 26, west of the fourth meridian, 30 thence westerly along the north side of the Old Man river to a point in section 36, township 7, range 4, west of the fifth meridian, in the province of Alberta;

(f) from a point at or near Tantallon, on its Pleasant Hills branch, to a point at or near Craven on its branch northerly from Regina, in the province of Saskatchewan.

construction limited.

3. The Company may, within two years after the passing of this Act, commence to construct any of the lines of railway authorized by section 2 of this Act, and may, within five years after the passing of this Act, complete any of the said lines of railway; and if, within the said periods, respectively, any such line is not commenced, or is not completed and put in operation, the powers of construction conferred upon the Company by 10 Parliament shall cease and be null and void as respects so much of that line as then remains uncompleted.

Time extended for construction of railways heretofore ! authorized.

4. The Company may, within two years after the passing of this Act, commence to construct, and, within five years after the passing of this Act, complete and put in operation, 15 the following lines of railway which it was authorized to construct by section 3 of chapter 74 of the statutes of 1907, and by section 1 of chapter 54 of the statutes of 1901, as amended by section 4 of chapter 74 of the statutes of 1907, namely:

(a) from a point in townships 32 to 34, ranges 21 to 23, west 20 of the second meridian in a northerly direction into the town

of Prince Albert, a distance of about 130 miles;

(b) from a point on its Pheasant Hills branch in township 39 or 40, range 19 or 20, west of the third meridian in a northerly and westerly direction towards the Battle river, thence 25 westerly through township 43, 44 or 45 to a point in range 5 or 6 west of the fourth meridian, thence southerly and westerly, crossing the said Pheasant Hills branch to a junction with the Lacombe extension of the Calgary and Edmonton Railway in township 36, 37 or 38, range 11, 12 or 13, west of 30 the fourth meridian, a distance of about 180 miles;

(c) from a point in township 6, 7, 8 or 9, range 30, west of the second meridian in a westerly direction to a connection with the Crow's Nest Pass branch between range 16, west of the fourth meridian and Lethbridge, a distance of about 350 35 iniles: Provided, however, that the Company may make the

terminus of the said line at Lethbridge:

(d) from Stonewall or Teulon or a point between those two places or north of Teulon, thence in a direction generally northwest to a point on the east shore of Lake Manitoba between 40

Marsh Point and the north boundary of township 25.

Time for limited.

2. If, within the said periods, respectively, any of the said lines are not commenced, or are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so 45 much of that line as then remains uncompleted.

5. The Company may make the terminus of the branch Terminus of which it was authorized to construct by paragraph (g) of section branch 3 of chapter 74 of the statutes of 1907, namely, its Estevan established. branch, at or near Forward on its Weyburn branch, instead of 5 at a point in township 4, range 22, west of the second meridian. as in the said paragraph (g) of section 3 provided.

- 6. Section 1 of chapter 74 of the statutes of 1907 is amended 1907, c. 74, s. by striking out the word "forty" in the fourth line thereof and substituting therefor the word "fifty."
- 7. The Company may issue bonds, debentures or other Issue of securities to the amount of thirty thousand dollars per mile, constructed or under contract to be constructed, of the lines of railway authorized by this Act.

2. Any such issue shall be made according to the provisions R.S. c. 37. 15 of the Company's Special Act as defined by section 2 of The Rai way Act, and in all respects not inconsistent with those provisions, the provisions of sections 136 (except those of subsection 1 thereof) to 146, both inclusive, of The Railway Act, shall also apply to any such issue.

8. In lieu of the bonds, the issue of which is authorized by Consolidated this Act, the Company, being first authorized so to do by at debenture stock issue. least two-thirds of the votes of the shareholders present or represented at an annual meeting, or at a special meeting of the shareholders duly called for the purpose, may issue con-25 solidated debenture stock to the same amount, the holders of which shall have equal rights in all respects and shall rank pari passu with holders of such consolidated debenture stock as the Company has, prior to the passing of this Act, been

9. Notwithstanding the provisions of subsection 1 of section Approval of shareholders. 361 of The Railway Act as to the approval by shareholders of companies of agreements made pursuant to that section, it shall, in the case of the Company, be sufficient if the shareholders thereof express their approval in accordance with the 35 provisions of section 6 of chapter 47 of the statutes of 1890. relating to the Company.

authorized to issue.

THE HOUSE OF COMMONS OF CANADA.

BILL 108.

An Act respecting the Canadian Pacific Railway Company.

First reading, February 3, 1911.

(PRIVATE BILL.)

MR. MCCRANEY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty

1910-11

# BILL 109.

An Act respecting the Ontario and Minnesota Power Company (Limited).

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to R.S.O., c. grant the prayer of the said petition: Therefore His Majesty, 191; Can. 1905, c. by and with the advice and consent of the Senate and House 139. 5 of Commons of Canada, enacts as follows:-

1. Section 1 of chapter 139 of the statutes of 1905 is amended 1905, c. 139, by adding thereto the following:—"Provided further that if s. 1 amended. Construction the Company has heretofore constructed any works or does here-of works not in construction. after construct any works that are not in accordance with plans in accordance with plans in accordance with 10 approved by the Governor in Council, previous to the construct authorized tion of such works, the Company shall, upon notice so to do by plans. any competent authority hereunder, change or re-arrange any such works in such manner as will give full effect to the plans approved and to directions given, and upon any application

15 of the town of Fort Frances, or the municipality of McIrvine, being made, or upon the hearing of any such application, the Company shall provide for and carry out all necessary work required by the Governor in Council with respect to the use of Power to be mechanical or hydraulic power or electrical energy in Canada, Canada.

20 including, if demanded, the same or similar means of application or as practical means of utilizing such power in Canada from the said development as is used in the United States, so that sufficient and practical facilities for the application of any such power shall be afforded to users in Canada, and

25 the Company shall also execute any work that may be required to regulate the flow of water through or over the said dams and works of the Company, without such interference with Interference the canal, in Canada, as would prejudice navigation above, navigation. below or through the said canal, or upon the said river, or as would render more expensive the completion and operation of

30 the said canal for navigation purposes."

2. Section 2 of the said Act is repealed and the following is New s. 2. substituted therefor:-

Supply of power in Canada.

"2. The Company shall, from the said water power, including any increase thereof by storage upon the said river, or on Rainy Lake, or any of its tributaries, or otherwise, provide not less than the full half of the total power capable of development by the flow of the said waters, and provide mechanical and hydraulic power or electrical energy, for use in Canada, and the Company shall provide and supply such power or electrical energy for use in Canada, from the Canadian portion of the said power, concurrently as it provides such power from the American portion of the said power for use in the United States, so that from 10 time to time, there shall not be less power available for use in Canada than in the United States. And, subject to this Act, mechanical, hydraulic or electrical power shall be delivered in Canada, if demanded, in the same manner as hydraulic or electrical power is supplied from the said development for use in the 15 United States, and the Company shall not discriminate as against Canadian users of the power created by the said development, but shall give practical facilities and opportunities for using any such power in Canada for all purposes for which power can be used and the Canadian portion of the said power 20 shall be furnished and made available for use in Canada as and when demanded."

S. 3 amended. Facilities to Canadian power.

3. Section 3 of the said Act is amended by adding thereto the following words:-"And the Company shall afford to Canadian users of power all practical facilities for using the 25 power in and from its Canadian power house, for all purposes for which power can be used."

New s. 4.

4. Section 4 of the said Act is repealed and the following is substituted therefor:-

Settlement of disputes.

"4. In the case of an application from or on behalf of the 30 town of Fort Frances, or the municipality of McIrvine, regarding the quantity and character of the power the Company shall furnish under this Act for use in Canada, or to have the prices and conditions upon which the Company shall supply mechanical, hydraulic or electrical power in Canada for municipal purposes 35 and for the operation of public utilities, or for the manufacturing of ground wood, pulp, chemical pulp or paper, or for domestic, commercial and manufacturing purposes, the Board of Railway Commissioners for Canada shall hear the applicants and the Company, if it appears, and shall determine the prices that the 40 Company may charge for such power, as well as the manner of service and the conditions upon which the same shall be furnished. In making such application it shall not be necessary for the said town, or municipality, to show that any specific quantity of power is wanted for any of the purposes mentioned. 45 Statement by It shall be sufficient for the said town, or municipality, to show, by a written statement, authorized by the council of the said

town of Fort

town, or municipality, that the definite fixing of prices and conditions as well as the manner of service, is important in the interests of the said town, or municipality, as a means whereby the said town, or municipality, can induce manufacturing concerns to

5 establish works in, or in the vicinity thereof, and in case of any application for any such power by any person or company, other than the said town, or municipality, the said Board shall, Railway in like manner, determine the prices and conditions upon which to decide the Company shall supply the same. And in case of any dispute,

10 at any time, as to the price of mechanical, hydraulic or electrical power in use in Canada, or to be provided for use in Canada, or the methods of supplying the same, or the time within which, or the conditions upon which, the same shall be furnished for use, or any other matter of difference that may arise from time

15 to time between any user of power, or applicant for power, including the said town and municipality, such dispute, notwithstanding the provisions of section 245 of The Railway Act, shall be settled by the said Board."

New s. 5.

5. Section 5 of the said Act is repealed and the following is Diversion to United States 20 substituted therefor:-

"5. None of the mechanical, hydraulic or electrical power to intended for provided under this Act for use in Canada shall be diverted." be provided under this Act for use in Canada shall be diverted or exported to or used in the United States, unless an order has first been obtained from the said Board approving of the said 25 diversion, and the said town, or municipality, shall have two weeks notice in writing of any application for such hearing, and the said notice shall be served upon the clerk of the said town,

6. Section 6 of the said Act is repealed and the following Railway . Commission

and of the said municipality."

30 is substituted therefor: "6. The said Board shall have power to inquire into and authorize diversion. hear and determine any application of the Company for leave to make application under The Electricity and Fluid Exportation Act for a license to divert or export power from Canada. And

35 if the said Board, upon hearing the application, declares by an order that, after full enquiry, it is convinced that there is not a reasonable prospect of the utilization, within a reasonable time, of mechanical, hydraulic or electrical power that is unemployed, though actually available for use in Canada, the said Board may

40 make an order declaring its finding as to the quantity of power Proviso. that might be exported, and may impose such terms and conditions as it may deem expedient: Provided that, if in the opinion of the said Board, the Company has not carried out its obligations under this Act, or otherwise, or if the Company, through

45 its own fault or negligence has retarded the employment of power by Canadian users, the said Board may refuse to make any order relating to the diversion of any portion of the said power for use in the United States.'

THE HOUSE OF COMMONS OF CANADA.

BILL 109.

An Act respecting the Ontario and Minnesota Power Company (Limited).

First reading, February 3, 1911.

(PRIVATE BILL.)

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL 109.

An Act respecting the Ontario and Minnesota Power Company (Limited).

(Reprinted as proposed to be amended in the Miscellaneous Private Bills Committee.)

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to R.S.O., c. grant the prayer of the said petition: Therefore His Majesty, <sup>191</sup>; Can. 1905, c. by and with the advice and consent of the Senate and House <sup>139</sup>. 5 of Commons of Canada, enacts as follows:-

1. Section 1 of chapter 139 of the statutes of 1905 is amended 1905, c. 139, by adding thereto the following:-"Provided further that if s. 1 amended. upon application of the Town of Fort Frances or the Munici- of works not pality of McIrving made under this Act it shall appear that the in accordance with 10 Company has heretofore constructed any works, or does here-authorized after construct any works, that are not in accordance with the plans. plans approved of by the Governor in Council previous to the construction of such works, the Company shall, upon notice so

to do by the Governor in Council or by the Board of Railway 15 Commissioners for Canada, change or re-arrange any such works in such a manner as will give full effect to the plans approved and to any directions, order or ruling made in respect thereto."

2. Section 2 of the said Act is amended by adding the follow- 8. 2 ing thereto:

"And the Company shall, as herein provided, supply not less supply of than half the total power capable of development by the flow power in Canada. of the said waters for use on the Canadian side of the international boundary line, and shall from such portion of the total power provide mechanical or hydraulic power and 25 electrical energy for use in Canada as herein provided and the

Company shall not discriminate as against Canadian users of power from the said power development, but shall give to Canadian users of power from the said development practical facilities and opportunities for using mechanical or hydraulic

30 power and electrical energy in Canada."

amended.

5. 3 amended Facilities to Canadian power.

3. Section 3 of the said Act is amended by adding thereto the following words:-"And the Company shall afford to Canadian users of power all practical facilities for using the power in and from its Canadian power house, for all purposes for which power can be used."

S. 4 amended.

4. Section 4 of the said Act is amended by adding the following thereto:-

Settlement of disputes.

Statement by

town of Fort

Frances.

"In making any application hereunder for the fixing of prices and conditions, methods of delivery, facilities for use, distribution or other regulations in respect to the supply for 10 the Company of mechanical or hydraulic power and electrical energy for use on the Canadian side of the international boundary line, it shall be sufficient for the said town to show by a written statement authorized by the Council of the said town that the definite fixing of the quantity and character of power 15 and of electrical energy which the Company are to furnish for use on the Canadian side of the international boundary line. is important in the interests of the said town as a means whereby the said town can induce manufacturing concerns to establish works in the town or in its vicinity. And in case of an applica- 20 tion hereunder by the said town, the Board of Railway Commissioners for Canada shall hear the applicants and the Company if it appears, and shall determine the price the Company may charge for such power and electrical energy, as well as the manner of service and the conditions upon which the same 25 shall be furnished for the manufacture of ground wood, pulp, chemical pulp and paper, and for other general commercial and manufacturing purposes, and for the operation of proper utilities and mechanical purposes, and generally for such purposes as power and electrical energy are used."

S. 6 amended.

Railway Commission may authorize diversion. Proviso.

5. Section 6 of the said Act is amended by adding the following thereto:-

"Provided that if upon the hearing of any application hereunder the said Board declares by an order that, after full inquiry, it is convinced that there is a reasonable prospect 35 of the utilization within a reasonable time of mechanical hydraulic or electrical power that is unemployed though actually available for use in Canada, the said Board may make an order declaring its finding as to the quantity of power which might be exported, provided that if in the opinion of the said Board 40 the Company has not carried out its obligations under this Act, or otherwise, or if the Company, through its own fault, or negligence, has retarded the employment of power by Canadian users, the said Board may refuse to make any order relating to the diversion of the said power for use in the United 45 States."

The represented that it is incommented by Amptor hall of the statutes of 1909 of Chatario, which said and was accessed to the plant the statutes of 1909 of Chatario, and the statutes of 1909 of Chatario, and has sentent the statutes of Quisclo; under the cases of "The Esterna Matpowers and privileges greated by the said Asie are healty con-

THE HOUSE OF COMMONS OF CANADA.

# BILL 109.

An Act respecting the Ontario and Minnesota Power Company (Limited).

(Reprinted as proposed to be amended in the Miscellaneous Private Bills Committee.)

(PRIVATE BILL.)

MR. CONMEE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# BILL 110.

An Act respecting the Peoples Railway Company.

WHEREAS the Peoples Railway Company has by its petition Preamble.
represented that it is incorporated by chapter 141 of the
statutes of 1909 of Ontario, which said Act was amended by
chapter 149 of the statutes of 1910 of Ontario, and has prayed Ont., 1909,
that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty,
by and with the advice and consent of the Senate and House of
Commons of Canada, enacts as follows:—

- 1. In this Act the expression "the Company" means the Interpreta10 body politic and corporate created by the said chapter 141 of tion.
  the statutes of Ontario, under the name of "The Peoples Railway Company."
- 2. The railway which the Company is authorized to construct Declaratory. under the Acts mentioned in the preamble, is declared to be a 15 work for the general advantage of Canada.
- 3. Nothing in this Act, or in The Railway Act, shall invalidate Powers any action heretofore taken by the Company pursuant to powers contained in the said Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed, subject to the conditions and obligations imposed by the said Acts: Provided that hereafter The Railway Act shall apply R.S., c. 37. to the Company and its said railway to the exclusion of any of the provisions of the said Acts mentioned in the preamble which are inconsistent herewith, and in lieu of any general Railway 25 Act of the province of Ontario.
- 4. The Company may lay out, construct and operate the Lines of railway authorized by the Acts mentioned in the preamble; authorized authorized authorized and if the cons ruction of the said railway is not commenced, and fifteen per cent of the amount of the capital stock of the 30 Company is not expended thereon, within two years of the

Limitation of time for construction.

passing of this Act, or if the said lines of railway are not completed and put in operation within five years of the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Extensions of railway.

5. The Company may also lay out, construct and operate

extensions of its railway as follows:-

(a) From a point east of the village of Arthur in the county of Wellington in a northerly direction to the town of Flesherton in the county of Grey, with lines to the towns of Meaford and 10 Owen Sound, in the county of Grey, and to the town of Collingwood, in the county of Simcoe; also a line from the town of Owen Sound, in the county of Grey, along the shore of the Georgian bay to the towns of Meaford, Collingwood and Midland, in the county of Simcoe;

(b) Fr m a point at or near the city of Woodstock, in the county of Oxford, westerly via the city of London and the town of Strathroy, in the county of Middlesex, the village of Alvinston and the town of Petrolia to the town of Sarnia, in the county of

20

25

Lambton;

(c) From a point at or near the city of Woodstock, in the county of Oxford, southwesterly to the villages of Norwich and Otterville, in the county of Oxford, the village of Waterford, the town of Simcoe and the village of Port Dover, in the county of Norfolk;

(d) From the village of Waterford, in the county of Norfolk, the villages of Hagersville and Caledonia, in the county of Haldimand, to the city of Hamilton, in the county of Went-

worth;

(e) From the village of Otterville, in the county of Oxford, 30 westerly to the town of Tilsonburg, in the county of Oxford, to the town of Aylmer, in the county of Elgin, and the city of St. Thomas to the village of Port Stanley, in the county of Elgin; 35

(f) From the city of Stratford, in the county of Perth, via the town of Mitchell, in the county of Perth, and the towns of Seaforth and Clinton to the town of Goderich, in the county of

Huron:

(g) from the city of St. Thomas, in the county of Elgin, via the city of London, the village of Lucan, in the county of Middlesex, the village of Woodham, in the county of Perth, and the 40 village of Kirkton, in the county of Huron, the town of Mitchell, the villages of Monkton and Atwood, the town of Listowell, in the county of Perth, the towns of Harriston and Mount Forest, in the county of Wellington, connecting with the Company's line of railway at a point in the county of Grey;

(h) From the city of Guelph, in the county of Wellington, to the village of Hespeler, in the county of Waterloo, and to

Puslinch Lake in the county of Wellington.

6. Save as otherwise in this Act specifically provided, the Consent of Company shall not construct or operate its railway along any ties. highway or public place without first obtaining the consent, expressed by byclaw, of the municipality having jurisdiction 5 over such highway or public place and upon terms to be agreed on with such municipality.

7. Notwithstanding anything in the said Act of incorporation Issue of the Company may issue securities in respect of its several securities. undertakings not exceeding the amount of forty thousand 10 dollars per mile of single track, with an additional amount of ten thousand dollars per mile of double track; and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

8. The capital stock of the Company is hereby increased to Increase of 15 five million dollars. No one call thereon shall exceed ten per capital stock. cent on the shares subscribed.

9. The Company may, under the authority of a resolution Preference passed by the ordinary shareholders at any annual meeting, or at a special general meeting duly called for that purpose at 20 which meeting ordinary shareholders representing at least threefourths in value of the subscribed stock of the Company are present, or represented by proxy, issue any portion of its capital stock as preference stock and such preference stock shall have such preference and priority as respects dividends, or otherwise, 25 over ordinary stock as may be declared by such resolution.

2. Holders of such preference stock shall be shareholders Ranking of within the meaning of this Act and of The Railway Act, and shall preference stock holders. in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Acts: Provided,

30 however, that in respect of dividends, or otherwise, they shall as against the ordinary shareholders be entitled to the preference and rights given by such resolution.

10. In connection with its business and for the purposes of Privileges its undertaking, and subject to the provisions of section 247 of in vicinity of railway. 35 The Railway Act, the Company may acquire (but not by expropriation) and develop water-powers, rights, easements and privileges in the vicinity of its railway, and construct, maintain and operate works for the transmission and distribut on of Transmission electricity for light, heat, power or any other purpose in connec- of electric 40 tion with its railway, vessels and other properties and works, power. which may be transmitted and delivered to any place in the municipalities through which the railway is built, and may, subject also to the provisions of said section 247 of The Railway Act,

supply, sell or otherwise dispose of any surplus water, electricity, 45 electric or other power not required for the purposes of the

Rates to be approved by Board of Railway Commissioner:

Approval by Minister. Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

2. No such work shall be constructed until the site and plans 5 thereof have been submitted to and approved of by the Minister

of Public Works.

Consent of municipalities required for telegraph and telephone lines upon highways, etc. 11. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes, 10 or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, a'ong or across any highway or public place without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon 15 terms to be agreed on with such municipality, or to sell, dispose of or distribute electric power or energy within, or for use within, the limits of any municipality, without the consent, expressed by by-law, of such municipality.

Telegraph and telephone lines.

R.S., c. 37.

Contracts with other companies.

Tolls and charges.

R.S., c. 126.

way Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the 25 said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the line of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the 30 transmission of any messages or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may

also revise such tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof 35 as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

Special powers.

Vessels

13. The Company may for the purposes of its undertaking construct, acquire, charter, operate and dispose of steam and other vessels or every kind and description for the conveyance 40 of passengers, goods, and merchandise and for the purpose of engaging in local, interprovincial and international traffic between the termini of the Company's railway and other places in Canada and elsewhere, and may enter into agreements with owners of vessels, boats and ferries for any such purposes 45 and may, subject to *The Railway Act*, levy and collect tolls and

Ferries.

charges for any services connected therewith and construct, acquire, lease and dispose of terminal stations and facilities, wharfs, docks, elevators, warehouses, offices and other structures wharfs, and may carry on the business of forwarding agents, wharf-docks. etc. 5 ingers and warehousemen and, subject to the provisions of The Railway Act as to the taking of lands, and compensation to be made therefor, the Company may take and use such lands as may be required for the purpose of building, main-Lands and taining, supporting and operating the terminal stations and buildings.

10 facilities, buildings, wharfs, docks, elevators, warehouses, offices

and other structures referred to in this section.

construct or acquire and may operate a ferry or ferries from a Sarnia and point in or near the town of Sarnia, in the county of Lambton, Port Huron. 15 across the St. Clair river to a point at or near the city of Port Huron, in the state of Michigan, one of the United States, for the purposes of transporting trains, passengers, goods and merchandise in connection with the business of the Company.

14. The Company may, for the purposes of its undertaking, Ferries

15. In addition to the powers contained in section 7 of this Issue of 20 Act the Company may issue securities for the construction, securities for purposes acquisition, extension or development of any of the properties other railway. or works, other than the railway, which the Company is railway. authorized to construct, acquire or operate under section 10 of this Act, but such securities shall not exceed in amount the 25 actual amount expended upon or in respect of such properties

16. Nothing in this Act, or done under or by virtue of the Saving as to powers hereby granted, shall alter or affect the provisions of any with muniby-law of any municipality heretofore passed relating to the cipalities.

30 Company, or to any portion of the Company's railway, heretofore or hereafter constructed, or contained in any agreement between any municipality and the Company; but all such agreements and by-laws shall continue in full force as between the municipality and the Company as continued and incorpor-35 ated by this Act; and all such by-laws and agreements and all rights, franchises, privileges and exemptions of the Company thereunder are hereby confirmed.

110-2

THE HOUSE OF COMMONS OF CANADA.

# BILL 110.

An Act respecting the Peoples Railway Company.

First reading, February 3, 1911.

(PRIVATE BILL.)

MR. NESBITT.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 111.

An Act to incorporate the Saskatoon and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

- 1. Frank O. Fowler, of the city of Winnipeg, in the province Incorporaof Manitoba, gentleman; Vivien T. Bartram, of the city of tion.
  Toronto, in the province of Ontario, contractor; C. O. Foss,
  of the city of St. John, in the province of New Brunswick,
  10 civil engineer; Howard Pardee, of the city of Philadelphia, in
  the state of Pennsylvania, one of the United States, capitalist,
  and James B. Craven, of the city of New York, in the state of
  New York, one of the United States, engineer, together with
  such persons as become shareholders in the company, are
  15 incorporated under the name of the "Saskatoon and Hudson Corporate
  Bay Railway Company," hereinafter called "the Company."
  - 2. The persons named in section 1 of this Act are constituted provisional directors of the Company.
- 3. The capital stock of the Company shall be two million Capital 20 dollars. No one call thereon shall exceed ten per cent on the stock. shares subscribed.
  - 4. The head office of the Company shall be in the city of Head office. Saskatoon, in the province of Saskatchewan.
- 5. The annual meeting of the shareholders shall be held on Annual meeting 25 the first Tuesday in September.
  - 6. The number of directors shall be not less than five nor Directors. more than nine, one of more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Saskatoon, in the province of Saskatchewan, in a north-easterly direction to Melfort, in the said province, thence north-easterly by the most practicably route 5 to the Pas Mission, a total distance of about two hundred miles.

Special powers.

- Vessels.
- 8. The Company may, for the purposes of its undertaking, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, 10 warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

**9.** For the purposes of its undertaking, and subject to the

Transmission electricity.

and delivery of power and provisions of section 247 of The Railway Act, the Company may acquire, but not by expropriation, electric and other 15 power or energy, and transmit and deliver the same to any place in the district through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall 20

R.S., c. 37.

be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges. 10. Nothing in this Act, or in The Telegraphs Act, shall

Consent of municipalities required and telephone

authorize the Company to construct or operate any telegraph 25 for telegraph or telephone lines, or any other lines for the purpose of distributing electricity for lighting, heating, or other purposes, or disposhighways, &c. ing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the 30 consent, expressed by by-law, of the municipality having juris-

R.S., c. 126.

- Issue of securities.
  - 11. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be 35 issued only in proportion to the length of railway constructed or under contract to be constructed.

diction over such highway or public place, and upon terms

to be agreed on with such municipality.

Issue of securities for purposes other than railway.

12. In addition to the securities authorized by section 11 of this Act, the directors may, under the authority of a resolution of the shareholders passed at any special general meet- 40 ing called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, at their discretion, borrow money for the

Company's purposes, other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock, or other securities, for the acquisition or construction of any such vessels or such works, other than the railway, as the 5 Company is authorized to acquire, construct or operate; but such bonds, debentures, perpetual or terminable debenture stock, or other securities, shall not exceed in amount the value of the vessels or works in respect of which they are issued.

13. The Company may, subject to the provisions of The Telegraphs and telephone Phones and telephone lines upon its railway and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor, and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the pro15 visions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the line of, or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for trans-Tolls and 20 mission of any messages or for leasing or using the telegraphs charges. or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may

also revise such tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof R.S., c. 126. 25 as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company.

14. Subject to the provisions of sections 361, 362 and 363 Agreements of *The Railway Act*, the Company may, for any of the purposes with other specified in the said section 361, enter into agreements with 30 the Grand Trunk Pacific Railway Company, the Canadian R.S., c. 37. Pacific Railway Company and the Canadian Northern Railway Company, or with any of them.

THE HOUSE OF COMMONS OF CANADA.

# BILL 111.

An Act to incorporate the Saskatoon and Hudson Bay Railway Company.

First reading, February 3, 1911.

(PRIVATE BILL.)

MR. CARVELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL 112.

An Act respecting the Storage of Food.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. No person shall keep in storage in any warehouse or other Limitation 5 place of deposit for a longer period than one year any meat, fish, of time for storage poultry, game, butter, eggs, oysters, or other food products of food intended for sale or distribution.
- 2. Whenever, in the opinion of any medical health officer Seizure of or of any inspector of foods, any meat, fish, poultry, game, when deemed 10 butter, eggs, oysters or other food products, kept in storage for a prejudicial period under one year, may not be sold or distributed without prejudice to the public health, the said medical health officer or food inspector shall cause such food products to be seized and destroyed.

The capital stock of the Company shall be one side,

THE HOUSE OF COMMONS OF CANADA.

# BILL 112.

An Act respecting the Storage of Food

First reading, February 3, 1911.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## BILL 113.

An Act to incorporate the Dominion Development Railway Company.

WHEREAS a petition has been presented praying that it Preamble. be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Oliver Otis Howard, of the city of New York, in the Incorpora-United States, capitalist; John G. Kent, manufacturer, William Douglas Balfour, secretary, and Ronald R. Hart, secretary, all of the city of Toronto, and Thomas A. Burgess, barrister-at-law, 10 of the city of Ottawa, all in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Develop- Corporate ment Railway Company", hereinafter called "the Company."

- 2. The persons named in section 1 of this Act are constituted Provisional directors. 15 provisional directors of the Company.
  - 3. The capital stock of the Company shall be one million Capital stock. dollars. No one call thereon shall exceed ten per cent on the shares subscribed.
- 4. The head office of the Company shall be in the city of Head office. 20 Toronto, in the province of Ontario.
  - 5. The annual meeting of the shareholders shall be held on Annual meeting. the first Tuesday in September.
  - 6. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.
- 7. The Company may lay out, construct, and operate a Line of railway railway of the gauge of four feet eight and one-half inches, - described. from a point at or near the mouth of the Naas river, on the

Portland canal, in the province of British Columbia; thence easterly following the course of the said river to its source: thence to a point at or near the source of the Omeneca river: thence following the course of the said Omeneca river to the Peace river; thence following the course of the said Peace river 5 and crossing it at a point at or near Peace river landing: thence easterly, by the most feasible route, through the provinces of Alberta and Saskatchewan and the North-west Territories, to a point at or near Fort Churchill or, in the alternative, to a point at or near Fort Nelson, on the Hudson's Bay, but not running 10 south of the 55th parallel in the said provinces of Alberta and Saskatchewan and the said North-west Territories.

Special powers

Vessels.

8. The Company may, for the purposes of its undertaking. acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and con-15 struct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith.

Transmission and delivery of power and electricity.

**9.** For the purposes of its undertaking, and subject to the provisions of section 247 of The Railway Act, the Company 20 may acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the district through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and 25 collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

R.S., c. 37.

Consent of municipalities required for telephone lines upon highways, etc.

R.S., c. 126.

10. Nothing in this Act or in The Telegraphs Act shall 30 authorize the Company to construct or operate any telegraph telegraph and or telephone lines or any other lines for the purpose of distributing electricity for lighting, heating or other purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, 35 along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Issue of securities for railway.

11. The securities issued by the Company shall not exceed 40 fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

12. In addition to the securities authorized by section 11 of Issue of this Act, the directors may, under the authority of a resolution purposes of the shareholders passed at any special general meeting called other than railway. for the purpose, or at any annual meeting at which shareholders

5 representing at least two-thirds in value of the issued capital stock of the Company are present, or represented by proxy, from time to time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock or

10 other securities for the acquisition or construction of any of such vessels or such works, other than the railway, as the Company is authorized to acquire, construct or operate; but such bonds, debentures perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the

15 vessels or works in respect of which they are issued.

13. The Company may, subject to the provisions of The Telegraphs Railway Act, construct and operate telegraph and telephone telephones. lines upon its rai way and establish offices for and undertake the transmission of messages for the public, and collect tolls 20 therefor, and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies

having telegraph or telephone powers, and may connect its own lines with the line of or may lease its own lines to, any such

25 companies.

2. No toll or charge shall be demanded or taken for the Tolls and transmission of any messages or for leasing or using the tele-charges. graphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who 30 may also revise such tolls and charges from time to time.

3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act or with The Railway Act, shall apply to the telegraphic business of the Company.

14. Subject to the provisions of sections 361, 362 and 363 of Agreements with other 35 The Railway Act, the Company may, for any of the purposes companies. specified in the said section 361, enter into agreements with the Grand Trunk Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway R.S., c. 37. Company, and the Canadian Northern Railway Company, or 40 with any of them.

THE HOUSE OF COMMONS OF CANADA.

# BILL 113.

An Act to incorporate the Dominion Development Railway Company.

First reading, February 7, 1911.

(PRIVATE BILL.)

Mr. Smith, (Nanaimo.)

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 114.

An Act for the Protection of Railway Employees.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. In this Act the word "company" means a railway com- Definition, 5 pany, and includes every such company and any person having "Company." authority to construct or operate a railway.
- 2. Every company engaged in constructing or repairing Construction railway cars, trucks or other railway equipment shall erect and of shelters maintain a building or shed at every station or other point where employees.

  10 as many as five men are regularly employed on such construction or repair work, the building or shed to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks or other railway equipment, shall be sheltered and protected from rain, wind and 15 other inclement weather.
- 3. This Act shall not apply at places where less than five Exceptions. men are regularly employed in the repair service, nor at division terminals or other points where it is necessary to make light repairs only on cars, nor to cars when trains are being held 20 for the movement of the said cars.
- 4. Any company violating any provisions of this Act shall be Controvenguilty of an offence and liable to a penalty of not less than one hundred dollars for each day during which such violation continues, and the said penalty may be recovered on summary 30 conviction before two or more justices of the peace, or before a Penalty. police magistrate, a stipendiary magistrate, or any person having the power or authority of two or more justices of the peace.

THE HOUSE OF COMMONS OF CANADA.

BILL 114.

An Act for the Protection of Railway Employees.

First reading, February 8, 1911.

Mr. Smith, (Nanaimo.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 116.

# An Act to amend the Telegraphs Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section 39 of The Telegraphs Act, chapter 126 of the R.S., c. 126. 5 Revised Statutes, 1906, is repealed and the following is substi- New s. 39. tuted therefor:

"39. In this Part,-

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"(a) 'Minister' means the Minister of the Naval Service;

"(b) 'ship station' means any radiotelegraph station estab- "Ship lished on board a ship which is not permanently moored; station."

"(c) 'coast station' means any radiotelegraph station which is "Coast established on land or on board a ship permanently moored station." and which is used for transmitting messages to and receiving messages from ships at sea."

2. The said Act is amended by adding the following sections sections added. immediately after section 46:-

"47. From and after the first day of one Certain thousand nine hundred and no steamer, whether registered in Canada or not, carrying passengers and carrying fifty with radio-telegraphic attempt to leave any Canadian port unless such steamer is equipped with an efficient apparatus for radiotelegraphic communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred

25 and fifty miles by night or by day, and in charge of a person fully qualified to take charge of and operate such apparatus.

"2. The owner, master or other person in charge of any steamer Penalty for which leaves or attempts to leave any Canadian port contrary contravention to the provisions of this section by to the provisions of this section shall, upon summary conviction,

30 be liable to a fine not exceeding one thousand dollars and costs, and such fine and costs shall constitute a lien upon such steamer.

"3. This section shall not apply to steamers plying between Certain ports not more than two hundred miles apart.

vessels excepted.

Regulations.

"48. The Minister may make regulations to-

"(a) compel any specified coast stations to transmit messages to and receive messages from any specified ship stations, in accordance with such regulations.

in accordance with such regulations;

"(b) compel any specified ship stations, within the territori 1 5 waters of Canada, to transmit messages to and receive messages from other specified ship stations, and to and from specified coast stations, in accordance with such regulations;

"(c) compel all Canadian ships, wheresoever they are, to ex-10

change messages in accordance with such regulations;

"(d) provide how radiotelegraph apparatus installed upon any foreign or British ship (whether such British ship is registered in Canada or elsewhere) shall be operated while such ship is within the territorial waters of Canada.

Penaltie-.

"2. The Minister may, by regulation, authorize the imposition of a penalty not exceeding fifty dollars and costs for the violation of any regulation made under this Part, and any such penalty may be recovered upon summary conviction.

Regulations to carry out Part. "49. The Minister may make regulations for carrying out 20 the provisions of this Part."

An Act to amend the Telegraphs Act.

First reading, February 13,

1911.

BILL 116.

HE HOUSE OF COMMONS OF CANADA. Session, 11th Parliament, 1 George V., 1910-11

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

MR. BRODEUR

#### THE HOUSE OF COMMONS OF CANADA.

#### BILL 117.

An Act to amend the Inspection and Sale Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Inspection and Sale Act, chapter 85 of the Revised R.S., c. 85. 5 Statutes, 1906, is amended by inserting the following section Section added. immediately after section 168:—

"168A. When flour or meal is sold or offered for sale by the Flour or meal bag, there shall be plainly stamped or marked on the bag,—
"(a) the name of the manufacturer or packer;

Flour or meal sold by bag to be stamped.

"(b) the address of the manufacturer or packer; "(c) the weight of the contents of the bag; and

"(d) the weight of the tare of the bag."

THE HOUSE OF COMMONS OF CANADA.

BILL 117.

An Act to amend the Inspection and Sale Act.

First reading, February 13, 1911.

MR. STANFIELD.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 118.

An Act to amend the Canada Shipping Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (c) of subsection 1 of section 477 of The Canada R.S., c. 113, 5 Shipping Act, chapter 113 of the Revised Statutes, 1906, is amended by adding the words "and coal barges under tow" Exemptions after the word "steam" in the first line thereof.

THE HOUSE OF COMMONS OF CANADA.

BILL 118.

An Act to amend the Canada Shipping Act.

First reading, February 16, 1911.

Mr. McLean, (Sunbury and Queens.)

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## BILL 122.

# An Act respecting Sewage.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Sewage Act.

Short title.

2. No person or corporation shall deposit or cause to be Deposit of deposited any sewage or refuse of any kind in any river or stream. sewage in rivers

prohibited.

3. Any person who violates the provisions of section 2 of Penalties. this Act shall be guilty of an indictable offence and be liable, on Violation conviction, to a fine not exceeding one hundred dollars for each by person.

10 day during which such violation continues; and any corporation By corporation. which violates the provisions of the said section shall be guilty of an indictable offence and be liable, on conviction, to a fine of not less than two hundred dollars and not more than one thousand dollars for each day during which such violation continues.

4. This Act shall come into force by proclamation of the Commence-ment of Act. Governor in Council.

THE HOUSE OF COMMONS OF CANADA.

BILL 122.

An Act respecting Sewage.

First reading, February 22, 1911.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

# BILL 124.

An Act relating to the water in the Railway Belt and Peace River block of land.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

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1. This Act may be cited as The Railway Belt Water Act. Short title.

2. In this Act, unless the context otherwise requires,—Definitions.

(a) "domestic purposes" means and includes household, "Domestic sanitary and fire protection purposes and the purpose of purposes." watering live stock;

(b) "municipal purposes" means and includes the supply of "Municipal water to any city, town, village or locality, whether incorporated, purposes and street sprinkling:

(c) "irrigation purposes" means and includes the use of "Irrigation water for all agricultural and horticultural purposes and purposes." the sale or barter of water for such purposes by any person or municipality;

(d) "steam and manufacturing purposes" means and "Steam and includes the use of water for the production of steam for manufacturing working railways, steam factories and other machinery purposes." propelled by steam or for any manufacturing or industrial process;

(e) "power purposes" means and includes the use of water "Power for generating power for any purposes whatever, and in-purposes." cludes the storage, transmission, application, distribution and sale or barter of such power or of electricity obtained by means of such power for any purpose whatever;

(f) "mining purposes" means and includes the use of water "Mining for any purpose in connection with the developing or working of a mine, but does not include the sale or barter of water for any such purposes;

(g) "lumbering purposes" means and includes the clearing, "Lumbering control and use of lakes, rivers, streams, creeks and other purposes." waters in so far as may be necessary for driving and storing logs and other timber;

"Minister."

'Railway Belt.

(h) "Minister" means the Minister of the Interior;

(i) "Railway Belt" means the lands granted to the Crown in the right of Canada by sections 2 and 7 of chapter 14 of the statutes of British Columbia of 1884 for the purpose of constructing and to aid in the construction of the Canadian 5 Pacific Railway;

"Riparian proprietor." (j) "riparian proprietor" means a person lawfully occupying lands adjoining and bordering upon any lake, river, stream, creek or other body of water or waterway within the Railway Belt;

"Works."

(k) "works" means and includes all dykes, dams, weirs, flood-gates, measuring devices, breakwaters, drains, ditches, canals, basins, reservoirs, tunnels, bridges, culverts, crib, embankments, headworks, flumes, aqueducts, pipes, pumps, and all contrivances for holding, carrying or conducting 15 water, and the power-houses and other buildings and structures required in connection with the development or utilization of water power and all contrivances for holding or carrying transmission wires or pipes and all other works which are authorized to be constructed under this Act or 20 under any regulation made pursuant thereto.

Confirmation to Crown of ownership of all waters.

3. The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, spring, creek, ravine, cañon, lagoon, swamp, marsh, or other water within the Railway Belt shall for all purposes be deemed to be vested in 25 the Crown, unless and until and except only so far as some right therein or in the use thereof inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established.

Exclusive right to water not vested in grantee.

2. No grant made by the Crown of lands in the Railway 30 Belt or of any interest therein shall vest in the grantee any exclusive or other right, title or privilege in, to or in respect of any river, stream, watercourse, lake, spring, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, or in, to or in respect of the bed or shores of any such river, stream, water- 35 course, lake, spring, creek, ravine, cañon, lagoon, or other body of water, saving only the right of every grantee to appropriate in the ordinary manner so much of the water as to which he is a riparian proprietor as may be reasonably necessary for his domestic purposes.

Exception as to water for domestic 1 purposes.

> 4. No right to divert, or, except for domestic purposes, to use any water from any river, stream, watercourse, lake, creek, spring, ravine, cañon, lagoon, swamp marsh or other body of water or to the use of any land or shore underlying or adjacent to any water within the Railway Belt shall be granted or acquired 45 otherwise than by license under regulations made pursuant to this Act.

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No right to divert water without , license.

5. All such licenses shall be issued with due regard to the pur- Licenses to poses for which they are required and according to the following use water. order, except in so far as such order is varied by regulation or by direction of the Minister: First, licenses for domestic purposes; Purposes and 5 second, licenses for municipal purposes; third, licenses for order of licenses. irrigation purposes; fourth, licenses for steam or manufacturing purposes; fifth, licenses for power purposes; sixth, licenses for mining purposes; seventh, licenses for lumbering purposes.

6. Any person having a license under this Act to take, divert, Powers of 10 store, use, distribute or sell water or power or electricity gener- licensee. ated for any purpose from water, may take and acquire any lands or easements or any rights or privileges with respect to lands or affecting riparian rights which may be reasonably required in connection with the taking, diversion, storing, using,

15 distributing or disposing of such water, power or electricity: Provided that no such lands, easements, rights or privileges shall Proviso as to be compulsorily taken or acquired unless or until the person acquisition of desiring to take or acquire the same has first obtained the lands. approval of the Governor in Council in such manner and sub-20 ject to such conditions as may be prescribed by regulations

made pursuant to this Act.

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2. In and for all purposes connected with the taking or Application acquiring of any lands, easements, rights or privileges so author- of R.S., c. 37. ized to be acquired or taken the provisions of The Railway Act

25 as to the taking, acquiring or using of lands and making compensation for lands shall apply as nearly as may be and so far as applicable and not inconsistent with this Act or with regulations made thereunder.

3. For the purpose of the acquisition by His Majesty of any Acquisition 30 lands or of any rights or privileges connected with lands or any by interest therein or of any works required in connection with the R.S., c. 143. taking, diversion, storing, using, distribution or disposal of water, power or electricity, The Expropriation Act shall apply, so far as applicable and not inconsistent with this Act or with

35 regulations made thereunder, and any powers which by The Expropriation Act are conferred upon a Minister may be exercised by the Minister of the Interior.

7. The Governor in Council may make regulations—

(a) for the issue of licenses for the storing or use of water, and Issue of for the use and occupation of the beds and shores of the waters aforesaid and for the construction of works in connection with the use of water in the Railway Belt;

(b) for regulating the order and priority to be observed in the Order of issue of licenses for the various purposes named in this Act; (c) prescribing the several forms in which the licenses shall Forms,

be issued, the terms and conditions upon which they fees. shall respectively be granted, and the payments, fees,

charges, rents, royalties and dues to be paid by the applicants for and by the holders of such licenses;

(d) for preventing the use or occupation of any of the beds, shores or waters aforesaid, except as authorized under this

(e) for the determination, recognition and confirmation of existing rights, records, powers, privileges and priorities which have been exercised or enjoyed by any person;

(f) for defining the powers, duties and jurisdiction of any officers or persons necessary to give effect to this Act; 10

(g) for carrying out this Act.

Preventing unauthorized

Existing rights, records and priorities.

Powers and

jurisdiction of officers.

Carrying out of Act.

An Act relating to the water in the Railway Belt and Peace River block of land.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

MR. OLIVER

First reading, February 23, 1911.

3rd

Session, 11th Parliament, 1 George V., 1910-8

THE HOUSE OF COMMONS

OF CANADA.

124.

#### BILL 129.

# An Act respecting Baggage Smashing.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. This Act may be cited as The Baggage Smashing Act.

Short title.

2. Every one is guilty of an offence and liable, on summary Damage to conviction before a magistrate, stipendiary magistrate or any baggage, wilfully or one justice of the peace having the power to do alone such acts through as are usually required to be done by two or more justices, to negligence. a penalty not exceeding fifty dollars over and above the value

10 of the baggage destroyed or damaged or to one month's imprisonment with or without hard labour, or to both, who wilfully or through negligence destroys or damages any trunk, valise, satchel, box or other baggage when handling such baggage for Penalty. transportation by railway, vessel, vehicle or any other means 15 of conveyance used by common carriers.

3. When the person found guilty of a violation of the pro- Employee of visions of section 2 of this Act is an employee of any corporation a corporation or company. or company the magistrate, stipendiary magistrate or justice may convict such corporation or company of the offence and 20 find it liable for the actual damages caused; the employee, in such case, being held liable only for the penalty.

4. This Act shall come into force by proclamation of the Commence Governor in Council.

THE HOUSE OF COMMONS OF CANADA.

BILL 129.

An Act respecting Baggage Smashing.

First reading, February 24, 1911.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

# BILL 132.

An Act to correct certain clerical errors in the French version of the Inland Revenue Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The French version of section 252 of The Inland Revenue R.S., c. 51, 5 Act, chapter 51 of the Revised Statutes, 1906, is amended corrected. by substituting "quatre" for "huit" in the thirty-first line of the said section; and the French version of section 356 of the said Ss. 252 and Act is amended by inserting after "loi" in the sixth line thereof the words "est coupable d'un acte criminel et."

THE HOUSE OF COMMONS OF CANADA.

BILL 132.

An Act to correct certain clerical errors: the French version of the Inlar Revenue Act.

First reading, March 3, 1911.

MR. TEMPLEMAN.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL 146.

#### An Act to amend the Interest Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Interest Act, chapter 120 of the Revised Statutes, R.S., c. 120 5 1906, is amended by inserting the following section immediately amende Section after section 10:-

"10A. Whenever any principal money, interest or other Conditions money is secured by mortgage made or renewed by renewal or upon which

extension agreement after the first day of April, nineteen may redeem the mortgage desires to pay off or redeem the mortgage before it falls due he may pay or tender to the person entitled to receive the money all moneys owing and unpaid on the mortgage and in addition three months further interest, calcustime of the person of this Activities of the person of the person of the person of this Activities of the person o

15 lated under the provisions of sections 6, 7, 8 and 9 of this Act, time of payment. if the mortgage has not more than two years to run from the time of making such payment or tender, or, if the mortgage has more than two years to run, an additional sum of one month's further interest for each additional year or part of year, such

20 payments of further interest not in any case to exceed six months interest calculated as aforesaid, and thereafter, notwithstanding any stipulation to the contrary in the mortgage or renewal, no further interest shall be chargeable, payable or recoverable at any time on the said principal money, interest or

25 other money so secured under the mortgage: Provided that Proviso. nothing in this subsection shall apply to any debenture issued by any joint stock company or corporation for the payment of which security has been given by way of mortgage,

2. Section 11 of the said Act is amended by striking out the S. 11 30 words "five sections last preceding" in the first line thereof amended.

Application Applica and substituting therefor the words and figures "sections of Art. 6, 7, 8, 9 and 10, of this Act."

THE HOUSE OF COMMONS OF CANADA.

BILL 146.

An Act to amend the Interest Act.

First reading, March 20, 1911.

MR. STAPLES.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majes
1910-11

#### BILL 150.

An Act to authorize the Government of Canada to acquire, by lease, a certain line of railway in the Province of New Brunswick.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Governor in Council is authorized to enter into a Authority to 5 contract with any railway company already authorized, or lease a certain which may be hereafter authorized by law, to construct a line of railway in the railway from a point on the line of the National Transcontinental province of New Railway at Grand Falls, in the county of Victoria, to the city of Brunswick. St. John, in the province of New Brunswick, a distance of

10 about two hundred and twenty miles, the principal and interest of the bonds of which railway company, pursuant to the provisions of chapter 6, of the statutes of the province of New Brunswick, 1910, the Government of the province of New Brunswick has guaranteed, or may guarantee, to the extent of

15 twenty-five thousand dollars per mile, and with the Government of the province of New Brunswick, for the leasing of the said line of railway, with its appurtenances and rolling stock when completed and equipped with initial rolling stock, for the operation, including the supply of additional rolling stock

20 from time to time sufficient to handle the traffic as it may arise, maintenance, upkeep and repair by the Government of Canada, as part of the Government Railway System of Canada, for a period of ninety-nine years and for the payment by the Government of Canada to the said province of New Brunswick,

25 or to the said company, each year during the said term of ninety-nine years, of the forty per centum of the gross earnings of the said railway as or in the nature of rental thereof: Pro- Contract to be vided, however, that the said contract shall be entered into only approved and upon the condition that the said railway be constructed upon required.

30 plans and specifications to be approved of by the Governor in Council upon the recommendation of the Minister of Railways and Canals, and shall be up to the general standard of the said National Transcontinental Railway through the said province:

Authority to operate railway in sections.

Provided further that the Governor in Council shall be authorized to enter into a contract as aforesaid, for the operation of the said railway in sections, when completed and equipped as follows:—

(1). From Fredericton to Woodstock;

(2). From Fredericton South a distance of forty miles;

(3). Each twenty-five miles thereafter, until the line be completed and equipped from Grand Falls to St. John.

contract with any reliver company attendy authorize which may be hereafter authorized by law, to construct a

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THE HOUSE OF COMMONS OF CANADA.

3ILL 150

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An Act to authorize the Government Canada to acquire, by lease, a certa line of railway in the Province of No.

Brunswick.

First reading, March 20, 1911.

MR. GRAHAM

OTTAWA

Printed by C. H. PARMELES

Printer to the King's most Excellent Majest
1910-11

50.

3rd Session, 11th Parliament, 1 George V., 1910.

## BILL 154.

An Act to amend the Inspection and Sale Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section 321 of *The Inspection and Sale Act*, chapter 85 of R.S., c. 85, s. 5 the Revised Statutes, 1906, is amended by adding thereto the <sup>321 amended</sup>. following subsection:—

"2. Any person who marks or causes to be marked a wrong Improper name, or the name of any person or firm other than the one who marking of actually packs the package, on any fruit package shall be guilty 10 of an offence."

2. Section 325 of the said Act is amended by striking out the s. 325 words "for export" in the first line thereof.

3. The said Act is amended by adding immediately after section section 327 thereof the following:—

15 "327A. This Act shall apply to all fruit packed and offered Application for sale, either wholesale or retail, in Canada."

THE HOUSE OF COMMONS OF CANADA.

BILL 154.

An Act to amend the Inspection and Sale Act.

First reading, March 24, 1911.

MR. LEWIS.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

# BILL 155.

An Act to amend the Canada Shipping Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act, the expression "the principal Act" means R.S. c. 113 5 The Canada Shipping Act, chapter 113 of the Revised Statutes, "Principal 1906

2. Section 2 of the principal Act is amended by adding S. 2 amended.

thereto the following paragraph:—

"(g) 'light water line' means the line described by the sur-"Light
10 face of the water on the hull of the ship when she is in a light water line."
or unladen condition, but with her necessary equipment on board."

Explinatory Note.—This definition is necessary owing to the new section 100 in Part II, and section 566 in Part VII, where the term 'light water line' is used.

3. Section 1 of chapter 65 of the statutes of 1908 is repealed News. 4.

and the following is enacted as section 4 of the principal Act:—

"4. The Governor in Council may make regulations with Regulations respect to the manner in which ships belonging to His Majesty for registering (other than ships for the Naval Service, not being ships employed of His in the service of either the Fisheries Protection, Hydrographic Majesty. Survey, Tidal Observations or wireless telegraphy), may be

20 registered as British ships; and this Part, subject to any exceptions and modifications which may be made by order in council, shall apply to such ships registered in accordance with Application those regulations as if they were registered in accordance with of Part. this Part."

Explanatory Note.—This section is not intended to apply to vessels belonging to the Naval Service and the amendment (within brackets) is intended to make this quite clear.

25 4. Section 18 of the principal Act is amended by substituting S. 18 the words "the Minister," for the words "the Governor in Council," in the eighth and eleventh lines of the first subsection and in the second line of the second subsection.

Explanatory Note.—This change is intended to facilitate action on application of the law concerning the registration of wrecked ships. At present such registration requires to be directed by the Governor in Council.

S. 27 amended.

Names of ships. 5. Section 27 of the principal Act, as amended by section 2 of chapter 65 of the statutes of 1908, is repealed and the following section is substituted therefor:—

"27. The following rules shall be observed with respect to the names of ships registered in Canada under this Part:—

(a) A ship shall not be described by any name other than that by which she is, for the time being, registered;

(b) A change shall not be made in the name of a ship without the previous written permission of the Minister;

(c) The Minister may, by regulations to be confirmed by 10 the Governor in Council and published in *The Canada Gazette*, determine the cases in which, and define the conditions and requirements upon the compliance of which

any such permission shall be granted;

(d) Application for said permission shall be made in writing 15 and the Minister, upon having satisfied himself that the applicant has complied with the provisions of the law and the conditions and requirements of the regulations thereunder may, if he finds said application to be reasonable, entertain it and, thereupon, require a notice thereof to be published in such form and manner as he thinks fit:

(e) On permission being granted to change the name of a ship, said ship's name shall forthwith be altered in the register book, in the ship's certificate of registry and on 25

her bows and stern;

(f) If it is shown to the satisfaction of the Minister that the name of any ship has been changed without his permission, he shall direct that her name be altered into that which she bore before the change, and the name shall be 30 altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly;

(g) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of the previous register (proof whereof shall lie on him), shall apply to 35 register, and no registrar shall knowingly register, the ship, except by the name by which she was previously registered, unless with the previous written permission

of the Minister;

(h) Where a foreign ship, not having at any previous time 40 been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register, the ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the previous written permis-45 sion of the Minister;

(i) The Minister may, by regulations to be confirmed by the Governor in Council and published in *The Canada Gazette*, determine and define the mode of the procedure to be followed, by persons intending to register a ship, in connection with the name under which they propose to have the same registered;

(j) The Minister may refuse the registry of any ship by the name by which it is proposed to register that ship, if it is already the name of a registered British ship, or a

name so similar as to be calculated to deceive;

(k) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Minister, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be"

Explanatory Note.—The section as redrafted is the reproduction of the Merchant Shipping Acts, 1894 to 1906, with the exception that for its application, the Minister is substituted for the Board of Trade. The Minister is given the power to make regulations with respect to the procedure to be followed with regard to the registration of a ship's name or to the changing of same.

6. Section 28 of the principal Act is repealed.

S. 28 repealed.

Explanatory Note.—This section is inserted in section 67, as redrafted.

7. Section 67 of the principal Act is repealed and the follow- New s. 67.

20 ing is substituted therefor:

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"67. Every person who violates, or suffers any person under violation of his control to violate, any of the provisions of this Part, or of rules. regulations made thereunder, with regard to the names of ships registered in Canada, or who omits to do, or suffers any 25 person under his control to omit to do, anything required by such provisions or regulations, shall, for each offence, incur a penalty not exceeding four hundred dollars; and (except in Detention of

the case of an application being made with respect to a foreign ship which, not having at any previous time been registered 30 as a British ship, has become a British ship) the ship may be detained by any registrar or any principal officer of Customs until such provisions and regulations have been complied with."

Explanatory Note.—This amendment is consequent upon the new section 27 as above suggested.

S. Section 96 of the principal Act as amended by section 5 of S. 96
35 chapter 65 of the statutes of 1908, is amended by striking out the words "from the Minister" in the fifth line thereof, and by Master's inserting the words "from the Minister" in the fifth line of paragraph (a) of the said section after the word "description;"

Explanatory Note.—This is merely a verbal amendment to make the construction of paragraphs (a) and (b) similar.

S. 100 amended.

9. Section 100 of the principal Act, and section 7 of chapter 65 of the statutes of 1908, are repealed, and the following is enacted as section 100 of the principal Act:—

Exceptions as to certified officers.

"100. The foregoing provisions as to masters and mates shall not apply to pleasure yachts or to steamboats of not more 5 than twenty-nine feet in length at the light water line, or to ships employed solely in fishing, or to barges or other vessels having neither masts, sails, nor rigging, and not being steamships."

Explanatory Note.—The intention is to change the standard of measurement (see amendment to s. 566).

S. 381 amended. 10. Section 381 of the principal Act is amended by adding 10

thereto the following as subsection (c):—

"'(c) the expression 'year', when used in this Part in relation to the duty thereby imposed, means the calendar year commencing on the first day of January and ending on the thirty-first day of December."

Explanatory Note.—This definition is to make clear what is the interpretation to be given to the term "year" with regard to payment of the duty.

S. 388 amended. 11. Section 388 of the principal Act is amended by substituting the word "each" for the word "one", in the third line of sub-section 2.

N.B. - See note under section 381 above.

New s. 393.

**12.** Section 393 of the principal Act is repealed and the following is substituted therefor:—

Collector to account quarterly to Minister. "393. Every collector or other chief officer of the Customs shall transmit quarterly, on the thirtieth day of June, on the thirtieth day of September, on the thirty-first day of December and on the thirty-first day of March, in each fiscal year, to the Minister, accounts of the sums received by him and paid over 25 to the Minister of Finance under this Part."

Explanatory Note.—This amendment is in view of fixing the dates conformable to the actual fiscal year. As it is now, the dates are still as previously fixed in conformity with the fiscal year when it closed on the thirtieth day of June.

S. 396 amended. 13. Section 396 of the principal Act is amended by striking out the word "calendar", in the sixth line of the second subsection.

Explanatory Note. - This expression is not necessary with the suggested definition of the term "year".

S. 398 amended. Sick mariners.

14. Section 398 of the principal Act is amended by striking 30 out the first and second lines thereof the words "by warrant under his hand."

Explanatory Note.—There is no object in obtaining a warrant for this purpose. The words proposed to be omitted are unnecessary.

15. Section 399 of the principal Act is amended by adding at S. 399 the end thereof the words "or towards the conveyance to such amended. place, as he deems advisable, of any destitute seaman."

Explanatory Note. - The purpose of this amendment is to enable the Governor in Council to authorize the payment of transportation expenses of sick seamen in hospital, whose diseases are incurable but not necessarily fatal.

16. The principal Act is amended by inserting the following Section

5 section immediately after section 400 thereof:

"400A. The Governor in Council may pay out of the appro-Funeral priation for wrecked and distressed seamenn, towards defraying expenses of the funeral expenses of any person entitled to the benefits of mariners. the sick mariners' fund, and proved to his satisfaction to have

10 died destitute in a port of any province in which the duty fixed by this Part is levied and collected, an amount not exceeding twenty-five dollars."

Explanatory Note.—The Department of Marine and Fisheries is called upon from time to time to defray the burial expenses of destitute seamen. There is at present no statutory authority for such expenditure. The amendment will provide

17. Section 405 is repealed and the following substituted News. 405. therefor :-

"405. Every such account shall be supported by vouchers, Vouchers to therein distinctly referred to by numbers corresponding to the and accounts numbering of the items in such account, and shall be made up attested. to and closed on the thirtieth day of June, thirtieth day of September, thirty-first day of December and thirty-first day of

20 March, in each fiscal year during which such expenditure is made, and shall be attested before a judge of a superior court or a justice of the peace, and shall be transmitted to the Minister within ten days next after the expiration of the said periods respectively.

N.B.—See note under section 393 above.

18. Paragraph (e) of section 409 of the principal Act, is S. 409 repealed and the following is substituted therefor:

"(e) 'licensed pilot' means a pilot holding from the pilotage "licensed" authority of a pilotage district a license authorizing him to pilot pilot.

ships within certain limits, as therein specified, and includes a 30 'branch pilot' and, except as regards contribution to, adminis- "branch tration of and benefit to be derived from the pilot fund, a "licensed 'licensed apprentice'."

apprentice"

2. Section 409 of the principal Act is amended further by adding thereto the following, as paragraphs (p) and (q) thereof:

"(p) 'dumb barge' means any vessel used in navigation and "dump," having no means of propulsion other than by being towed, and barge. includes rafts and booms or other floating property having no other means of propulsion.

"continuous voyage.

"(q) 'continuous voyage' means an uninterrupted passage of a ship through the pilotage districts of Montreal and Quebec, or from any point in either of them to any point in the other."

Explanatory Note.—These are mere definitions of terms used in the amendments submitted with regard to the introduction of compulsory pilotage in the pilotage districts of Montreal and Quebec.

S. 410 amended.

Application of Part.

19. Section 410 of the principal Act is amended by striking out the first line thereof and substituting therefor the words 5 "This Part applies to every ship other than,—"

Explanatory Note. - The intention is to make a positive instead of a negative statement as to what ships Part VI shall apply.

New s. 411.

20. Sections 411 and 412 of the principal Act are repealed and

the following is substituted therefor:-

Pilotage district of Quebec.

"411. The pilotage district of Quebec shall comprise the river Saguenay and that part of the river St. Lawrence extending 10 from an imaginary line drawn from the northeastern end of the Harbour Commissioners' wharf, on the north shore, to Point Levis on the south shore, both situated in the Harbour of Quebec, to an imaginary line drawn from Father Point, on the south shore, to the eastern anchorage ground under Cape Colombier, 15 on the north shore."

Explanatory Note.—This section enacts the changes in the limits of the pilotage district of Quebec, as adapted to the actual requirements of the pilotage practice.

New s. 414.

21. Section 414 of the principal Act is repealed and the

following is substituted therefor:

Pilotage district of Montreal

"414. The pilotage district of Montreal shall comprise that part of the river St. Lawrence extending from the Harbour of 20 Montreal, inclusively, to an imaginary line drawn from the northeastern end of the Harbour Commissioners' wharf, on the north shore, to Point Levis, on the south shore, both situated in the Harbour of Quebec."

Explanatory Note. - This section enacts the changes in the limits of the pilotage district of Montreal, and is consequent upon the section amending the pilotage district of Quebec, and is in conformity with the actual requirements of the pilotage

S. 433 amended.

**22.** Paragraphs (d), (e), (f) and (h) of section 433 of the 25 principal Act are repealed and the following are substituted therefor:-

Licenses and certificates.

"(d) license pilots and apprentices, and, except in the pilotage districts of Halifax and St. John, grant certificates to masters and mates to act as pilots, as hereinafter pro- 30 vided;

conditions of licenses and certificates.

(e) fix the terms and conditions of granting licenses to pilots and apprentices, and, except in the pilotage districts of Halifax and St. John, the terms and conditions of granting such pilotage certificates, as are in this Part mentioned, to 35 masters and mates, and the fees payable for such licenses

and certificates and to regulate the number of pilots and

licensed apprentices;

(f) make regulations for the government of the licensed Regulations pilots, and masters and mates, if any, holding certificates for government from such pilotage authority, and for ensuring their good of pilots. conduct and constant attendance to the effectual performance of their duty on board and on shore, and for the government of apprentices, and (elsewhere than in the pilotage district of Quebec) determine and regulate the number

of such apprentices;

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(h) fix and alter the mode of remunerating pilots and appren- Fix and alter tices licensed by such authority, and the amount and pilotage dues. description of such remuneration, and the person or authority to whom the same shall be paid, subject to the limitation respecting the pilotage district of Quebec in the next following section contained;

Explanatory Note.—These amendments are suggested in order to give power to the pilotage authority to license apprentices in the pilotage district of Quebec and to grant certificates to masters and mates in the pilotage districts of Montreal and Quebec. As a consequence, these amendments give power to such pilotage authority to fix the terms and conditions for the granting of licenses and certificates, to make regulations for the government of licensed apprentices and certificated masters and mates, and to fix and determine the mode and the amount of remuneration to licensed apprentices.

23. Section 435 of the principal Act is repealed and the fol- New s. 435.

lowing is substituted therefor:-

"435. The license granted an apprentice within either of Second class 20 the pilotage districts of Montreal and Quebec shall be a second pilotage for class license, entitling the holder thereof to offer his services to apprentices. pilot, and to pilot, if requested so to do, any ship of the class therein specified.

"2. Such second class license shall remain in force until the Duration 25 holder thereof becomes qualified to be licensed as pilot, unless

withdrawn or suspended for cause.

Explanatory Note.—The amendment to section 433 extends the power for the pilotage authority to license apprentices in the Quebec district. This amendment determines what class of license shall be granted to an apprentice and limits the duration of such license and fixes the powers conferred on the apprentice to whom it is granted. The amendment enacts the application of the law to the pilotage districts of Montreal and Quebec.

24. Section 442 of the principal Act is amended by adding s. 442 thereto the words "subject to the power for the pilotage au-amended. thority to grant any such apprentices a second class pilotage Apprentice indenture. 30 license."

Explanatory Note. - Amendment consequent upon the powers conferred by section 433 to grant licences to apprentices. This explanatory note applies also to the following sections: 445, 448, 456, 458, 460, 463, 470, 513, 517, 520, 521, 522, 524, 530, 544, 546, 547, 548, 553, 558, 559.

25. Section 445 of the principal Act is amended by inserting, S. 445 after the word "pilot", in the first line thereof, the words "and apprentice,"; and by inserting after the word "pilot" in the registration.

second, fourth and fifth lines of subsection 4 thereof the words "or apprentice".

N. B. - See explanatory note to section 442.

S. 448 amended. Retain licenses. 26. Section 448 of the principal Act is amended by inserting after the word "pilot", in the first and fourth lines thereof, the words "or apprentice".

N.B.-See explanatory note to section 442.

S. 450 amended. 27. Section 450 of the principal Act is amended by striking out the words "branch pilot or", in the first line thereof.

Explanatory Note.—The words struck out by this amendment are useless in view of the definition of the term "licensed pilot" inserted in section 409.

Section added.

28. The principal Act is amended by inserting the following

Surrender of apprentice license.

section immediately after section 451 thereof:—
"451A. Every licensed apprentice shall, on being licensed a 10 pilot, produce and deliver up his license of apprentice to the pilotage authority of the district in which it applies."

Explanatory Note—New section consequent upon the powers conferred by section 433 to grant licenses to apprentices.

S. 456 amended. List of pilots. 29. Section 456 of the principal Act is amended by inserting after the word "pilots", in the second line thereof, the words "and apprentices"; and by inserting after the word "pilot", in the 15 fourth line thereof, the words "and apprentice."

N.B: - See explanatory note to section 442.

S. 458 amended. Register. **30.** Section 458 of the principal Act is amended by inserting, after the word "license", in the second line thereof, the words "or apprentice's license, if any."

N.B.—See explanatory note to section 442.

S. 460 amended. Taken to sea

**31.** Section 460 of the principal Act is amended by inserting 20 after the word "pilot", in the first line thereof, and in the first line of subsection 2 thereof, the words "or apprentice."

N.B.—See explanatory note to section 442.

S. 463 amended. Damages by pilot. **32.** Section 463 of the principal Act is amended by inserting after the word "pilot" in first line thereof, the words "or apprentice."

N.B.—See explanatory note to section 442.

S. 467 amended. Payment

of dues.

33. Subsection 2 of section 467 of the principal Act is re-

pealed and the following is substituted therefor:—

"2. This provision shall not apply to the master of any such ship actually proceeding from any part of the Harbour of Quebec, situate within the pilotage district of Montreal, to any 30 part of the said district above the said Harbour, and having on board any person holding a pilotage certificate from the proper authority for the said pilotage district of Montreal."

Explanatory Note.—This amendment is consequent upon the changes of the limits of the pilotage districts of Montreal and Quebec.

34. Section 470 of the principal Act is amended by inserting s. 470 after the word "pilot", in the second line thereof, and in the amended. first and fourth lines of subsection 2 thereof the words "or of dues." licensed apprentice."

N.B.—See explanatory note to section 442.

35. Section 473, and the heading "Employment of Pilots New s. 473. not compulsory" immediately following section 472, are repealed, Sections and the following headings and sections are substituted therefor:--

"When and where Employment of Pilots is compulsory."

"473. Except as provided in the next following section, the Compulsory 10 employment of licensed pilots, in the pilotage districts of Montreal and Quebec, is compulsory upon—

pilotage in
the districts of Montof Montreal real and Quebec, is compulsory upon-

and Quebec. (a) every ship having a draught exceeding ten feet;

(b) every ship having ten feet draught or less, when actually engaged in the act of towing;

(c) every ship, whatever may be her draught, actually en-15 gaged in the act of being towed;

(d) every dumb barge, whatever may be her draught."

Explanatory Note.—Under this amendment the taking of a pilot on board the vessels therein mentioned will be compulsory in the Montreal and Quebec pilotage districts. The following amendments (numbered 473α to 473κ inclusive) are to bring the various sections into conformity with the main amendment.

"473A. The following ships shall not be required to have a Exempted licensed pilot on board and shall be exempted ships, when ships in districts of 20 navigating in either of the pilotage districts of Montreal and Montreal and Quebec. Quebec:-

(a) any ship registered in Canada having a draught exceeding ten feet, or

(b) any ship, having a ten feet draught or less, registered in Canada, actually engaged in the act of towing, or

(c) any ship having a draught of ten feet or less, actually engaged in the act of being towed by another ship, or

(d) dumb barges, of any draught, but not exceeding eight in Dumb number nor two abreast, (the tow not to exceed, in any case, four hundred feet in length measuring from the stern of the towboat), actually towed at the same time by one ship, of which,

(i) in case of a continuous voyage (under reservation of the special provision hereinafter enacted concerning the Harbour of Quebec), the master and first mate hold from the proper authority a pilotage certificate and are both actually on board thereof, or

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(ii) in case of a voyage other than a continuous one, within a pilotage district, the master or first mate holds from the proper authority a pilotage certificate and is actually on board thereof.

Explanatory Note. - This amendment enumerates exceptions to the application of section 473 preceding.

Compulsory payment of

"473B. Every ship upon which the employment of a pilot is 5 payment of pilotage dues, compulsory in the pilotage districts of Montreal and Quebec, which navigates within either of the said pilotage districts, shall pay the pilotage dues fixed and determined by the regulations in force in the pilotage district in which such ship navigates, unless she is an exempted ship. 10

N.B.-See note under section 473.

No ship, subject to compulsory of pilot, to be moved exception part of narbour of Montreal.

Proviso to continuous voyage.

"473c. The master or person in charge of any ship so subject to the compulsory employment of a pilot shall not, at any time and under any circumstances, within the limits of the territory in which the employment of a pilot is so compulsory, move such w thout p lot, ship, except (subject to any regulations made by the Montreal 15 Harbour Commissioners) in that part of the Harbour of Montreal situate within the inside lines prolonged to their intersection of the Guard Pier and Victoria Pier, without having on board, to pilot her, a pilot or apprentice, as the case may be, holding a license from the proper authority in the said district: Provided 20 that, in case of a ship proceeding upon a continuous voyage from any part of the pilotage district of Quebec to any part of the pilotage district of Montreal situate within the Harbour of Quebec, or from any part of the pilotage district of Montreal situate in the Harbour of Quebec, to any part of the pilotage 25 district of Quebec, such ship may navigate within that part of the pilotage district of Montreal so situate within the limits of the Harbour of Quebec, when having on board to pilot her the person or persons holding from the pilotage authority of the pilotage district of Quebec the pilotage license or certificate 30 required in the said pilotage district of Quebec.

Explanatory Note.—See note under section 473. The proviso is rendered necessary as a consequence of the change in the limits of the pilotage districts of Montreal and Quebec above recommended.

Display of signals for pilot on arrival

"473n. Every ship subject to compulsory employment of pilots and requiring the services of a pilot shall, upon arriving at the limits of any district in which such employment is compulsory, until a licensed pilot has come on board, display such 35 signals for a pilot as is in this Part provided, and wait until after such pilot has come on board before proceeding on her voyage.

N.B.-See note under section 473.

Penalty for contravention of

"473E. The master or person in charge of any such ship acting in contravention of any provision of the two sections 40 immediately preceding shall be guilty of an offence, and shall be preceding liable to a penalty of one hundred dollars and costs, over and besides the amount of pilotage dues which, in any case, may be collected by the authority entrusted with the collection thereof 5 by this Part or any regulation made thereunder.

N.B.—See note under section 473.

"473F. The master or person in charge of any ship subject Master to to compulsory employment of a pilot and requiring the services pilot coming of a pilot shall, upon sighting a pilot boat carrying a pilot flag on board. or pilot lights, facilitate by all practicable means the coming 10 on board of the licensed pilot or one of the licensed pilots of such boat.

N.B.—See note under section 473.

"473G. Every such ship, the master or person in charge of Ship not complying with previous

(a) does not comply with the requirements of the preceding section liable to penalty

(a) does not comply with the requirements of the preceding section liable section, with the consequence that the licensed pilot or any equal to of the licensed pilots of the pilot boat could not board said pilotage dues. ship; or,

(b) does not accept the services of the first licensed pilot who, by signal or otherwise, offers his services; or,

(c) does not accept the services of such one of two or more licensed pilots offering their services at the same time, as is entitled by the law or regulations for the time being in force in the district to have his services accepted, shall be liable to a penalty equal to the sum which would have been payable to such pilot, as fixed and determined by the regulations in force in the district, if his services had been used on board the said ship, or had been accepted; and such penalty may be sued for and collected by the authority entrusted Recovery of with the collection thereof by this Part or any regulation
30 made thereunder.

N.B.—See note under section 473.

### "Dumb Barges.

"473H. Whenever dumb barges not exceeding eight in Dumb barges number and two abreast (the tow not to exceed four hundred considered feet in length measuring from the stern of the ship towing), as one ship and liable to at the same time, are towed by a ship, in either of the pilotage pilotage dues. 35 districts of Montreal and Quebec, they shall be held and considered to be one ship only and, in case the ship towing is required by law to have a licensed pilot on board, they shall pay pilotage dues accordingly, all and every of them shall be held responsible for the payment in full of said dues and shall be dealt with 40 accordingly.

Explanatory Note.—See note under section 473. This am indusent places dumb barges, which are in the conditions and under the circumstances therein mentioned, on the same footing as a ship with regard to the payment of pilotage dues.

Number and of dumb barges limited.

"4731. The master or person in charge of a ship engaged in the act of towing is prohibited from towing at the same time dumb barges, in the pilotage districts of Montreal and Quebec, to a number exceeding eight, or exceeding two abreast, or constituting a tow exceeding four hundred feet in length, measuring from the stern of the ship.

Explanatory Note. - See note under section 473. This amendment is consequent upon the preceding amendments.

Penalty for exceeding prescribed dimensions of tow of dumb barges, or towing without pilot.

"473J. In the pilotage districts of Montreal and Quebec, the master or person in charge of a ship

(a) towing, at the same time, dumb barges exceeding eight in number and two abreast, or exceeding four hundred feet 10 in length measuring from the stern of the ship so towing; or,

(b) towing any number of dumb barges, or any vessel of any description whatever, without having actually on board the ship so towing the person or persons holding from the pilotage authority the pilotage license or certificate required 15 under this Part,

shall incur a penalty of one hundred dollars and in addition thereto shall be liable for the amount of pilotage dues, as established in the district, multiplied by the number of barges so towed at the time, in the said pilotage district.

20

Explanatory Note.—See note under section 473. This amendment is consequent upon the legislation above suggested.

Payment of

"473 K. Pilotage dues shall be paid, in the pilotage district of pilotage dues. Montreal, to the pilotage authority and, in the pilotage district of Quebec, to the Quebec Pilots Corporation.

N.B. - See note under section 473.

"When Employment of Pilots is not compulsory.

Employment of pilot not compulsory districts of Montreal and Queber.

"473L. Except with regard to such ships only for which the employment of pilots is made compulsory within the limits of 25 the pilotage districts of Montreal and Quebec, no owner or master of any ship shall, in any case, be compelled to employ, or to give his ship in to the charge of, a pilot, either on the ground of his being compelled to pay pilotage dues to any person, or otherwise." 30

Explanatory Note. - This section is to make it clear that no change in the law is intended with regard to the compulsory employment and payment of pilots in any district other than those mentioned.

8 475 amended. Compulsory payment.

**36.** Section 475 of the principal Act is amended by striking out the words "either of" in the first line thereof, and the words

"Quebec, Montreal," in the second line thereof.

Explanatory Note.—This amendment is consequent upon the new legislation concerning compulsory pilotage. This explanatory note applies also to the following sections, 476, 480, 481, 482, 486, 487, 488, 535.

37. Section 476 of the principal Act is repealed and the S. 476

following is substituted therefor:-

"476. If such ship is on her outward voyage and the owner Authority to or master of such ship does not employ a pilot or give his ship whom fees payable. 5 into the charge of a pilot, such dues shall be paid to the pilotage authority of such district."

N.B. - See note under section 475.

38. Section 477 of the principal Act is repealed and the News. 477. following is substituted therefor:-

"477. Except in the pilotage districts of Montreal and Exempted 10 Quebec, the following ships shall be exempted ships in districts of Montreal (a) dumb barges; and Quebec.

(b) ships propelled wholly or in part by steam

(i) employed in trading from port to port in the same pro-Dumb barges.

15 (ii) employed in trading between any one or more of the Steamships. provinces of Ontario, Quebec, New Brunswick, Nova Scotia or Prince Edward Island and any other or others

(iii) employed in voyages between any port or ports in the said provinces, or any of them, and the port of New York, or any port of the United States of America on the Atlan-

tic north of New York, or

(iv) employed in voyages between any port in any of the said provinces and any port in Newfoundland;

(c) ships registered in Canada, of not more than one hundred Ships of 120 tons.

and twenty tons registered tonnage;

20

(d) any ship of which the master or any mate has a certificate Ships with granted under the provisions of this Part and then in force, masters. authorizing him to pilot such ships within the limits within 30 which she is then navigating;

(e) ships of such description and size not exceeding two Certain ships hundred and fifty tons, registered tonnage, as the pilotage under 250 authority of the district with the authority of the district, with the approval of the Governor in Council, from time to time determines to be exempt from the

35 compulsory payment of pilotage dues in such district;

(f) ships making or entering a harbour for refuge."

Ships making Explanatory Note.—This amendment is consequent upon the legislation concerning compulsory pilotage. The dumb barges are added to the list of the now exempted ships. The province of Ontario is placed on the same footing as the Quebec and Maritime provinces with regard to the exemptions from payment of pilotage dues. Subsection 2 of the said section is repealed, as the river St. Lawrence which it governs is included in the Quebec and Montreal pilotage districts. Ships belonging to His Majesty are not mentioned in this section as amended because they are already exempted from the application of this Part by section 410.

39. Section 478 of the principal Act is repealed and the New s. 478.

following is substituted therefor:-

"478. The pilotage authority of either of the pilotage dis-Powers of 40 tricts of Halifax, Minas Basin, Pictou and Sydney, in the pilotage authorities authorities authorities." province of Nova Scotia, and of Miramichi and St. John, in of Halifax,

Pictou, Sydney, Miramichi

the province of New Brunswick, may, as to each of such districts respectively, notwithstanding anything contained in the and St. John. last preceding section, from time to time determine, with the approval of the Governor in Council, whether any, and which, if any, of such ships propelled wholly or in part by steam and employed, as in the said last preceding section specified, shall not be so exempted, or shall be only partially exempted, from the compulsory payment of the pilotage dues, and, if so partially exempted, to what extent and under what circumstances."

Explanatory Note.—This section is prepared in order to give to the districts of St. John and Minas Basin the powers actually conferred upon the other districts herein mentioned. The approval of the Governor in Council is stipulated to be required instead of approval of the Governor in Council as is now required. Slight verbal corrections are made.

8 480 amended.

40. Section 480 of the principal Act is amended by striking 10 out the words "not belonging to His Majesty, or not wholly employed in His Majesty's service," in the first and second lines thereof, and the words "if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if elsewhere," in the seventeenth and eighteenth lines thereof. 15

N.B.-See note under section 475.

8 481 amended.

41. Section 481 of the principal Act is amended by inserting after the word "district", in the second line thereof, the words "(other than the pilotage districts of Montreal and Quebec)".

N.B. - See note under section 475.

8, 482 amended.

42. Section 482 of the principal Act is amended by striking out the words "if in the pilotage district of Quebec, to the 20 Quebec Pilots Corporation, and, if elsewhere", in the third and fourth lines thereof and in the eleventh and twelfth lines of subsection 2 thereof.

N.B.-See note under section 475.

S. 484 amended. Pilot taken voluntarily.

**43.** Section 484 of the principal Act is amended by inserting at the beginning the words "In any pilotage district, including 25 the districts of Montreal and Quebec.

Explanatory Note. - This amendment is suggested in order to make it clear that the enactment applies to all pilotage districts.

S. 486 amended.

**44.** Section 486 of the principal Act is amended by inserting after the word "or", in the first line thereof, the words, "elsewhere than in the pilotage districts of Montreal and Quebec (which are subject to special provisions)."

30

N.B. - See note under section 475.

8 487 amended.

45. Section 487 of the principal Act is amended by striking out the words "Quebec, Montreal", in the fifth line thereof.

N.B.-See note under section 475.

46. Section 488 of the principal Act is amended by adding s. 488 amended.

"Provided that, in case of a continuous voyage, unless Navigation otherwise specially provided, no such ship shall navigate therein and mate without having on board to pilot her a licensed pilot, unless the under master and first mate thereof hold from the proper authority a certificate pilotage certificate and are both actually on board thereof."

N.B. -See note under section 475.

47. Section 489 of the principal Act is amended by adding 8.489 the following thereto:—"upon complying with the requirements amended.

10 of any regulations on the matter enacted by the pilotage au-Renewal of thority."

Explanatory Note.—This amendment is consequent upon the new legislation enacting compulsory pilotage. With the amendments to our law concerning the granting of certificates to masters and mates in the pilotage districts of Montreal and Quebec, it is necessary for the pilotage authority to make regulations with which the masters and mates must comply.

**48.** Paragraph (a) of section 513 of the principal Act is S. 513 repealed and the following is substituted therefor:—

"(a) enforce the execution of the duties in regard to the Enforcement 15 embarkation and disembarkation of licensed pilots and the of duties. conduct of such pilots and of apprentices on board the pilot schooners."

N.B. - See note under section 442.

49. Section 517 of the principal Act is amended by inserting 8.517 the word "licensed", before the word "pilot", in the second and amended. 20 fourth lines thereof.

N.B. - See note under section 442.

**50.** Section 520 of the principal Act is amended by inserting 8. 520 the word "licensed", before the word "pilot", in the second line amended. thereof.

N.B.-See note under section 442.

51. Section 521 of the principal Act is amended by inserting s. 521
25 the word "licensed," before the word "pilot," in the second line amended. thereof.

N.B.-See note under section 442.

**52.** Section 522 of the principal Act is amended by inserting s. 522 the word "licensed," before the word "pilot," in the second and amended. third lines thereof.

N.B. -See note under section 442.

30 **53.** Section 524 of the principal Act is amended by substi- s. 524 tuting the word "licensed" for the word "branch" in second line amended. thereof.

N.B.—See note under section 442.—The term "branch" is included in the term "licensed pilot", as defined in section 409.

New s. 525.

54. Section 525 of the principal Act is repealed and the following is substituted therefor:—

Time for inquiry.

"525. No such investigation shall be had after the expiry of one year from the date of the happening of such damage or cause of complaint."

Explanatoru Note.—The present limitation of time for holding an enquiry under this section and s. 531 (which it is also proposed to amend), renders it impossible in some cases for the Department to take action. The extension of the time will not prejudicially affect any rights or privileges at present enjoyed.

S. 530 amended.

55. Section 530 of the principal Act is amended by inserting after "a," in the second line thereof, the word "licensed;" and by substituting the word "such" for the second word "the," in the ninth line thereof.

N.B. -- See note under section 442.

New s. 531.

**56.** Section 531 of the principal Act is repealed and the 10 following is substituted therefor:—

Time for inquiry.

"531. No such investigation shall be had after the expiry of one year after the date of the happening of such damage or cause of complaint."

Explanatory Note.—See note to section 525, ante.

S. 535 amended. Unlicensed pilot. 57. Section 535 of the principal Act is amended by inserting 15 after the word "district," in the first line of paragraph (a) thereof, the words "(other than the pilotage districts of Montreal and Quebec, which are governed by special provisions)."

N. B. - See note under section 475.

S. 544 amended. 58. Section 544 of the principal Act is amended by inserting the word "licensed," after the first word thereof.

N.B.-See note under section 442.

S. 546 amended. **59.** Section 546 of the principal Act is amended by inserting the word "licensed" after the first word thereof.

N.B. -See note under section 442.

S. 547 amended. 60. Section 547 of the principal Act is amended by inserting the word "licensed" after the first word thereof.

N. B. - See note under section 442.

S. 548 amended. **61.** Section 548 of the principal Act is amended by inserting 25 the word "licensed" after the first word thereof; and by striking out the words "by the Quebec Harbour Commissioners" in the fifth line thereof.

Explanatory Note.—This amendment is necessary because the Quebec Harbour Commissioners have ceased to be the pilotage authority for this district. Amendment is consequent, too, upon the powers conferred by section 433 to grant licenses to apprentices.

S. 553 amended. 62. Section 553 of the principal Act is amended by inserting the word "licensed" after the first word thereof.

N.B.-See note under section 442.

63. Section 558 of the principal Act is amended by inserting S. 558 the word "licensed" after the word "any" in the first line amended. thereof.

N.B.—See note under section 442.

64. Section 559 of the principal Act is amended by substitu- S. 559 5 ting for the word "a," in the first line thereof, the words "such a amended. licensed;" and by inserting the word "licensed," after the word "a" in the first line of subsection 2 thereof.

N.B. - See note under section 442.

65. Section 561 of the principal Act is amended by striking S. 561 out the word "authority" in the second line thereof, and substi-10 tuting therefor the word "district."

Explanatory Note.—Section 411 defines the pilotage district of Quebec. The word "authority" has inadvertently been used in section 561 for the word "district." The amendment will correct this error.

66. Section 564 of the principal Act is repealed and the New s. 564.

following is substituted therefor:-

"564. No suit shall be brought or proceeding instituted for Limitation the recovery of any penalty or the infliction of any punishment of time for proceedings. 15 for any offence (other than an indictable offence) against the provisions of this Part, or for any breach of any by-law made thereunder, or any by-law now in force, after one year from the date of the commission of such offence or breach.'

Explanatory Note. - This amendment is suggested in view of changing the period for the institution of proceeding for offences, other than indictable offences, which period is now fixed at six years.

67. Section 565 of the principal Act is amended by sub-S. 565 20 stituting the word "means", for the word "includes", in the amended. first line of paragraph (a) thereof.

Explanatory Note.—This amendment is for the purpose of defining the term "steamboat" as used in Part VII of the Act; as there is no such definition at present.

68. Section 566 of the principal Act, as enacted by section New s 566. 14 of chapter 65 of the statutes of 1908, is repealed and the following section is enacted as section 566 of the principal

"566. Under the restrictions and according to the provisions Application of Part. hereinafter enacted, this Part applies to-

(a) all steamboats which are registered in Canada;

Steamboats (b) such of the steamboats, or of the classes of steamboats, registered in Canada which are registered elsewhere than in Canada, as may be and elsewhere fixed and determined by the Governor in Council."

Explanatory Note.—This amendment determines the application of this part of our law. As the law now stands it applies only to very few steamboats enumerated in section 566 and under special circumstances. Section 566 constitutes, in fact, the exceptions to a supposed general application of the law, which general application is not enacted.

155 - 3

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New s. 567. Application of Part. **69.** The following section is enacted as section 567 of the principal Act:—

"567. So much only of the provisions of this Part, as herein mentioned, applies to steamboats registered in Canada and designated in the following paragraphs:

Steamboats of His Majesty.

(a) steamboats belonging to His Majesty, only as regards the annual inspection of their boilers, machinery, hull and equipment, as provided by the rules and regulations for the inspection of steamboats;

Steam dredges and floating elevators. (b) steam dredges, floating elevators and vessels of like kind, 10 only as regards the yearly rate or duty, the annual inspection of their boilers and machinery and the obligation to carry life-buoys with the necessary line attachment as required by the rules for inspection of steamboats;

Steam yachts of or under twenty nine feet in length.

(c) steam yachts of not more than twenty-nine feet in length 15 at the light water-line and vessels propelled by gas, fluid, naphtha or electric motors, only as regards the obligation to carry a life preserver for each person on board and one life-buoy, and to take the precautions against fire in this Part imposed;

Steam yachts over twenty-nine feet in length. (d) steam yachts over twenty-nine feet in length at the light water-line, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one lifebuoy, and as regards the precautions against fire in this 25. Part imposed;

Freight boats under one hundred and fifty tons, tug boats, and fishing steamers under one hundred and fifty tons. (e) freight boats under one hundred and fifty tons gross tonnage, tugboats, and steamboats used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, only as regards the yearly rate or duty, the 30 inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life-buoy, and a boat or a raft as required by the rules for the inspection of steamboats, the obligation to have an engineer holding a certificate of competency, if the steam-35 boat has an engine of over ten nominal horse power, if of the single cylinder type, and over twenty nominal horse power, if of the compound type, and as regards the precautions against fire in this Part imposed.

Passenger steamboats. "2. Every steamboat mentioned in this section, other than 40 vessels of not more than twenty-nine feet in length at the light water-line, shall, if it carries passengers, be subject to the provisions of this Part applicable to passenger steamboats."

Explanatory Note.—This amendment is the present section 566 redrafted as section 567 with alterations made in order to make it consequent upon the preceding section enacting the general application of this Part of our law: alterations are made too, in order to change the standard of measurement of vessels. The length of a vessel at the water-line is considered more satisfactory for ascertaining whether she is exempt from certain requirements of the Act than placing the limit of five tons gross tonnage. The calculation works about the same.

70. Section 569 of the principal Act is amended by striking S. 569 out, in the second line, the words "or shall not apply";

Explanatory Note. - This amendment is consequent upon the new section numbered 566 above.

71. Section 572 of the principal Act is amended by adding S. 572

thereto the following proviso:-

"Provided that said Governor in Council may, when deemed Inspector of fit, dispense with the appointment of an inspector of hulls." and equipment, and assign the powers and duties of such inspector to an inspector of boilers and machinery; in which case the said inspector of boilers and machinery shall act as 10 inspector of hulls and equipment, under like obligations and

penalties as enacted under this Part with respect to an inspector

of hulls and equipment."

Explanatory Note.—By the present section 577, which is repealed by this Act, the Minister is empowered to dispense with the appointment of an inspector of hulls and equipment in certain provinces. This section constitutes an anomaly in our law, as it gives the Minister a jurisdiction contradicting that given the Governor in Council by section 572. By this amendment it is proposed to do away with this conflicting jurisdiction, by giving the Governor in Council (which is the authority constituted for the appointment of such officer) the power of dispensing with such appointment, and this, not only in certain provinces, but in the whole country. Such an amendment would facilitate the inspection and lessen the expenses of inspection, principally in districts where there are only few vessels to inspect. few vessels to inspect.

72. Section 577 of the principal Act is repealed. N.B.—See explanatory note under section 572.

S. 577 repealed.

73. Section 588 of the principal Act is amended by adding s. 588

15 at the end thereof the following:-

"Provided that any such steamboat holding a certificate of Annual inspection inspection from the British Board of Trade shall, during the waived of

currency of such certificate, be exempt from the annual inspection steamboats under this part; and provided further that any such steamboat approved 20 engaged in the carriage of freight only, holding a certificate of British or foreign inspection from any society of British or foreign shipping for the certificates. survey, registry and classification of shipping, approved by the Governor in Council, shall, if inspected annually in the United Kingdom, be exempt from the annual inspection under this

25 Part, save and except the inspection of life saving equipment when sailing between ports in Canada or from any port or place in Canada to any port or place out of Canada."

Explanatory Note.—This clause is to enable the Department to waive the annual inspection of steamboats registered in Canada, provided such steamboats hold, under the conditions named, a certificate of inspection from an approved British or foreign classification society.

74. Section 735 of the principal Act is amended by striking S. 735 out the word "or" in the second line thereof, and by inserting amended.
30 after the words "St. John," in the third line thereof, the words of wrecks. "the city of Charlottetown or the city of Victoria."

Explanatory Note.—The amendment will give the agents of the Department of Marine and Fisheries at Charlottetown and Victoria the same standing as Receivers of Wreck as already attaches to those at Quebec, Halifax and St. John.

Section added.

Receiver of wrecks for remote districts.

75. The principal Act is amended by inserting the following section immediately after section 735:-

"735A. Whenever a vessel is wrecked, stranded or in distress at any place within the waters of Canada, but outside of any established district, the principal officer of Customs at the 5 nearest port shall be the receiver with regard to such vessel so wrecked, stranded or in distress."

Explanatory Note.—It sometimes happens that a wreck takes place in remote waters not included in an established wreck district. The jurisdiction of the Department of Marine and Fisheries is doubtful in such cases. The amendment is proposed to remedy this difficulty.

Section added.

**76.** Section 38 of chapter 65 of the statutes of 1908 is repealed and the following is enacted as section 806A of the principal Act:-

No appeal beyond rehearing. Proviso:-

"806A. There shall be no appeal from any decision of a court holding any formal investigation under this Act, except to the Minister for a rehearing under the provisions of section 806: Provided that—

British ship; ·

(a) When an order or finding on an inquiry into a casualty 15 affects a ship registered in the United Kingdom or a British possession outside of Canada, under the authority of The Merchant Shipping Act, 1894, or,

British certificates. (b) When a decision affects the certificate of a master, or mate, or engineer, which has been granted, either in the 20 United Kingdom or in a British possession outside of Canada, under the authority of The Merchant Shipping Act, 1894,

Appeal according to Merchant Shipping

a right of appeal shall lie from such order, finding or decision according to the provisions of The Merchant Shipping Act, 25 1894, and such order, finding or decision shall be subject, with regard to such right of appeal therefrom, to the provisions of Part VI of the said Act and amendments thereto.

Proceedings not to be quashed for No certiorari

prohibition.

"2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want 30 want of form. of form, nor shall any such proceeding or judgment be removed by certiorari or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject 35 to any review except by the Minister as aforesaid [unless otherwise specially provided by this Actl."

Explanatory Note.—The amendment to subsection 1 consists only in the addition of the proviso, which is required in order to preserve the right of appeal from a decision of the Wreck Commissioner's Court in Canada, in the case of certificates granted in the United Kingdom or in a British possession. Section 475 of the Imperial Merchant Shipping Act provides for an appeal from a Wreck Commissioner's decision in the case of certain certificates. The proposed amendment is to preserve this right in the case of such certificates being dealt with in Canada

The amendment to subsection 2 (within brackets) is to make it conform to the amendments to subsection 1.

77. Section 833 of the principal Act is amended by inserting 8. 833 after the word "management" in the eleventh line thereof the amended. words "and he may, subject to the approval of the Governor in of lighthouses Council, acquire all lands and immoveable property required for 5 the same and pay for them out of the amount appropriated for such construction."

Explanatoy Note.—The purpose of this amendment is to remove any doubt as to the power of the Minister of Marine and Fisheries to purchase lands for the construction thereon of lighthouses or other aids to navigation.

78. Section 862 of the principal Act is amended by adding s. 8621 at the end thereof the following:

"Provided that the Governor in Council may declare exempt Exemptions!"

10 from such fees any vessel of any country granting Canadian masters fees. registered ships a total special exemption of similar tonnage dues or like taxes therein imposed."

Explanatory Note.—To enable the Governor in Council to exempt foreign vessels from the payment of harbour masters' dues in certain cases.

79. Paragraph (a) of section 912 of the principal Act is S. 912 amended by adding after the word "includes," in the first line amended.

15 thereof, the words "rafts and."

Definitions.

Explanatory Note.—Amendment necessary in view of the addition proposed

80. The principal Act is amended by inserting the following section added. heading and section immediately after section 912:-

### "Regulations for the use of Channels.

"912A. The Governor in Council may, by regulation, deter- Regulations mine, regulate and govern the use of the channels in the naviga- for use of channels. 20 ble waters of Canada, other than channels in the port of Montreal, by tows, rafts and vessels of light draught, and determine what shall constitute such light draught.

"2. Every such regulation shall be published in The Canada Publication. Gazette."

Explanatory Note.—There appears to be some doubt as to whether there is sufficient authority in The Canada Shipping Act for the Department of Marine and Fisheries to regulate the use of channels. Up to 1908 the Montreal Harbour Commissioners, under section 26 (c) of chapter 48 of the statutes of 1894, had power to restrict the use of the main channels of the St. Lawrence river by vessels of light draught and rafts. The said power shall be vested in the Minister, according to an amendment to the Montreal Harbour Commissioners Act, submitted during the present session. The Quebec Harbour Commissioners under section 26 (b) of chapter 34 of the statutes of 1899, have at present the right to establish rules and regulations for navigation within the limits of the port of Quebec. The bill to amend the Quebec Harbour Commissioners Act, 1899, will restrict to the harbour of Quebec any regulations passed by the Commissioners.

**81.** Section **926** of the principal Act is amended by inserting s. 926 after the word "incurred" in the fifth line thereof, the words amended. Recovery of "or by any person specially authorized in writing by the Minister penalties. for that purpose;" and by substituting for the words "before two justices of the peace," in the fifth and sixth lines thereof

the following "according to the provisions of Part XV of the Criminal Code, before any functionary or tribunal having the powers of two justices of the peace, in the first port or harbour in which the vessel contravening this part of the law or regulations made thereunder arrives after commission of the offence 5 complained of, and within one year from the commission of such offence."

Explanatory Note.—The amendment is to enable any person authorized by the Minister of Marine and Fisheries to recover penalties. At present it can only be done by an inspector of steamboats or by an aggrieved person.

Section added.

82. The principal Act is amended by adding thereto the following section:-

Repeal of provisions of Merchant Shipping Act.

"971. Whereas by section 735 of the Merchant Shipping 10 Act, 1894, and amendments, it is enacted and provided that Shipping Act, the legislature of any British possession shall have power, by inconsistent any Act or ordinance confirmed by His Majesty in Council, to with Canada repeal wholly or in part any provisions of the said Act and repeal wholly or in part any provisions of the said Act and amendments relating to ships registered in such possession, so 15 much of the said Merchant Shipping Act, 1894, and amendments as is inconsistent with The Canada Shipping Act and Acts amending the same, (and especially chapters 64 and 65 of the statutes of 1908), is repealed, so far as it relates to ships registered in Canada; such repealing enactment not to take 20 effect until the approval thereof by His Majesty has been proclamation. proclaimed in Canada.

suspended until

Repeal

Explanatory Note. - This is a suspending clause.

Commence ment of Act.

83. This Act shall come into force on the first day of January, one thousand nine hundred and twelve.

An

Act to amend the Canada Shipping

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# OF CANADA.

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### HOUSE OF COMMONS OF CANADA.

# BILL 155.

An Act to amend the Canada Shipping Act.

(Reprinted as amended by the Marine and Fisheries Committee.)

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. In this Act, the expression "the principal Act" means R.S. c. 113. 5 The Canada Shipping Act, chapter 113 of the Revised Statutes, "Principal Act." 1906.

2. Section 2 of the principal Act is amended by adding s. 2

thereto the following paragraph:—

"(g) 'light water line' means the line described by the sur-"Light 10 face of the water on the hull of the ship when she is in a light water line." or unladen condition, but with her necessary equipment on

Explanatory Note.—This definition is necessary owing to the new section 100 in Part II, and section 566 in Part VII, where the term 'light water line' is used.

3. Section 1 of chapter 65 of the statutes of 1908 is repealed News. 4. and the following is enacted as section 4 of the principal Act:-

15 "4. The Governor in Council may make regulations with Regulations respect to the manner in which ships belonging to His Majesty for registering certain ships (other than ships for the Naval Service, not being ships employed of His in the service of either the Fisheries Protection, Hydrographic Majesty. Survey, Tidal Observations or wireless telegraphy), may be

20 registered as British ships; and this Part, subject to any exceptions and modifications which may be made by order in council, shall apply to such ships registered in accordance with Application those regulations as if they were registered in accordance with of Part. this Part."

Explanatory Note.—This section is not intended to apply to vessels belonging to the Naval Service and the amendment (within brackets) is intended to make this quite clear.

4. Section 18 of the principal Act is amended by substituting s. 18 the words "the Minister" for the words "the Governor in amended. Council" in the eighth and eleventh lines of subsection 1 and in the second line of subsection 2 of the said secti n.

Explanatory Note.—This change is intended to facilitate action on application of the law concerning the registration of wrecked ships. At present chargestration requires to be directed by the Governor in Council.

S. 27 amended. 5. Section 27 of the principal Act, and section 2 of chapter 65 of the statutes of 1908, are repealed and the following is enacted as section 27 of the principal Act:—

Names of ships.

"27. The following rules shall be observed with respect to the names of ships registered in Canada under this Part:—

"(a) A ship shall not be described by any name other than that by which she is, for the time being, registered; "(b) A change shall not be made in the name of a ship without the previous written permission of the Minister;

"(c) The Minister may, by regulations to be confirmed by 10 the Governor in Council and published in *The Canada Gazette*, determine the cases in which, and define the conditions and requirements upon the compliance of which,

any such permission shall be granted;

"(d) Application for said permission shall be made in writing 15 and the Minister, upon having satisfied himself that the applicant has complied with the provisions of the law and the conditions and requirements of the regulations thereunder, may, if he finds the said application to be reasonable, entertain it and, thereupon, require a notice thereof 20 to be published in such form and manner as he thinks fit:

"(e) On permission being granted to change the name of a ship, the said ship's name shall forthwith be altered in the register book, in the ship's certificate of registry and on 25

her bows and stern:

"(f) If it is shown to the satisfaction of the Minister that the name of any ship has been changed without his permission, he shall direct that her name be altered into that which she bore before the change, and the name shall be 30 altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly;

(g) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of the previous register (proof whereof shall lie on him), shall apply to 35 register, and no registrar shall knowingly register, the ship, except by the name by which she was previously registered, unless with the previous written permission of the Minister;

"(h) Where a foreign ship, not having at any previous time 40 been registered as a British ship, becomes a British ship, no person shall apply to register, and no registrar shall knowingly register, the ship, except by the name which she bore as a foreign ship immediately before becoming a British ship, unless with the previous written permis-45 sion of the Minister;

"(i) The Minister may, by regulations to be confirmed by the Governor in Council and published in The Canada Gazette, determine and define the mode of the procedure to be followed, by persons intending to register a ship, in connection with the name under which they propose to have it registered;

"(j) The Minister may refuse the registry of any ship by the name by which it is proposed to register that ship, if it is already the name of a registered British ship, or a

name so similar as to be calculated to deceive; 10

"(k) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Minister, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed 15 or until the regulations are complied with, as the case may be."

Explanatory' Note.—The section as redrafted is the reproduction of the Merchant Shipping Acts, 1894 and 1906, with the exception that, for its application, the Minister is substituted for the Board of Trade. The Minister is given the power to make regulations with respect to the procedure to be followed with regard to the registration of a ship's name or to the changing of it.

6. Section 28 of the principal Act is repealed.

repcaled.

Explanatory Note.—This section is inserted in section 67, as redrafted.

7. Section 67 of the principal Act is repealed and the follow- New s. 67.

20 ing is substituted therefor:

5

"67. Every person who violates, or suffers any person under Violation of his control to violate, any of the provisions of this Part, or of rules. regulations made thereunder, with regard to the names of ships registered in Canada, or who omits to do, or suffers any 25 person under his control to omit to do, anything required by such provisions or regulations, shall, for each offence, incur a penalty not exceeding four hundred dollars; and (except in Detention of the case of an application being made with respect to a foreign ship. ship which, not having at any previous time been registered

30 as a British ship, has become a British ship) the ship may be detained by any registrar or any principal officer of Customs until such provisions and regulations have been complied with."

Explanatory Note.—This amendment is consequent upon the new section 27 as above suggested.

8. Section 96 of the principal Act, as amended by section 5 of S. 96 35 chapter 65 of the statutes of 1908, is amended by striking out amended. the words "from the Minister" in the fifth line thereof, and by certificate. inserting the words "from the Minister" in the fifth line of paragraph (a) of the said section after the word "description;"

Explanatory Note.—This is merely a verbal amendment to make the construction of paragraphs (a) and (b) similar.

News, 100.

9. Section 100 of the principal Act, and section 7 of chapter 65 of the statutes of 1908, are repealed, and the following is en-

acted as section 100 of the principal Act:-

Excepted vessels.

"100. The foregoing provisions as to masters and mates shall not apply to sailing ships of not more than one hundred tons gross tonnage having motive power of not more than eight nominal horse power and employed solely in the carriage of freight; or to any ship of less than fifty tons g oss tonnage propelled by motive power and employed as a tug boat or in the carriage of freight; or to pleasure yachts not carrying passengers 10 or goods for hire; or to steamships carrying passengers not having a whole or fixed deck and of not more than twenty-nine feet in length at the light water line; or to ships employed solely in fishing; or to barges or other vessels having neither masts, sails or rigging and not being steamships."

Explanatory Note.—Sailing vessels with auxiliary engines, and certain ships under 50 tons gross tonnage, are added to the list of exempted vessels.

S. 381 amended.

Definition "year."

10. Section 381 of the principal Act is amended by adding thereto the following paragraph:—

"(c) 'year,' when used in this Part in relation to the duty thereby imposed, means the calendar year commencing on the first day of January and ending on the thirty-first day of De-20 cember."

Explanatory Note.—This definition is to make clear what is the interpretation to be given to the term "year" with regard to payment of the duty.

S. 388 amended.

Duty.

11. Subsection 2 of section 388 of the principal Act is amended by striking out the word "one" in the third line thereof, and substituting therefor the word "each."

Explanatory Note.—See note under section 381 above.

New s. 393.

12. Section 393 of the principal Act is repealed and the 25

following is substituted therefor:—

Collector to account quarterly to Minister. "393. Every collector or other chief officer of the Customs shall transmit quarterly, on the thirtieth day of June, on the thirtieth day of September, on the thirty-first day of December and on the thirty-first day of March, in each fiscal year, to the 30 Minister, accounts of the sums received by him and paid over to the Minister of Finance under this Part."

Explanatory Note.—This amendment is in view of fixing the dates conformable to the actual fiscal year. As it is now, the dates are still as previously fixed in conformity with the fiscal year when it closed on the thirtieth day of June.

S. 396 amended. 13. Subsection 2 of section 396 of the principal Act is amended by striking out the word "calendar" in the sixth line thereof.

Explanatory Note. This expression is not necessary in view of clause 10."

14. Section 398 of the principal Act is amended by striking S. 398 out of the first and second lines thereof the words "by warrant amended. Sick mariners.

Explanatory Note.—There is no object in obtaining a warrant for this purpose. The words proposed to be omitted are unnecessary.

15. The principal Act is amended by inserting the following Section

5 section immediately after section 398:

added.

"39SA. Upon the request of a sick mariner whose disease Expenses of appears to the physician treating him to be incurable, and who belongs to a ship which has paid the duty imposed by this Part, or upon the request of any person authorized to act on behalf

10 of such mariner, the Governor in Council may, if he deems it desirable, pay out of the sick mariners' fund such money as is necessary to convey such mariner to such place as the Governor in Council deems advisable, and thereafter such mariner shall no longer be entitled to the bene t of the said fund."

Explanatory Note.—To authorize the payment of removal expenses of incur-

able sick mariners.

15 16. Section 399 of the principal Act is repealed and the fol- New s. 399.

lowing is substituted therefor:-

"399. The Governor in Council may appropriate from the Appropriasick mariners' fund such sums as he deems requisite towards the temporary temporary relief, or towards the conveyance to such place as relief.

20 he deems advisable, of shipwrecked, destitute, or otherwise distressed seamen not entitled to relief under *The Merchant Shipping Act*, 1894.

Explanatory Note. - To authorize the payment of conveyance expenses of

destitute seamen.

17. The principal Act is amended by inserting the following Section added.

section immediately after section 400 thereof:

25 "400A. The Governor in Council may pay out of the appropriation for wrecked and distressed seamen, towards defraying destitute the funeral expenses of any person entitled to the benefits of mariners. the sick mariners' fund, and proved to his satisfaction to have died destitute in a port of any province in which the duty fixed 30 by this Part is levied and collected, an amount not exceeding

twenty-five dollars."

Explanatory Note—The Department of Marine and Fisheries is called upon from time to time to defray the burial expenses of destitute seamen. There is at present no statutory authority for such expenditure. The amendment will provide

18. Section 405 of the principal Act is repealed and the News. 405.

following is substituted therefor:—

"405. Every such account shall be supported by youchers, Youchers to

"405. Every such account shall be supported by vouchers, be produced and accounts numbering of the items in such account, and shall be made up to and closed on the thirtieth day of June, thirtieth day of

September, thirty-first day of December and thirty-first day of March, in each fiscal year during which such expenditure is made, and shall be attested before a judge of a superior court or a justice of the peace, and shall be transmitted to the Minister within ten days next after the expiration of the said periods 5 respectively.

Explanatory Note.—See note under section 393 above.

S. 407 amended.

19. Sectio 409 of the principal Act is amended by adding thereto the following paragraph:—

"Definition barge."

"(p) 'barge' means any vessel used in navigation and having no means of propulsion other than by being towed, and includes 10 rafts and booms or other floating property having no other means of propulsion."

S. 410 amended.

of Part.

Application

20. Section 410 of the principal Act is amended by striking out the first line thereof and substituting therefor the words "This Part applies to every ship other than,—"

Explanatory Note. -- The intention is to make a positive instead of a negative statement as to what ships Part VI shall apply.

New s. 411.

21. Sections 411 and 412 of the principal Act are repealed and

t e following is enacted as section 411:-

Pilotage district of Quebec. "411. The pilotage district of Quebec shall comprise the river Saguenay and that part of the river St. Lawrence extending from an imaginary line drawn from the northeastern end of the 20 Harbour Commissioners' wharf, on the north shore, to Point Levis on the south shore, both situated in the Harbour of Quebec, to an imaginary line drawn from Father Point, on the south shore, to the eastern anchorage ground under Cape Colombier, on the north shore."

Explanatory Note.—This section enacts the changes in the limits of the pilotage district of Quebec, as adapted to the actual requirements of the pilotage practice.

New s. 414.

22. Section 414 of the principal Act is repealed and the

following is substituted therefor:-

Pilotage district of Montreal.

"414. The pilotage district of Montreal shall comprise that part of the river St. Lawrence extending from the Harbour of Montreal, inclusively, to an imaginary line drawn from the northeastern end of the Harbour Commissioners' wharf, on the 30 north shore, to Point Levis, on the south shore, both situated in the Harbour of Quebec."

Explanatory Note.—This section enacts the changes in the limits of the pilotage district of Montreal, and is consequent upon the section amending the pilotage district of Quebec, and is in conformity with the actual requirements of the pilotage practice.

New s. 467.

23. Section 467 of the principal Act is repealed and the following is substituted therefor:—

Payment of ship dues for ship moored "467. If any master of a ship which is not an exempted 35 ship removes such ship or causes such ship to be removed from

one place to another within the harbour of Quebec, without the at Quebec assistance of a licensed pilot for the pilotage district of Quebec, without a he shall pay to the pilotage authorities the same pilotage dues as he would have been liable to pay if he had obtained the assis-

5 tance of one of such licensed pilots.

"This provision shall not apply to the master of any such ship Exceptions. actually proceeding from or to any part of the pilotage district of Montreal situate above the harbour of Quebec to or from any part of the said harbour situate within either of the pilotage dis-

10 tricts of Montreal or Quebec, and having on board any person holding a pilotage license from the proper authority for the said pilotage district of Montreal."

Explanatory Note.—This amendment is consequent upon the changes in the limits of the pilotage districts of Montreal and Quebec.

24. Section 476 of the principal Act is repealed and the New s. 476.

following is substituted therefor:-

15 "476. If such ship is on her outward voyage and the owner Authority to or master of such ship does not employ a pilot or give his ship whom fees into the charge of a pilot, such dues shall be paid to the pilotage authority of such district."

Explanatory Note.—Such pilotage dues in the pilotage district of Quebec are payable to the Quebec Pilots Corporation. It is proposed to make them payable to the pilotage authority, who is in this case the Minister of Marine and Fisheries.

25. Section 477 of the principal Act, and section 11 of the S. 477, and 1908, c. 65, s 20 statutes of 1908, are repealed and the following is enacted as 11, repealed. section 477 of the principal Act:—

"477. The following ships shall be exempted ships:

Exempted

"(a) barges;

"(b) ships propelled wholly by sails;

"(c) ships propelled wholly or in part by steam

(i) employed in trading from port to port in the same

province, or

(ii) employed in trading between any one or more of the provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island and any other or others of them, or

(iii) employed in voyages between any port or ports in the said provinces, or any of them and the port of New York, or any port of the United States on the Atlantic north

of New York, or

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(iv) employed in voyages between any port in any of the

said provinces and any port in Newfoundland;

"(d) any ship of which the master or any mate has a certitificate granted under the provisions of this Part and then in 40 force, authorizing him to pilot such ships within the limits within which she is then navigating;

"(e) ships making or entering a harbour for refuge."

Explanatory Note.—Barges and sailing ships have been added to the list of exempted ships.

New s. 478.

**26.** Section 478 of the principal Act is repealed and the following is substituted therefor:-

Power of pilotage authority to determine liability for

"478. The pilotage authority of any pilotage district may, notwithstanding anything in the last preceding section, determine with the approval of the Governor in Council whether any 5 pilotage dues, and which, if any, of the ships employed, as in the said sections specified, shall or shall not be wholly or partially, and, if partially, to what extent and under what circumstances, exempted from the compulsory payment of pilotage dues."

Explanatory Note.—Heretofore the pilotage authorities of Halifax, Sydney, Miramichi and Pietou could vary the provisions of section 477, and then only as regards steamships. Such power may hereafter be exercised by any pilotage authority, subject to the approval of the Governor in Council.

5 480 amended.

27. Section 480 of the principal Act is amended by striking 10 out the words "if in the pilotage district of Quebec, to the Quebec Pilots Corporation, and, if elsewhere," in the seventeenth and eighteenth lines thereof.

Explanatory Note. - See note under section 467.

S. 482 amended.

28. Section 482 of the principal Act is amended by striking out the words "if in the pilotage district of Quebec, to the 15 Quebec Pilots Corporation, and, if elsewhere," wherever they occur in the said section.

Explanatory Note.—See note under section 467.

New s. 525.

29. Section 525 of the principal Act is repealed and the

following is substituted therefor:-

Time for inquiry.

"525. No such investigation shall, be had after the expiry of 20 one year from the date of the happening of such damage or cause of complaint."

Explanatory Note.—The present limitation of time for holding an exquiry under this section and s. 531 (which it is also proposed to amend), renders it impossible in some cases for the Department to take action. The extension of the time will not prejudicially affect any rights or privileges at present enjoyed.

New s. 531.

30. Section 531 of the principal Act is repealed and the following is substituted therefor:-

Time for inquiry.

"531. No such investigation shall be had after the expiry 25 of one year after the date of the happening of such damage or cause of complaint."

Explanatory Note .- See note to section 525, ante.

S. 548 amended.

. 31. Section 548 of the principal Act is amended by striking out the words "by the Quebec Harbour Commissioners" in the fifth line thereof.

Explanatory Note.—This amendment is necessary because the Quebec Harbour Commissioners have ceased to be the pilotage authority for this district.

561 mended.

32. Section 561 of the principal Act is amended by striking out the word "authority" in the second line thereof, and substituting therefor the word "district."

Explanatory Note.—Section 411 defines the pilotage district of Quebec. The word "authority" has inadvertently been used in section 561 for the word "district." The amendment will correct this error.

33. Section 564 of the principal Act is repealed and the New s. 564.

following is substituted therefor:-

"564. No suit shall be brought or proceeding instituted for Limitation the recovery of any penalty or the infliction of any punishment of time for proceedings. 5 for any offence (other than an indictable offence) against the provisions of this Part, or for any breach of any by-law made thereunder, or any by-law now in force, after one year from the date of the commission of such offence or breach."

Explanatory Note. - This amendment is suggested in view of changing the period for the institution of proceedings for offences, other than indictable offences, which period is now fixed at six years.

**34.** Section 565 of the principal Act is amended by striking S. 565 10 out the word "includes" in the first line of paragraph (a) thereof and substituting therefor the word "means."

Explanatory Note. - This amendment is for the purpose of defining the term "steamboat" as used in Part VII of the Act; as there is no such definition at present.

35. Section 566 of the principal Act, as enacted by section News. 566. 14 of chapter 65 of the statutes of 1908, is repealed and the following is enacted as section 566 of the principal Act:—

"566. Under the restrictions and according to the provisions Application of Part.

hereinafter enacted, this Part applies to-

"(a) all steamboats which are registered in Canada;

"(b) such of the steamboats, or of the classes of steamboats, in Canada which are registered elsewhere than in Canada, as may be and elsewhere fixed and determined by the Governor in Council."

Explanatory Note.—This amendment determines the application of this part of our law. As the law now stands it applies only to very few steamboats enumerated in section 566 and under special circumstances. Section 566 constitutes, in fact, the exceptions to a supposed general application of the law, which general application is not enacted.

36. The following is ena ted as section 567 of the principal News. 567.

"567. So much only of the provisions of this Part, as here-Application in mentioned, applies to steamboats registered in Canada and

25 designated in the following paragraphs:

"(a) steamboats belonging to His Majesty (other than ships Steamboats for the Naval Service, not being ships employed in the Majesty. service of either the fisheries protection, hydrographic survey, tidal observations or wireless telegraphy), only as regards the annual inspection of their boilers, machinery, hull and equipment, as provided by the rules and regulations for the inspection of steamboats;

"(b) steam dredges, floating elevators and vessels of like kind, Steam only as regards the yearly rate or duty, the annual inspection floating of their boilers and machinery and the obligation to carry elevators. life-buoys with the necessary line attachment as required by the rules for inspection of steamboats;

155 - 2

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Steam yachts of not more than 29 feet in length. (c) steam yachts of not more than twenty-nine feet in length at the light water line and vessels propelled by gas, fluid, naphtha or electric motors, only as regards the obligation to carry a life preserver for each person on board and one life-buoy, and to take the precautions against fire in this 5 Part imposed;

Steam yachts over 29 feet in length. "(d) steam yachts over twenty-nine feet in length at the light water line, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life-10 buoy, and as regards the precautions against fire in this Part imposed:

Freight boats under 150 tons, tug boats, and fishing steamers under 150 tons. (e) freight boats under one hundred and fifty tons gross tonnage, tugboats, and steamboats used exclusively for fishing purposes and under one hundred and fifty tons 15 gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life-buoy, and a boat or a raft as required by the rules for the inspection of steamboats, the obligation to have an 20 engineer holding a certificate of competency, if the steamboat has an engine of over ten nominal horse power, if of the single cylinder type, and over twenty nominal horse power, if of the compound type, and as regards the precautions against fire in this Part imposed.

Passenger steamboats. "2. Every steamboat, other than vess is not having a whole or fixed deck and of not more than twenty-nine feet in length at the light water line, shall, if it carries passengers, be subject to the provisions of this Part applicable to passenger steamboats."

Explanatory Note.—This amendment is the present section 566 redrafted as section 567 with alterations made in order to make it consequent upon the preceding section enacting the general application of this Part of our law: all erations are made too, in order to change the standard of measurement of vessels. The length of a vessel at the water-line is considered more satisfactory for ascertaining whether she is exempt from certain requirements of the Act than placing the limit of five tons gross tonnage. The calculation works out about the same.

S. 569 amended. **37.** Section 569 of the principal Act is amended by striking out the words "or shall not apply," in the second line thereof.

 $\textit{Explanatory Note.}\xspace$  . This amendment is consequent upon the new section numbered 566 above.

S. 572 amended. **38.** Section 572 of the principal Act is amended by adding thereto the following proviso:—

Inspector of hulls.

"Provided that the Governor in Council may, when deemed 35 advisable, dispense with the appointment of an inspector of hulls and equipment, and assign the powers and duties of such inspector to an inspector of boilers and machinery; in which case the said inspector of boilers and machinery shall act as inspector of hulls and equipment, under like obligations and 40

penalties as enacted under this Part with respect to an inspector of hulls and equipment."

Explanatory Note.—By the present section 577, which is repealed by this Act, the Minister is empowered to dispense with the appointment of an inspector of hulls and equipment in certain provinces. This section constitutes an anomaly in our law, as it gives the Minister a jurisdiction contradicting that given the Governor in Council by section 572. By this amendment it is proposed to do away with this conflicting jurisdiction, by giving the Governor in Council (which is the authority constituted for the appointment of such officer) the power of dispensing with such appointment, and this, not only in certain provinces, but in the whole country. Such an amendment would facilitate the inspection and lessen the expenses of inspection, principally in districts where there are only few vessels to inspect.

**39.** Section 577 of the principal Act is repealed. Explanatory Note.—See explanatory note under section 572.

S. 577 repealed

40. Section 588 of the principal Act is amended by adding s. 588

5 thereto the following proviso: "Provided that any such steamboat holding a certificate of Annual

inspection from the British Board of Trade shall, during the waived of currency of such certificate, be exempt from the annual inspection steamboats holding under this part; and provided further that any such steamboat approved 10 engaged in the carriage of freight only, holding a certificate of British or foreign inspection from any society of British or foreign shipping for the certificates. survey, registry and classification of shipping, approved by the Governor in Council, shall, if inspected annually in the United

Kingdom, be exempt from the annual inspection under this 15 Part, save and except the inspection of life saving equipment when sailing between ports in Canada or from any port or place in Canada to any port or place out of Canada."

Explanatory Note.—This clause is to enable the Department to waive the annual inspection of steamboats registered in Canada, provided such steamboats hold, under the conditions named, a certificate of inspection from an approved British or foreign classification society.

41. Subsection 1 of section 735 of the principal Act is repealed S. 735 and the following is substituted therefor:-

"735. If, at any time, there is not any receiver for any Receivers district in which the city of Quebec, the city of Halifax, the of wrecks. city of St. John, the city of Charlottetown or the city of Victoria is included, then the agent of the Department of Marine and Fisheries at such city shall be the receiver for such district."

Explanatory Note.—The amendment will give the agents of the Department of Marine and Fisheries at Charlottetown and Victoria the same standing as Receivers of Wreck as already attaches to those at Quebec, Halifax and St. John

42. The principal Act is amended by inserting the following Section section immediately after section 735:-

"735A. Whenever a vessel is wrecked, stranded or in distress Receiver of at any place within the waters of Canada, but outside of any wrecks for established district, the principal officer of Customs at the districts.

30 nearest port shall be the receiver with regard to such vessel so wrecked, stranded or in distress."

Explanatory Note.—It sometimes happens that a wreck takes place in remote waters not included in an established wreck district. The jurisdiction of the Department of Marine and Fisheries is doubtful in such cases. The amendment is proposed to remedy this difficulty.

Section added.

43. Section 38 of chapter 65 of the statutes of 1908 is repealed and the following is enacted as section 806A of the principal Act:—

No appeal beyond rehearing.

"806A. There shall be no appeal from any decision of a court holding any formal investigation under this Act, except 5 to the Minister for a rehearing under the provisions of section 806: Provided that—

British ship;

"(a) When an order or finding on an inquiry into a casualty affects a ship registered in the United Kingdom or a British possession outside of Canada, under the authority of *The* 10 Merchant Shipping Act, 1894, or,

British certificates.

"(b) When a decision affects the certificate of a master, or mate, or engineer, which has been granted, either in the United Kingdom or in a British possession outside of Canada, under the authority of *The Merchant Shipping* 15 Act, 1894,

Appeal according to Merchant Shipping Act. a right of appeal shall lie from such order, finding or decision according to the provisions of *The Merchant Shipping Act*, 1894, and such order, finding or decision shall be subject, with regard to such right of appeal therefrom, to the provisions of 20 Part VI of the said Act and amendments thereto.

Proceedings not to be quashed for want of form. "2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohi-25 bition shall issue to any court constituted under this Act in

by certiorari or otherwise into any court; and no writ of prohi-25 bition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the Minister as aforesaid [unless otherwise specially provided by this Act]."

No certiorari or writ of prohibition.

Explanatory Note.—The amendment to subsection 1 consists only in the addition of the proviso, which is required in order to preserve the right of appeal from a decision of the Wreck Commissioner's Court in Canada, in the case of certificates granted in the United Kingdom or in a British possession. Section 475 of the Imperial Merchant Shipping Act provides for an appeal from a Wreck Commissioner's decision in the case of certain certificates. The proposed amendment is to preserve this right in the case of such certificates being dealt with in Canada

The amendment to subsection 2 (within brackets) is to make it conform to the amendments to subsection 1.

S. 833 amended. Construction of lighthouses

44. Section 833 of the principal Act is amended by inserting after the word "management" in the eleventh line thereof the words "and he may, subject to the approval of the Governor in Council, acquire all lands and immoveable property required for the same and pay for them out of the amount appropriated for 35 such construction."

Explanatoy Note.—The purpose of this amendment is to remove any doubt as to the power of the Minister of Marine and Fisheries to purchase lands for the construction thereon of lighthouses or other aids to navigation.

45. Section 862 of the principal Act is amended by adding 8.862 amended.

thereto the following proviso:-

"Provided that the Governor in Council may declare exempt Exemptions from harbour from such fees any vessel of any country granting Canadian masters fees. 5 registered ships a total special exemption of similar tonnage dues or like taxes therein imposed."

Explanatory Note.—To enable the Governor in Council to exempt foreign vessels from the payment of harbour masters' dues in certain cases.

46. Paragraph (a) of section 912 of the principal Act is 8.912 amended by adding after the word "includes," in the first line Definitions. thereof, the words "rafts and."

Explanatory Note.—Amendment necessary in view of the proposed clause 912 A below.

47. The principal Act is amended by inserting the following Section added. heading and section immediately after section 912:-

### "Regulations for the use of Channels.

"912A. The Governor in Council may, by regulation, deter-Regulation; mine, regulate and govern the use of the channels in the naviga- channels. ble waters of Canada, by tows, rafts and vessels of light draught, 15 and determine what shall constitute such light draught.

"2. Every such regulation shall be published in The Canada Publication

Explanatory Note.—There appears to be some doubt as to whether there is sufficient authority in The Canada Shipping Act for the Department of Marine and Fisheries to regulate the use of channels.

48. Subsection 1 of section 926 of the principal Act is repealed S. 926

and the following is substituted therefor:—

"926. Unless in this Part otherwise provided, all penalties penalties incurred thereunder may be recovered in the name of His Majesty, by an inspector of steamboats, or by any person aggrieved by any act, neglect or wilful omission by which the penalty is incurred, [or by any person specially authorized in writing by .

25 the Minister for that purpose; on summary conviction, according to the provisions of Part XV of The Criminal Code, before any functionary or tribunal having the powers of two justices of the peace, in the first port or harbour in which the vessel contravening this part of the law or regulations made thereunder

30 arrives after commission of the offence complained of, and within

one year from the commission of such offence].'

Explanatory Note.—The amendments within brackets are to enable any person authorized by the Minister of Marine and Fisheries to recover penalties. At present it can only be done by an inspector of steamboats or by an aggrieved person.

49. The principal Act is amended by adding thereto the Section following section:-

"971. Whereas by section 735 of The Merchant Shipping Repeal of provisions of 35 Act, 1894, and amendments, it is enacted and provided that Merchant 155 - 3

with Canada Shipping Act.

Shipping Act, the legislature of any British possession shall have power, by any Act or ordinance confirmed by His Majesty in Council, to repeal wholly or in part any provisions of the said Act and amendments relating to ships registered in such possession, so much of *The Merchant Shipping Act*, 1894, and amendments, as is inconsistent with *The Canada Shipping Act* and Acts amending the same, (and especially chapters 64 and 65 of the statutes of 1908), is repealed, so far as it relates to ships registered in Canada, but such repealing enactment shall not take effect until the approval thereof by His Majesty has been 10 proclamation. proclaimed in Canada.

Repeal suspended until

Explanatory Note. - This is a suspending clause.

An Act to amend the Canada Shipping Act

Reprinted as amended by the Marine and Fisheries Committee.)

THE HOUSE OF COMMONS OF CANADA.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

MR. BRODEUR.

155.

3rd Session, 11th Parliament, 1 George V., 1910-11

### THE HOUSE OF COMMONS OF CANADA.

### BILL 156.

An Act to amend the Department of Railways and Canals Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Department of Railways and Canals Act, chapter 35 of 5 the Revised Statutes, 1906, is amended by adding immediately after section 21 thereof, the following:-

### "SUSPENSE ACCOUNTS.

"21A. Upon the authority and approval of the Governor Suspense in Council, Suspense Accounts may be opened and established, accounts established. from time to time, and thereafter carried or continued, to enable 10 the Minister to make provision for the renewals of equipment and rails, and for loss and damage by fire to railway property, and for the purposes of traffic audit, of the Canadian Government Railways.

"2. Such accounts, and payments made thereunder, shall be Audit.

15 subject to the audit of the Auditor General of Canada.'

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

# **BILL** 156.

An Act to amend the Department of Railways and Canals Act.

First reading, March 28, 1911.

MR. GRAHAM.

OTTAWA

Printed by C. H. PARMELER

Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

## BILL 157.

An Act respecting the Inspection and Sale of Seeds.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

### SHORT TITLE.

1. This Act may be cited as The Seed Control Act.

Short title.

### REGULATIONS.

5 2. The Governor in Council may make—

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[(a) regulations determining the species of farm weeds which Regulations. shall, for the purpose of this Act, be included within the meaning of the term "noxious weeds;"]

(b) regulations determining the maximum proportion of seeds of [noxious weeds] that may be tolerated in any other seeds without affecting their character as being free from the seeds of the said weeds within the meaning of this Act;

(c) regulations determining the percentage standards of vitality for good seed of the various kinds of cereals, grasses, clovers, forage plants, flax, field root and garden vegetable crops; and,

(d) such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act.

2. The Governor in Council may, by such regulations, impose Penalties.

20 penalties not exceeding fifty dollars on any person offending against them, to be recoverable on summary conviction.

3. The regulations so made shall be in force from the date of Publication. their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf.

Explanatory Note.—Paragraph (a) gives power to the Governor in Council to determine what shall be considered noxious weeds. The words within brackets in paragraph (b) are consequent on the above. The remainder of the clause is unchanged.

### EXAMINATION.

Examination of seeds.

3. Any person charged with the enforcement of this Act may enter upon any premises to make any examination of any seeds, receptacles, packages, sacks or bags of seeds, with respect to which he has reason to suspect or believe that any provision of this Act is being violated, whether such seeds, receptacles, 5 packages, sacks or bags of seeds are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company, and may take any samples of the said seeds from any receptacle, package, sack or bag, for which samples the owner of the seed shall be paid in accordance with the amount 10 of seed thus taken and its current value.

Explanatory Note.—There is no change in this clause.

## LIMITATION OF ACT.

Exceptions from Act.

4. This Act shall not apply to—

(a) [seed that is sold, or offered, exposed or had in possession

for sale for the purpose of food or feeding;

(b) seed that is sold direct to seed merchants to be cleaned or 15 graded before being offered for sale for the purpose of seeding;

(c) seed that is held in storage for the purpose of being re-cleaned, and which has not been offered, exposed or held in possession for sale for the purpose of seeding;

(d) seed marked "not absolutely clean" and held or sold for

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export only.

Explanatory Note.—Paragraphs (a) and (b) are changed in form only, and to make the meaning more clear.

Further exception.

5. Sections 6 [and 7] of this Act shall not apply to the sale of seed that is grown, sold and delivered by any farmer on his own premises, for seeding by the purchaser himself, unless the 25 purchaser of the said seed obtains from the seller at the time of the sale thereof a certificate that the said seed is supplied to him subject to the provisions of this Act.

Explanatory Note.—The only change is to add clause 7 to the exceptions mentioned in clause 5.

## PROHIBITORY CLAUSES.

Seeds to be free from seeds of noxious weeds, unless so marked. 6. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding, any seeds of cereals, 30 [flax,] grasses, clovers or forage plants, [except timothy, alsike, red clover and alfalfa,] unless they are free from any seeds of noxious weeds; unless every receptacle, package, sack or bag containing such seeds, or a label securely attached thereto, is marked in a plain and indelible manner—

(a) with the full name and address of the seller;

(b) with the name of the kind or kinds of seed;

(c) with the common name or names of the [noxious weeds,] the seeds of which are present in the seed sold, or offered, exposed or had in possession for sale.

Explanatory Note.—The words within brackets are new. Timothy, alsike, red clover and alfalfa are specially provided for in clauses 7 and 8. Since "noxious weeds" may be defined under clause 2 it is no longer necessary to specifically mention the list which appears in the old section 6.

7. Every person who, by himself or through the agency of Packages, another person, shall sell, or offer, expose or have in his post to be session for sale, for seeding in Canada, any seeds of timothy, marked. red clover, alsike or alfalfa, or any mixture containing the said seeds, in or from any receptacle, package, sack or bag, shall

10 cause such receptacle, package, sack or bag, or a label securely attached thereto, to be marked in a plain and indelible manner, in letters not less than half an inch in length, with a designation of the grade of seed, which shall include one of the following four marks, namely:-Extra No. 1; No. 1; No. 2; No. 3;

15 provided, however, that such marks may be accompanied by any other private mark or brand if such private mark or brand is not inconsistent with or marked more conspicuously than the one of the said four marks which is to be used with the said receptacle, package, sack or bag.]

Explanatory Note.—Section 7 of the present Act has been redrafted as regards the marking and designation of the grade of seeds, and the section is now amplified into clauses 7 and 8 of the present bill.

[8. No person shall sell, or offer, expose or have in his pos-Grades. session for sale any seeds of timothy, alsike, red clover or alfalfa, in or from any receptacle, package, sack or bag, upon which is marked.-

(a) "Extra No. 1" unless such seeds are pure as to kind, clean, 25 sound, plump, of good colour, free from the seeds of any noxious weeds, and contain not more than thirty seeds of other useless or harmful plants per ounce of the seed so

marked:

35

(b) "No. 1" unless such seeds are clean, sound, reasonably 30 plump, of good colour, contain not more than five noxious weed seeds per ounce of timothy, red clover or alfalfa, or ten of them per ounce of alsike seed and not more than one hundred seeds of other useless or harmful plants per ounce of the seed so marked;

(c) "No. 2" unless such seeds are reasonably clean, sound, contain not more than twenty noxious weed seeds per ounce of timothy, red clover or alfafa, or forty of them per ounce of alsike seed and not more than two hundred seeds of other useless or harmful plants per ounce of the seed so marked;

(d) "No. 3" unless such seeds contain not more than eighty 40 seeds of noxious weeds per ounce of timothy, red clover, or alfalfa, or one hundred and sixty of them per ounce of alsike

seed and not more than four hundred seeds of other useless or harmful plants per ounce of the seed so marked.]

Proportion of prohibited seeds allowed.

9. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding in Canada, any seeds of timothy, alsike, red clover [or alfalfa,] or any mixture containing the said seeds, if the seeds of noxious weeds [or other useless or harmful plants] are present in a greater proportion in the seed sold, or offered, exposed or had in possession for sale, than [the maximum number of such seeds that is permitted for seed that may be marked "No.3," as defined in section 8 hereof.] 10

Explanatory Note.—The words within brackets are new, the additions being consequent upon clauses 6, 7 and 8.

Labels on packages, etc., of seeds must state percentage capable of germination.

10. No person shall sell, or offer, expose or have in his possession for sale, for seeding, any seeds of cereals, flax, grasses, clovers, forage plants, field roots or garden vegetable crops which are not capable of germinating in the proportion of two-thirds of the percentage standard of vitality for good seed of the kind, unless 15 every receptacle, package, sack or bag containing such seed, or a label securely attached thereto, is marked in a plain and indelible manner with the name of the kind of seed and the percentage of the seeds that are capable of germination.

Explanatory Note.—The remaining sections are the existing law, except the repeal clause (20), which is added.

### OFFENCES AND PENALTIES.

Penalty for selling seeds containing seeds of weeds.

11. Except as in this section otherwise provided, every person 20 who, by himself or through the agency of another person, sells, offers, exposes or has in possession for sale, seeds, in violation of any of the provisions of this Act, shall be guilty of an offence and upon such summary conviction therefor, be liable for a first offence to a fine not exceeding one dollar, and for each sub- 25 sequent offence to a fine not exceeding five dollars, for each receptacle, package, sack or bag in or from which seeds are sold, offered, exposed or had in possession for sale contrary to such provisions, together with the costs, of prosecution, and, in default of immediate payment of such fine and costs, shall be 30 liable to imprisonment for a term not exceeding one month unless such fine and costs of enforcing the same are sooner paid: Provided that the total amount of the fine shall not exceed, in the case of a first offence, five dollars, and in the case of a sub-35 sequent offence, twenty-five dollars.

Liability of purchaser in good faith. 2. If the accused proves to the magistrate before whom he is tried that the package, sack, bag or receptacle containing the seed respecting which the complaint or information is laid, was purchased by him directly from a seed merchant domiciled in Canada, and was not opened, or the state of the seed was not 40 altered, while it was in his possession, and he had no reason

to believe that the seed did not comply with the provisions of this Act, he shall, upon disclosing the name of the person from whom he purchased the seed, and the place and date of the sale thereof to him, not be liable beyond the costs of prosecution.

3. Every magistrate who has disposed of any case under Report of the foregoing subsection shall, within one month from the date magistrate. of his judgment therein, send to the Minister of Agriculture a report of the case, giving the name of the accused, the name of the person who sold the seed to him, and the date and place 10 of such sale.

4. Any prosecution against any person, pursuant to a report Time for made to the Minister of Agriculture respecting that person, prosecution limited. under the last foregoing subsection may be commenced within twelve months from the time when the matter of complaint or 15 information arose, and not later.

12. Every person who obstructs any person charged with Preventing the enforcement of this Act in entering any premises to make the examinaexamination of seeds, receptacles, packages, sacks or bags of seeds, as provided by this Act, or who refuses to permit the 20 making of any such examination, or the taking of samples, of Or the seeds as provided by this Act, shall, upon summary conviction, taking of samples. be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of Penalty. prosecution; and in default of payment of the said penalty 25 and costs shall be liable to imprisonment for a term not exceeding six months, unless the said penalty and costs and the costs of enforcing the same are sooner paid.

13. The person on whose behalf any seed is sold, offered, Who shall be exposed or had in possession for sale, contrary to the provisions liable. 30 of this Act, shall be prima facie liable for the violation of this Act.

### ANALYSIS.

14. Any purchaser of seeds, with respect to which he has Samples to reason to suspect or believe that any provision of this Act has be sent to been violated, or any person charged with the enforcement analyst. 35 of this Act, at his request, may take a sample from the said seeds and forward it to such person as the Governor in Council appoints as an official seed analyst to examine and report upon any seed submitted for analysis under the provisions of this Act.

40 15. Any sample of seed taken for official analysis under To be taken the provisions of this Act shall be taken in the presence of of seller and (a) the person who sold or offered, exposed or had in his two witpossession for sale the said seeds; or,

Certificate to accompany samples.

(b) two impartial or non-interested witnesses; and, in accordance with the rules for seed testing prescribed by the Minister of Agriculture, and shall be enclosed in a sealed package, together with a certified statement of the person taking the sample, which statement shall include the name and address of 5 the person who sold, or offered, exposed or had in his possession for sale, the seeds from which the said sample was taken, the manner in which the receptacle, package, sack or bag was marked, and the section or sections of this Act in violation of which the said seeds were found or suspected to be sold or 10 offered, exposed or had in possession for sale.

Samples to be sent within seven days.

16. Any sample of seed taken from any seeds which are found or suspected to be sold in violation of the provisions of this Act shall be taken and forwarded to an official seed analyst,—

(a) from seeds that are sold in sealed packages, sacks, bags or receptacles, at the time of the breaking of the seal thereon; and,

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(b) from seeds that are not sold in sealed packages, sacks, bags or receptacles, within seven days from the date on 20 which the seeds entered into the personal possession and became the property of the purchaser.

Analysis and certificate.

17. It shall be the duty of any official seed analyst to examine any seeds sent to him in accordance with the provisions of this Act, by following the methods for testing seeds prescribed by 25 the Minister of Agriculture, and to send one certificate of analysis of the said seeds to the inspector, informant or complainant from whom they were received, and one certificate to the seller of the said seeds, and to place one certificate on file in the Department of Agriculture.

## EVIDENCE AND PROCEDURE.

Certificate as evidence.

18. The certificate of analysis of any official seed analyst on any sample of seeds forwarded to him under this Act shall be accepted as evidence in any prosecution of any person charged with having sold or offered, exposed or had in his possession for sale, in violation of the provisions of this Act, seeds from which 35 the sample purports to have been taken, or of any person from whom such person purchased the seeds.

Place of offence.

19. In any complaint, information or conviction under this Act, the matter complained of may be declared, and shall be held to have arisen, within the meaning of Part XV of *The* 40 *Criminal Code*, at the place where the seed was sold, or offered, exposed or had in possession for sale.

#### REPEAL.

[20. Chapter 128 of the Revised Statutes, 1906, and chapter Repeal. 54 of the statutes of 1910, are repealed.]

3rd Session, 11th Parliament, 1 George V., 1

THE HOUSE OF COMMONS OF CANADA.

BILL 157.

An Act respecting the Inspection Sale of Seeds.

First reading, March 28, 1911.

MR. FISHER.

OTTAWA
Printed by C. H. PARMBLER
Printer to the King's most Excellent Maje
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 177.

# An Act to amend the Indian Act.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Section 46 of The Indian Act, chapter 81 of the Revised R.S., c. 81,78. Statutes, 1906, is amended by inserting the following sub- 46 amended.

5 section immediately after subsection 1 of the said section:

"1A. When the consent of the Governor in Council is given Compensato the taking or using of any portion of any reserve for any tion and damages for railway, the construction or operation of which is authorized by lands taken special Act of the legislature of any province, the provisions of for railway.

10 The Railway Act relative to the taking or using of lands, and the compensation and damages therefor, shall be applicable to such R.S., c. 37. taking or using and to the ascertainment and payment of the

compensation and damages therefor."

2. The said Act is amended by inserting the following section section

15 immediately after section 49 thereof:— .

"49A. In the case of an Indian reserve which adjoins or is Inquiry and situated wholly or partly within an incorporated town or city report by Exchequer having a population of not less than ten thousand, and which court as to reserve has not been released or surrendered by the Indians, the removal of 20 Governor in Council may, upon the recommendation of the

Superintendent General, refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and of the Indians of the band for whose use the reserve is

25 held, that the Indians should be removed from the reserve or any part of it.

"2. The order in council made in the case shall be certified by Order in the Clerk of the Privy Council to the Registrar of the Exchequer Council. Court of Canada, and the judge of the court shall thereupon

30 proceed as soon as convenient to fix a time and place, of which Notice of due notice shall be given by publication in The Canada Gazette, and inquiry. otherwise as may be directed by the judge, for taking the evidence and hearing and investigating the matter.

Powers of Court.

'3. The judge shall have the like powers to issue subpœnas, compel the attendance and examination of witnesses, take evidence, give directions, and generally to hear and determine the matter and regulate the procedure as in proceedings upon information by the Attorney General within the ordinary 5 jurisdiction of the court.

Compensation for special loss and damages ascertained.

"4. If the judge finds that it is expedient that the band of Indians should be removed from the reserve or any part of it, he shall proceed, before making his report, to ascertain the amounts of compensation, if any, which should be paid re-10 spectively to individual Indians of the band for the special loss or damages which they will sustain in respect of the buildings or improvements to which they are entitled upon the lands of the reserve for which they are located; and the judge shall, moreover, consider and report upon any of the other facts or 15 circumstances of the case which he may deem proper or material to be considered by the Governor in Council.

Transmission of proceedings.

"5. The judge shall transmit his findings, with the evidence and a report of the proceedings, to the Governor in Council, and the Governor in Council may thereupon give effect to the said 20 findings and cause the reserve or any part thereof from which it is found expedient to remove the Indians to be sold, aliened or leased upon the best terms which, in the opinion of the

Sale or lease of lands.

Governor in Council, may be obtained therefor.

Disposition of proceeds.

"6. The proceeds of the sale or lease, after deducting the 25 usual percentage for management fund, shall be applied in compensating individual Indians for their buildings or improvements as found by the judge, in purchasing a new reserve for the Indians removed, in transferring the said Indians with their effects thereto, in erecting buildings upon the new reserve, and in 30 providing the Indians with such other assistance as the Superintendent General may consider advisable; and the balance of the proceeds, if any, shall be placed to the credit of the Indians: Provided that the Government shall not cause the Indians to be removed, or disturb their possession, until a suitable reserve has 35 New reserve. been obtained and set apart for them in lieu of the reserve or portion thereof from which the expediency of removing the Indians is so established as aforesaid.

Proviso.

"7. For the purpose of selecting, appropriating and acquiring the lands necessary to be taken, or which it may be deemed 40 expedient to take, for any new reserve to be acquired for the Indians as authorized by the last preceding sub-section, whether they are Crown lands or not, the Superintendent General shall

Expropria-tion of lands for new reserve.

> have all the powers conferred upon the Minister by The Expropriation Act, and such new reserve shall, for the purposes 45 aforesaid, be deemed to be a public work within the definition of that expression in The Expropriation Act; and all the provisions of The Expropriation Act, in so far as applicable and not inconsistent with this Act, shall apply in respect of the pro-

R.S., c. 143.

ceedings for the selection, survey, ascertainment and acquisition of the lands required and the determination and payment of the compensation therefor: Provided, however, that the Superintendent General shall not exercise the power of expropriation 5 unless authorized by the Governor in Council."

3. Section 171 of the said Act is repealed and the following New s. 171. is substituted therefor:—

"171. The annuities payable to Indians in pursuance of the Payment conditions of any treaty expressed to have been entered into on annuities.

10 behalf of His Majesty or His predecessors, and for the payment of which the Government of Canada is responsible, shall be a charge upon the Consolidated Revenue Fund of Canada, and be payable out of any unappropriated moneys forming part thereof."

15 4. Subsection 1 of section 37A of the said Act, as enacted by Section 37A section 1 of chapter 28 of the statutes of 1910, is hereby repealed amended. and the following is substituted therefor:—

37A. If the possession of any lands reserved or claimed to be Recovery of reserved for the Indians, or of any lands of which the Indians or possession 20 any Indian or any band or tribe of Indians claim the possession or withheld or any right of possession, is withheld, or if any such lands are occupied. adversely occupied or claimed by any person, or if any trespass is committed thereon, the possession may be recovered for the Indians or Indian or band or tribe of Indians, or the conflicting

25 claims may be adjudged and determined or damages may be re- Damages. covered in an action at the suit of His Majesty on behalf of the Indians or Indian or of the band or tribe of Indians entitled to or claiming the possession or right of possession or entitled to or claiming the declaration, relief or damages.

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

An Act to amend the Indian Act.

First reading, April 10, 1911.

MR. OLIVER.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 177.

An Act to amend the Indian Act.

(Reprinted as amended and reported by the Committee of the Whole House.)

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:---

1. Section 46 of The Indian Act, chapter 81 of the Revised R.S., c. 81, s. 5 Statutes, 1906, is amended by inserting the following subsection immediately after subsection 1 of the said section:-

"1A. No portion of any reserve shall be taken for the purpose Compensaof any railway, road, public work, or work designed for any lands taken public utility without the consent of the Governor in Council, for railway or public 10 but any company or municipal or local authority having statutory works.

power, either Dominion or provincial, for taking or using lands or any interest in lands without the consent of the owner may, with such consent as aforesaid, and subject to the terms and conditions imposed by such consent, exercise such statutory

15 power with respect to any reserve or portion of a reserve; and in any such case compensation shall be made therefor to the Indians of the band, and the exercise of such power, and the taking of the lands or interest therein and the determination and payment of the compensation shall, unless otherwise provided by the order

20 in council evidencing the consent of the Governor in Council, be governed by the requirements applicable to the like proceedings by such company, municipal or local authority in ordinary cases."

2. The said Act is amended by inserting the following section Section 25 mmediately after section 49 thereof:

"49A. In the case of an Indian reserve which adjoins or is Inquiry and s tuated wholly or partly within an incorporated town or city Exchequer having a population of not less than eight thousand, and which Court as to reserve has not been released or surrendered by the Indians, the Indians

30 Governor in Council may, upon the recommendation of the Superintendent General, refer to the judge of the Exchequer

Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and of the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it.

Order in Council.

Notice of inquiry.

Powers of Court.

Compensation for special loss and damages to be; t ascertained.

Transmission of proceed-ings.

Sale or lease of lands.

Disposition of proceeds.

"2. The order in council made in the case shall be certified by the Clerk of the Privy Council to the Registrar of the Exchequer Court of Canada, and the judge of the court shall thereupon proceed as soon as convenient to fix a time and place, of which due notice shall be given by publication in *The Canada Gazette*, and 10 otherwise as may be directed by the judge, for taking the evidence and hearing and investigating the matter.

'3. The judge shall have the like powers to issue subpœnas, compel the attendance and examination of witnesses, take evidence, give directions, and generally to hear and determine 15 the matter and regulate the procedure as in proceedings upon

information by the Attorney General within the ordinary

jurisdiction of the court.

"4. If the judge finds that it is expedient that the band of Indians should be removed from the reserve or any part of it, 20 he shall proceed, before making his report, to ascertain the amounts of compensation, if any, which should be paid respectively to individual Indians of the band for the special loss or damages which they will sustain in respect of the buildings or improvements to which they are entitled upon the lands of 25 the reserve for which they are located; and the judge shall, moreover, consider and report upon any of the other facts or circumstances of the case which he may deem proper or material to be considered by the Governor in Council.

"5. The judge shall transmit his findings, with the evidence 30 and a report of the proceedings, to the Governor in Council, who shall lay a full report of the proceedings, the evidence and the findings before Parliament at the then current or next ensuing session thereof, and upon such findings being approved by resolution of Parliament the Governor in Council may thereupon 35 give effect to the said findings and cause the reserve or any part thereof from which it is found expedient to remove the Indians to be sold or leased by public auction after three months advertisement in the public press, upon the best terms which, in the opinion of the Governor in Council, may be obtained therefor.

"6. The proceeds of the sale or lease, after deducting the usual percentage for management fund, shall be applied in compensating individual Indians for their buildings or improvements as found by the judge, in purchasing a new reserve for the Indians removed, in transferring the said Indians with their effects 45 thereto, in erecting buildings upon the new reserve, and in providing the Indians with such other assistance as the Superintendent General may consider advisable; and the balance of the proceeds, if any, shall be placed to the credit of the Indians:

Provided that the Government shall not cause the Indians to be Proviso. removed, or disturb their possession, until a suitable reserve has been obtained and set apart for them in lieu of the reserve from New reserve. which the expediency of removing the Indians is so established

5 as aforesaid.

"7. For the purpose of selecting, appropriating and acquiring Expropriating the lands necessary to be taken, or which it may be deemed tion of lands for new expedient to take, for any new reserve to be acquired for the reserve. Indians as authorized by the last preceding sub-section, whether

10 they are Crown lands or not, the Superintendent General shall have all the powers conferred upon the Minister by The Expropriation Act, and such new reserve shall, for the purposes R.S., c. 143. aforesaid, be deemed to be a public work within the definition of that expression in The Expropriation Act; and all the pro-

15 visions of The Expropriation Act, in so far as applicable and not inconsistent with this Act, shall apply in respect of the proceedings for the selection, survey, ascertainment and acquisition of the lands required and the determination and payment of the compensation therefor: Provided, however, that the Super-20 intendent General shall not exercise the power of expropriation unless authorized by the Governor in Council."

3. Section 171 of the said Act is repealed and the following New s. 171. is substituted therefor:-

"171. The annuities payable to Indians in pursuance of the Payment 25 conditions of any treaty expressed to have been entered into on annuities. behalf of His Majesty or His predecessors, and for the payment of which the Government of Canada is responsible, shall be a charge upon the Consolidated Revenue Fund of Canada, and be payable out of any unappropriated moneys forming part 30 thereof."

4. Subsection 1 of section 37A of the said Act, as enacted by Section 37A section 1 of chapter 28 of the statutes of 1910, is hereby repealed amended. and the following is substituted therefor:-

"37A. If the possession of any lands reserved or claimed to be Recovery of 35 reserved for the Indians, or of any lands of which the Indians or possession of reserves any Indian or any band or tribe of Indians claim the possession or withheld or any right of possession, is withheld, or if any such lands are adversely occupied. adversely occupied or claimed by any person, or if any trespass is committed thereon, the possession may be recovered for the

40 Indians or Indian or band or tribe of Indians, or the conflicting claims may be adjudged and determined or damages may be re- Damages. covered in an action at the suit of His Majesty on behalf of the Indians or Indian or of the band or tribe of Indians entitled to or claiming the possession or right of possession or entitled to 45 or claiming the declaration, relief or damages."

and Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 177.

'An Act to amend the Indian Act.

(Reprinted as amended and reported by the Committee of the Whole House.

MR. OLIVER.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

# BILL 179.

An Act respecting the Songhees Indian Reserve.

IIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The agreement for the sale of the Songhees Indian Reserve Confirmation 5 contained in the Schedule to this Act is hereby confirmed and, of agreement for sale of notwithstanding anything in The Indian Act, the whole of Songhees the amount payable to each head of an Indian family under the Reserve. terms of the said agreement may be paid in the manner therein provided.

## SCHEDULE.

MEMORANDUM OF AGREEMENT made (in duplicate) between The Government of the Dominion of Canada, represented by the Honourable Frank Oliver, Superintendent General of Indian Affairs of Canada: and The Government of the Province of British Columbia, represented by the Honourable William Roderick Ross, Minister of Lands for the Province of British

Witnesseth that it has been agreed between the parties hereto as follows:-

1: That the Songhees Indian Reserve, in the city of Victoria, in the Province of British Columbia, shall be conveyed or transferred to the Government of the Province of British Columbia for the consideration hereinafter mentioned as soon as the Songhees Band of Indians have surrendered the same under the provisions of the "Indian Act" and as soon as the necessary legislation has been obtained from the Parliament of Canada confirming this agreement.

2: That the Government of the Province of British Columbia

will, in consideration of such conveyance or transfer:—

(1) Deposit in the Canadian Bank of Commerce in the City of Victoria the sum of ten thousand dollars (\$10,000.00) to the credit and in the name of each head of a family of the said Songhees Band of Indians as set forth in the census of the said Band made November 21st to 25th, 1910, by Inspector Ditchburn, and any additional bona fide heads of families existing at the date of payment as the names of such heads of families are certified by the Superintendent General to the Minister of Lands, and will furnish the Superintendent General with the said Bank's receipt for each deposit countersigned by the Indian to whose

credit such deposit has been made:

(2) Deposit the value of each Indian's improvements to his or her credit in the said Bank; and when the value of the school-house, now used by the Indians as a church, the water pipe, and any other band improvements, is ascertained, will divide it equally among the heads of families and deposit the same to the credit of the respective heads, furnishing the Bank's receipt for each deposit as above. In case an agreement cannot be arrived at with respect to the value of such improvements, school-house and water pipe, the value shall be settled by arbitration, the Superintendent General and the Minister of Lands each to appoint an arbitrator and the two arbitrators so appointed to appoint a third arbitrator, and the decision of such arbitrators,

or any two of them, to be final and conclusive:

(3) Convey in fee simple to His Majesty the King, represented by the Superintendent General, a piece or parcel of land at Esquimalt, being all that piece or parcel of land situate in and being part of Section two, Esquimalt District, Vancouver Island, and now known as Section 2A, and being more particularly described as follows:-Commencing at a post planted at high water mark on the northerly shore of Constance Cove, Esquimalt Harbour; thence in a direction north thirty-six degrees and twenty-eight minutes east, Magnetic (N. 36° 28' E. Mag.) a distance of eighty chains and ninety links (80. 90.) more or less, to an intersection with the southerly boundary of the Craigflower Road; thence westerly along said southerly boundary to an intersection with the easterly boundary of the Admiral's Road: thence southerly following said easterly boundary to an intersection with the east boundary of the Esquimalt Indian Reserve; thence following the said east boundary of the reserve to its southeast corner; thence at right angles and westerly along the south boundary of the Indian reserve to its southwest corner on the shore of Esquimalt Harbour; thence following the shore line of the Harbour westerly, southerly and easterly to point of commencement, the whole containing by admeasurement one hundred and sixty-three and forty-two hundredths acres, more or less, and more particularly shown on the annexed tracing and thereon coloured red save and excepting that portion of the right of way (passing through Section 2a) conveyed to the Esquimalt and Nanaimo Railway Company by deed dated July 4, 1905, and registered in the Land Registry Office at Victoria in absolute fees book Vol. 22, Folio 385, No. 115080, and deposited in said office under No. 167:

Together with all mines royal and all mines and minerals and all rights, members and appurtenances whatsoever to the said hereditaments belonging, and all the estate, right, title and property whatsoever of the said Vendor in, to, and out of the

said premises.

(4) Remove the dead, together with all monuments and tombstones from the said Songhees reserve in the City of Victoria to the new reserve at Esquimalt, and there re-inter and replace them in a manner satisfactory to the Superintendent General, the whole at the cost of the Government of British Columbia.

In witness whereof the parties have hereunto affixed and set their hands and seals of office this 31st day of March, A.D., One thousand nine hundred and eleven.

Signed, sealed and delivered by the Honourable Frank Oliver in | Superintendent General of the presence of:

FRANK OLIVER (Seal.) Indian Affairs.

FRANK PEDLEY.

Signed, sealed and delivered by [ the Honourable William R. Ross WM. R. ROSS in the presence of: Minister of Lands. R. F. CHILD.

3rd Session, 11th Parliament, 1 George V., 1910-1

THE HOUSE OF COMMONS OF CANADA.

BILL 179.

An Act respecting the Songhees Indian Reserve.

First reading, April 19, 1911.

MR. OLIVER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## BILL AS PASSED APRIL 26, 1911.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 179.

An Act respecting the Songhees Indian Reserve.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement for the sale of the Songhees Indian Reserve Confirmation 5 contained in the Schedule to this Act is hereby confirmed and, of agreement for sale of notwithstanding anything in *The Indian Act*, the whole of Songhees the amount payable to each head of an Indian family under the Indian Reserve. terms of the said agreement may be paid in the manner therein provided.

## SCHEDULE.

Memorandum of Agreement made (in duplicate) between The Government of the Dominion of Canada, represented by the Honourable Frank Oliver, Superintendent General of Indian Affairs of Canada: and The Government of the Province of British Columbia, represented by the Honourable William Roderick Ross, Minister of Lands for the Province of British Columbia:

Witnesseth that it has been agreed between the parties hereto as follows:—

1: That the Songhees Indian Reserve, in the city of Victoria, in the Province of British Columbia, shall be conveyed or transferred to the Government of the Province of British Columbia for the consideration hereinafter mentioned as soon as the Songhees Band of Indians have surrendered the same under the provisions of the "Indian Act" and as soon as the necessary legislation has been obtained from the Parliament of Canada confirming this agreement.

2: That the Government of the Province of British Columbia

will, in consideration of such conveyance or transfer:-

(1) Deposit in the Canadian Bank of Commerce in the City of Victoria the sum of ten thousand dollars (\$10,000.00) to the credit and in the name of each head of a family of the said

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Songhees Band of Indians as set forth in the census of the said Band made November 21st to 25th, 1910, by Inspector Ditchburn, and any additional bona fide heads of families existing at the date of payment as the names of such heads of families are certified by the Superintendent General to the Minister of Lands, and will furnish the Superintendent General with the said Bank's receipt for each deposit countersigned by the Indian to whose credit such deposit has been made:

(2) Deposit the value of each Indian's improvements to his or her credit in the said Bank; and when the value of the schoolhouse, now used by the Indians as a church, the water pipe, and any other band improvements, is ascertained, will divide it equally among the heads of families and deposit the same to the credit of the respective heads, furnishing the Bank's receipt for each deposit as above. In case an agreement cannot be arrived at with respect to the value of such improvements, school-house and water pipe, the value shall be settled by arbitration, the Superintendent General and the Minister of Lands each to appoint an arbitrator and the two arbitrators so appointed to appoint a third arbitrator, and the decision of such arbitrators.

or any two of them, to be final and conclusive:

(3) Convey in fee simple to His Majesty the King, represented by the Superintendent General, a piece or parcel of land at Esquimalt, being all that piece or parcel of land situate in and being part of Section two, Esquimalt District, Vancouver Island. and now known as Section 2A, and being more particularly described as follows:—Commencing at a post planted at high water mark on the northerly shore of Constance Cove. Esquimalt Harbour; thence in a direction north thirty-six degrees and twenty-eight minutes east, Magnetic (N. 36° 28' E. Mag.) a distance of eighty chains and ninety links (80. 90.) more or less, to an intersection with the southerly boundary of the Craigflower Road; thence westerly along said southerly boundary to an intersection with the easterly boundary of the Admiral's Road; thence southerly following said easterly boundary to an intersection with the east boundary of the Esquimalt Indian Reserve; thence following the said east boundary of the reserve to its southeast corner; thence at right angles and westerly along the south boundary of the Indian reserve to its southwest corner on the shore of Esquimalt Harbour; thence following the shore line of the Harbour westerly, southerly and easterly to point of commencement, the whole containing by admeasurement one hundred and sixty-three and forty-two hundredths acres, more or less, and more particularly shown on the annexed tracing and thereon coloured red save and excepting that portion of the right of way (passing through Section 2A) conveyed to the Esquimalt and Nanaimo Railway Company by deed dated July 4, 1905, and registered in the

Land Registry Office at Victoria in absolute fees book Vol. 22, Folio 385, No. 115080, and deposited in said office under No. 167:

Together with all mines royal and all mines and minerals and all rights, members and appurtenances whatsoever to the said hereditaments belonging, and all the estate, right, title and property whatsoever of the said Vendor in, to, and out of the

said premises.

(4) Remove the dead, together with all monuments and tombstones from the said Songhees reserve in the City of Victoria to the new reserve at Esquimalt, and there re-inter and replace them in a manner satisfactory to the Superintendent General, the whole at the cost of the Government of British Columbia.

In witness whereof the parties have hereunto affixed and set their hands and seals of office this 31st day of March, A.D., One thousand nine hundred and eleven.

Signed, sealed and delivered by FRANK OLIVER (Seal.) the Honourable Frank Oliver in Superintendent General of the presence of:

Indian Affairs.

FRANK PEDLEY.

Signed, sealed and delivered by [ the Honourable William R. Ross WM. R. ROSS in the presence of:
R. F. CHILD.

Minister of Lands.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 184.

# An Act respecting Copyright.

## SHORT TITLE.

1. This Act may be cited as The Copyright Act, 1911.

Short title.

## INTERPRETATION.

	2. In this Act, unless the context otherwise requires,— "Minister" means the Minister of Agriculture;	Definitions.
5	"Department" means the Department of Agriculture; "legal representatives" includes heirs, executors, administrators and assigns, or other legal representatives; "literary work" includes maps, charts, plans and tables; "dramatic work" includes any piece for recitation, choreo-	representa- tives."
10	graphic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the	"Dramatic work."
	arrangement or acting form or the combination of incidents represented give the work an original character; "literary work," "dramatic work" "and musical work" in-	"Literary
15	cludes records, perforated rolls or other contrivances by nieans of which a work may be mechanically performed or delivered;	"Dramatic work." "Musical
20	"artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art, and engravings and photographs;	"Artistic
20	"work of sculpture" includes casts and models;  "architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, but not in respect of the processes or	tural work
25	methods of its construction;	
	"engravings" include etchings, dithographs, wood-cuts, prints and other similar works, not being photographs;	"Engra- vings."
	"photograph" includes photo-lithograph and any work produced by any process analogous to photography;	"Photo-graph"

"Cinematograph.

"cinema ograph" includes any work produced by any process

analogous to cinematography:

"Pirated."

"pirated," when applied to a copy of a work in which copyright subsists, means any copy made without the consent or acquiescence of the owner of the copyright, or imported 5

contrary to this Act:

"Publication."

"publication" means the issue of copies to the public and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an 10

architectural work of art:

"Performance.

"performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument:

"Delivery."

"delivery," in relation to a lecture, includes delivery by means

15

of any mechanical instrument;

'Plate."

"plate" includes any stereotype or other plate, stone, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or 20 other appliance by which records, perforated rolls or other contrivance for the acoustic representation of the work are made or intended to be made;

"Lecture."

"lecture" includes address, speech and sermon;

"Copy-right."

"copyright" means the sole right to produce or reproduce 25 any original literary, dramatic, musical or artistic work or any substantial part thereof in any material form whatsoever and in any language; to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work; 30 and shall include the sole right,

(a) in the case of a dramatic work, to convert it into a novel

or other non-dramatic work;

(b) in the case of a novel or other non-dramatic work, to convert it into a dramatic work, either by way of multipli- 35 cation of copies or by way of performance in public;

(c) in the case of a literary, dramatic or musical work, to make any record, perforated roll or other contrivance by means of which the work may be mechanically performed, and to authorize any such acts as aforesaid.

Publication, performance or delivery in public.

2. For the purposes of this Act (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public or delivered in public without the consent or acquiescence 45 of the person entitled to authorize its publication, performance in public or delivery in public.

Simultaneous publication.

3. For the purposes of this Act a work shall be deemed to be first published in Canada, notwithstanding that it has been pub-

lished simultaneously in some other country, unless the publication in Canada is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two countries if the time 5 between the publication in one such country and the publication

in the other country does not exceed fourteen days. 4. Where the making of a work has extended over a consider- Copyright able period the conditions of this Act conferring copyright shall to bona fide resident.

be deemed to have been complied with if the author was, during 10 any substantial part of that period, a bona fide resident of Canada.

photographs,

### CONDITIONS OF COPYRIGHT.

3. Subject to the provisions of this Act, copyright shall Conditions of subsist in Canada for the term hereinafter mentioned in every copyright in Canada. original literary, dramatic, musical and artistic work the author 15 whereof was, at the date of the making of the work, a bona fide resident of Canada, but in no other works except so far as the protection conferred by this Act is extended by order in council thereunder.

2. Every copy of a work published in Canada shall be Notice of 20 printed or made in Canada, and shall bear notice of copyright—copyright—

(a) if the work is a book or other printed publication, on the Of books, title page or on the page immediately following; or,

(b) if the work is a literary work (other than a book, or other maps, etc. printed publication), or a musical work, engraving, photograph or cinematograph, on the face thereof; or,

(c) if the work is a volume of maps, charts, plans, tables, music, engravings or photographs, on the title page or first page thereof;

in the words "Copyright, Canada, 19—, by A.B."

2.5

3. Every painting, drawing or work of sculpture published of paintings. in Canada shall be made in Canada, and the signature of the sculpture, etc. author shall be notice of copyright.

### INFRINGEMENT.

4. Copyright in a work shall be deemed to be infringed Infringement by any person who, without the consent of the owner of the of copyright. 35 copyright, does anything the sole right to do which is by this Act conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright;

(i) any fair dealing with any work for the purposes of Exceptions.

40 private study, research, criticism or review;

(ii) where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model or study made by him for the purpose of the work, provided that he does not thereby

repeat or imitate the main design of the work;

(iii) the making of paintings, drawings, engravings or photographs of a work of sculpture or artistic craftsmanship, if situate in a public place or building, or the making of 5 paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;

(iv) the publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited by 10

notice given either-

(a) orally, at the beginning of the lecture, or, if the lecture is one of a series of lectures given by the same lecturer on the same subject at the same place, at the beginning of the first lecture of the series; or

(b) by a conspicuous written or printed notice affixed, before the lecture, or the first lecture of the series, is given, on the entrance doors of the building in which the lecture or series of lectures is given, or in a place near the lecturer.

(v) the representing of any scene or object, notwithstanding that there may be copyright in some other representation

of such scene or object.

Infringement by sale, etc. 2. Copyright in a work shall also be deemed to be infringed by any person who sells or lets for hire, or exposes, offers or 25 has in his possession for sale or hire, or distributes or exhibits in public, or imports for sale or hire into Canada, any work which to his knowledge infringes copyright or would infringe copyright if it had been made in Canada.

Infringement by public performance. 3. Copyright in a work shall also be deemed to be infringed 30 by any person who for private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he proves that he acted innocently.

## TERM OF COPYRIGHT.

Term of copyright.

5. The term for which copyright shall subsist shall, except 35 as otherwise provided by this Act, be the life of the author and a period of fifty years after his death unless previously determined by first publication elsewhere than in Canada, except as otherwise provided by this Act, or by failure to comply with any other requirement of this Act.

## LICENSES TO RE-PUBLISH.

License to re-publish or perform work in public, a petition is presented to the Minister by any person the withholding of the

work from the public or of the price charged for copies of the granted by work or for the right to perform the work in public, the reasonable upon requirements of the public with respect to the work are not petition. satisfied, and praying for the grant of a license to reproduce the

5 work or perform the work in public, the Minister shall consider the petition, and if, after inquiry, he is satisfied that the allegations contained therein are correct, and if within a reasonable time no remedy is provided by the owner of the copyright, he may grant to the petitioner a license to reproduce or perform

10 the work in public in Canada on such terms as respects price and payment of royalties to the owner of the copyright in the work, and otherwise, as the Minister thinks fit.

2. Any decision of the Minister under this section shall be Appeal. subject to appeal to the Exchequer Court of Canada, and the 15 decision of that court shall be final.

## OWNERSHIP AND ASSIGNMENT OF COPYRIGHT.

7. Subject to the provisions of this Act, the author of a Ownership of work shall be the first owner of the copyright therein:

Provided that-

(a) where in the case of an engraving, photograph or portrait the work was ordered by some other person and was made 20 for valuable consideration in pursuance of that order, then, in the absence of any agreement in writing to the contrary the person by whom the work was ordered shall be the first owner of the copyright:

(b) where the author was in the employment of some other 25 person and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the con-

trary, be the first owner of the copyright.

2. The owner of the copyright in any work may assign the Assignment right, either wholly or partially, and either generally or subject of copyright. to limitations to any particular place, and either for the whole term of the copyright or any part thereof, and may grant any interest in the right by license, but no such assignment or

35 grant shal be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made,

or by his duly authorized agent.

3. Any grant of an interest in a copyright, either by a sign-Registration ment or license, shall be adjudged void against any subsequent of assignment or license, shall be adjudged void against any subsequent of assignment 40 assignee or licensee for valuable consideration without actual notice unless such assignment or license is registered in the manner directed by this Act before the registering of the instrument under which the subsequent assignee or licensee claims.

4. For the purposes of this Act as to registration, any grant Duplicate 45 of an interest in a copyright, either by way of assignment or copies. license, shall be made in duplicate.

Application for registration.

5. Application for registration of a grant of any interest in a copyright, either by way of assignment or license, shall be made by production of both duplicates to the Department and payment of the pre cribed fee. One duplicate shall be retained at the Department and the other shall be returned to the person 5 depositing it, with a certificate of registration.

Assignee or licensee must comply with Act.

6. Subject to the provisions of this Act the grant of an interest in a copyright, either by assignment or license, shall be void unless the assignce or licensee, at the time such grant is executed, satisfies the conditions conferring copyright prescribed 10 by this Act.

#### CIVIL REMEDIES.

Civil remedies for infringement of copyright.

S. Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are conferred 15 by law.

Costs.

2. The costs in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the court.

Rights of owner respecting pirated copies. **9.** All pirated copies of any work in which copyright subsists, and all plates used or intended to be used for the production of 20 pirated copies of such work, shall be deemed to be the property of the owner of the copyright, who may take proceedings for the recovery of possession of such copies or in respect of the conversion thereof.

Remedies in the case of architecture. **10.** Where a building or other structure which infringes or 25 which, if completed, would infringe the copyright in some other work has commenced to be constructed, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

Limitation.

2. Such of the other provisions of this Act as provide that a pirated copy shall be deemed the property of the owner of the copyright, or as impose summary penalties, shall not apply in any case to which this section applies.

## OFFENCES AND PENATTIES.

Penalty for false entries.

11. Every person who wilfully makes or causes to be made 35 any false entry in any of the registry books hereinbefore mentioned, or who wilfully produces, or causes to be tendered in evidence, any paper which falsely purports to be a copy of an entry in any of the said books, is guilty of an indictable offence.

12. No action or prosecution for the recovery of any penalty Limitation under this Act shall be commenced more than three years after of actions. the cause of action arises.

### SUMMARY REMEDIES.

13. If any person—

(a) makes for sale or hire any pirated copy of a work in Penalties which copyright subsists; or,

(b) sells or lets for hire, or exposes, offers, or has in his pos-copies session for sale or hire any pirated copy of any such work;

10 (c) distributes or exhibits in public any pirated copy of any such work; or,

(d) imports for sale or hire into Canada any pirated copy of

any such work:

he shall, unless he proves that he acted innocently, be guilty of 15 an offence under this Act and be liable on summary conviction to a fine not exceeding twenty-five dollars for every copy dealt with in contravention of this section, but not exceeding two hundred dollars in respect of the same transaction; or in the case of a second or subsequent offence, either to such fine or to 20 imprisonment with or without hard labour for a term not ex-

ceeding two months:

Provided that a person convicted of an offence under para- Proviso as graph (b) of this subsection, who has not been previously con-to certain cases. victed of any such offence and who proves that the copies of

25 the work in respect of which the offence was committed had printed or marked thereon in some conspicuous place a name and address purporting to be that of the printer or publisher, shall not be liable to any penalty under this section unless it is proved that the copies were to his knowledge pirated copies.

2. If any person makes or has in his possession any plate Penalty for for the purpose of making pirated copies of any work in which making or copyright subsists, or for private profit causes any such work plate of to be performed in public without the consent of the owner of pirated copies the copyright, he shall, unless he proves that he acted inno-

35 cently, be guilty of an offence under this Act, and be liable on summary conviction to a fine not exceeding two hundred dollars, or, in the case of a second or subsequent offence, either to such fine or to imprisonment with or without hard labour for

a term not exceeding two months.

3. The court before which any such proceedings are taken Destruction may in addition order that all copies of the work or all plates of plate upon order of court in the possession of the offender, which appear to it to be pirated copies or plates for the purpose of making pirated copies, be destroyed or delivered up to the owner of the copyright or

45 otherwise dealt with as the court may think fit.

Seizurc of pirated copies being hawked about or sold and arrest of offender.

14. Where a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for believing that pirated copies of any work are being or about to be hawked or carried about, sold or offered for sale, it may issue an order authorising any constable or peace officer—

(a) to seize without further warrant any copies of the work which may be found being hawked or carried about, sold

5

or offered for sale;

(b) to arrest without further warrant any person who in any street or public place sells or exposes or has in his posses- 10 sion for sale any pirated copies of the work, or who offers for sale any pirated copies of the work by personal canvass or by personally delivering advertisements or circulars.

Execution of order for seizure and arrest.

2. Where such an order has been made the person on whose application it was made may send a copy thereof (certified to 15 be a true copy by the clerk of the court which made the order) to the chief constable or deputy chief constable for any district within which the court has jurisdiction, and thereupon any constable or peace officer may seize any such copies and arrest any such person in accordance with the terms of the order.

Disposition of works seized.

3. Where the constable or peace officer seizes any copies of a work in pursuance of such an order, he shall bring them before a court of summary jurisdiction, and that court, on proof that the copies are pirated, may order that they be destroyed or delivered up to the owner of the copyright or otherwise dealt 25

with as the court may think fit.

Orders open to inspection. 4. All copies of orders sent to a chief constable or deputy chief constable under this section shall be open to inspection at all reasonable hours by any person without payment of any fee, and any person may take copies of or make extracts from 30 any such order.

Scope of order.

5. A single order under this section may be made extending to several works.

Newspaper or periodical excepted. 6. An order under this section shall not authorise—

(a) the arrest of any person selling or offering for sale; or, 35

(b) the seizure of copies of any newspaper or other periodical publication merely because it contains a pirated copy of a work, if such pirated copy is only an incidental feature and does not form a substantial part of the newspaper or periodical.

Search warrants. 15. A court of summary jurisdiction may, if satisfied by information on oath that there is reasonable ground for believing that an offence punishable summarily under this Act is being committed on any premises, grant a search warrant authorising the constable or peace officer named therein to 45 enter the premises between the hours of six of the clock in the morning and nine of the clock in the evening (and, if necessary, to use force in making such entry, whether by breaking open

doors or otherwise) and to seize any copies of any work or any plates in respect of which he has reasonable ground for suspecting that an offence under this Act is being committed, and may, on proof that the copies or plates brought before the court in 5 pursuance of the warrant are pirated copies or plates intended to be used for the purpose of making pirated copies, order that they be destroyed or delivered up to the owner of the copyright or otherwise dealt with as the court may think fit.

### IMPORTATION OF COPIES.

16 Except as otherwise provided by this Act copies made Importation 10 out of Canada of any work in which copyright subsists shall not of copies of copyright be imported into Canada and shall be deemed to be included in works. Schedule C to The Customs Tariff, and that Schedule shall apply accordingly.

17. If a book in which there is subsisting copyright has been If copyright 15 published in any part of His Majesty's dominions, other than owner licenses reproduction Canada, and if it is proved to the satisfaction of the Minister in Canada, that the owner of the copyright has granted a license to repromay prohibit duce in Canada, from movable or other types, or from stereotype importation of books plates, or from electroplates, or from lithograph stones, or by printed 20 any process for facsimile reproduction, an edition or editions of elsewhere.

such book designed for sale only in Canada, the Minister may, notwithstanding anything in this Act, by order under his hand prohibit the importation into Canada, except with the written consent of the licensee, of any copies of such book printed else-

25 where: Provided that two such copies may be specially imported Proviso. for the bona fide use of any public free library or any university or college library, or for the library of any duly incorporated institution or society for the use of the members of such institution or society.

18. The Minister may at any time in like manner, by order Suspension or under his hand, suspend or revoke such prohibition upon impor- revocation of prohibition. tation if it is proved to his satisfaction that—

(a) the license to reproduce in Canada has terminated or expired; or,

(b) the reasonable demand for the book in Canada is not sufficiently met without importation; or,

(c) the book is not, having regard to the demand therefor in Canada, being suitably printed or published; or,

(d) any other state of things exists on account of which it is not in the public interest to further prohibit importation.

19. At any time after the importation of a book has been so Licensee to prohibited, any person resident or being in Canada may apply furnish copy of any edition if required. 184--2

either directly or through a book-seller or other agent, to the person so licensed to reproduce such book, for a copy of any edition of such book then on sale and reasonably obtainable in the United Kingdom or any other part of His Majesty's dominions and it shall thereupon be the duty of the person so licensed, as soon as reasonably may be, to import and sell such copy to the person so applying therefor, at the ordinary selling price of such copy in the United Kingdom, or such other part of His Majesty' dominions, with the duty and reasonable forwarding charges added.

Otherwise prohibition may be revoked.

2. The failure or neglect, without lawful excuse, of the person so licensed to supply such copy within a reasonable time shall be a reason for which the Minister may, if he sees fit, suspend or revoke the prohibition upon importation.

10

Customs notified of prohibition. 20. The Minister shall forthwith inform the Department of 15 Customs of any order made by him under this Act.

Unlawful importation of books.

Forfeiture.

21. All books imported in contravention of any order, prohibiting such importation, made under the hand of the Minister, by the authority of this Act, may be seized by an officer of Customs, and shall be forfeited to the Crown and 20 destroyed; and any person importing, or causing or permitting the importation of any book in contravention of an order of the Minister shall, for each offence, be liable, upon summary conviction, to a penalty not exceeding one hundred dollars.

Penalty.

#### REGISTRATION.

Registers of copyrights.

22. The Minister shall cause to be kept, at the Department, 25 books to be called the Registers of Copyrights, in which shall be entered the names or titles of works and the names of authors, and such other particulars as may be prescribed.

Registration of particulars of work.

2. The author or publisher of, or the owner of or other person interested in the copyright in, any work shall cause the par-30 ticulars respecting the work to be entered in the register, before publication thereof or the performance or delivery thereof in public.

Registration of serial publications.

3. In the case of an encyclopædia, newspaper, review, magazine or other periodical work, or work published in a series 35 of books or parts, it shall not be necessary to make a separate entry for each number or part, but a single entry for the whole work shall suffice.

Indexes of registers.

4. There shall also be kept at the Department such indexes of the registers established under this section as may be pre-40 scribed.

Registers and indexes in prescribed forms. 5. The registers and indexes established under this section shall be in the prescribed form, and shall at all reasonable times be open to inspection, and any person shall be entitled to take

copies of or make extracts from any such register, and the Certified Minister shall, if so required, give a copy of an entry in any copies of entries. such register certified by him to be a true copy, and any such certificate shall be prima facie evidence of the matters thereby 5 certified.

6. There shall be charged in respect of entries in registers Fees. the inspection of registers, taking copies of or making extracts from registers, and certificates under this section, the fees hereinafter prescribed.

7. Any registration made under The Copyright Act shall have Prior the same force and effect as if made under this Act.

23. Any literary work intended to be published in pamphlet Registration or book form, but which is first published in separate articles of temporary copyright in in a newspaper or periodical in Canada, may be registered under periodical

15 this Act while it is so preliminarily published as a temporary works. copyright, if the title of the manuscript and a short analysis of the work are deposited at the Department with an application for registration in accordance with the prescribed form, and if every separate article so published is preceded by the words,

20 "Registered in accordance with the Copyright Act, 1911:" Provided that the work, when published in book or pamphlet form, shall be subject, also, to the other requirements of this Act.

24. If a book is published anonymously, it shall be suffi- Anonymous cient to enter it in the name of the first publisher thereof, publications. 25 either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

25. The application for the registration of a copyright or Application of a temporary copyright may be made in the name of the for registration. author or of his legal representatives, by any person purporting 30 to be agent of such author or legal representatives.

2. Any damage caused by a fraudulent or an erroneous as- Unauthorized sumption of such authority shall be recoverable in any court assumption of agency. of competent jurisdiction.

26. Application for registration of a copyright shall be made Deposit of 35 in accordance with the prescribed form, and shall be deposited and copies of at the Department together with three copies of the work if it work in Department. is a book, map, chart, musical composition, photograph, print, cut or engraving, and with a written description thereof if the work is a painting, drawing or a work of sculpture, and with one 40 complete type-written copy thereof if the work is a dramatic work copies of which are not published.

27. The Minister shall cause to be transmitted to the Library Weekly list of the Parliament of Canada and to the British Museum a weekly of all registered list of all works registered under this Act together with one copy works

transmitted to Library and British Museum.

Copies of retained to be transmitted to Library and British

of each work deposited at the Department: Provided that the Minister may retain at the Department such copies of deposited works as appear in his opinion proper, but a copy of any work so retained shall be transmitted to the Library of Parliament of Canada or to the British Museum upon receipt of a demand 5 in writing from the proper authority, such demand to be received by the Minister within six months after the date of registration of the work. Any copy of a work retained by the Minister as Museum upon to which no demand is received within the time limited shall be returned to the owner of the copyright, or otherwise disposed of 10 as to the Minister seems proper.

### SPECIAL PROVISIONS AS TO CERTAIN WORKS.

Copyright in posthumous works.

28. In the case of a literary, dramatic or musical work or engraving which has not been published, nor, in the case of a dramatic or musical work been performed in public, nor, in the case of a lecture, been delivered in public, in the lifetime of 15 the author, copyright shall, subject to the provisions of this Act as to first publication elsewhere than in Canada, subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter.

Works of ioint authors.

29. In the case of a work of joint authorship copyright shall 20 subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer.

Collective works.

- **30.** Where the work of an author is first published as an article or othe: contribution in a collective work (that is to 25 say):-
  - (a) an encyclopædia, dictionary, year book, or similar work;
  - (b) a newspaper, review, magazine, or other similar period-

Respective rights of contributors proprietors.

(c) a work written in distinct parts by different authors; 30 and the proprietor of the collective work is not by virtue of this Act or any assignment thereunder the owner of the copyright in the article or contribution, then, subject to any agreement to the contrary, the owner of the copyright in each article or contribution shall retain his copyright therein, but the pro- 35 prietor of the collective work shall at all times have the right of reproducing and authorising the reproduction of the work as a whole, and for a period of fifty years from the date of first publication of the collective work shall have the sole right of reproducing and authorising the reproduction of the work as a 40 whole, and shall be entitled to the same remedies in respect of the infringement of the copyright in any part of the work as if he were the owner of the copyright.

31. The term for which copyright shall subsist in photo-Copyright in graphs, and in records, perforated rolls and other contrivances photographs, records and by means of which a work may be mechanically performed or perforated delivered, shall be fifty years from the making of the negative 5 or plate, and the person who was owner of the original negative or plate from which the photograph or other contrivance was

directly or indirectly derived at the time when such negative or plate was made shall be deemed to be the author of the work,

and where such owner is a body corporate the body corporate 10 shall be deemed for the purposes of this Act to reside within the parts of His Majestv's dominions to which this Act extends if it has established a place of business within such parts.

32. This Act shall not apply to designs capable of being Application of Act to registered under The Trade Mark and Design Act, except designs registered 15 which, though capable of being so registered, are not used or designs. intended to be used as models or patterns to be multiplied by any industrial process.

2. General rules under section 39 of The Trade Mark and Rules.

Design Act, may be made for determining the conditions under 20 which a design shall be deemed to be used for such purposes as aforesaid.

## EXISTING WORKS.

33. Where any person is, immediately before the com-copyright mencement of this Act, entitled to any such right in any work in existing works, and specified in the first column of the First Schedule to this Act, or to substituted 25 any interest in such a right, he shall as from that date be entitled rights. to the substituted right set forth in the second column of that Schedule, or to the same interest in such a substituted right, and to no other right or interest, and such substituted right or interest therein shall subsist for the term for which it would have sub-30 sisted if this Act had been in force at the date when the work was made, and the work had been one entitled to copyright thereunder: Provided that-

(a) if the author of any work in which copyright subsists at Rights of the commencement of this Act has before that date assigned the copyright or granted any interest therein for 35 the whole term of the copyright, then at the date when but for the passing of this Act the right would have expired the corresponding right conferred by this Act shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the com-40 mencement of this Act and then subsisting shall determine; but the person who immediately before the date at Rights of which the right would so have expired was the owner of the right or interest shall be entitled at his option (to be

Assignment for remainder of term.

Reproduction on payment of royalties.

Prior proceedings not affected. Existing rights saved.

Rights in records, perforated rolls and contrivances.

Substituted rights acquired only under this Act.

Limitation of existing rights.

signified in writing not more than one year nor less than six months before the last-mentioned date) either-

(i) to an assignment of the right or the grant of a similar interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration; or,

(ii) without any such assignment or grant, to continue to reproduce or perform the work in like manner as theretofore on the payment of such royalties to the author as. failing agreement, may be determined by arbitration:

(b) nothing in this section shall affect anything done before

the commencement of this Act;

(c) where any person has, before the twenty-sixth day of April, nineteen hundred and eleven, taken any action or incurred any expenditure for the purpose of or with a 15 view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Act, have been lawful, nothing in this section shall diminish or prejudice any right or interest arising from or in connection with such action or 20 expenditure which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration;

(d) the sole right of making and authorising the making of records, perforated rolls or other contrivances by means of which literary, dramatic or musical works may be mechanically performed shall not be enjoyed by the owner of the copyright in any literary, dramatic, or musical work for 30 the mechanical performance of which any such contrivances have been lawfully made within His Majesty's dominions by any person before the twenty-sixth day of April, nine-

25

teen hundred and eleven;

(e) where any person is, immediately before the commence- 35 ment of this Act, entitled to any right in any work specified in the first column of the First Schedule to this Act or to any interest in such right, and such person does not satisfy the conditions conferring copyright laid down by this Act, he. shall be entitled to no other right or interest, and such 40 right shall subsist for the term for which it would have subsisted but for the passing of this Act.

2. Subject to the provisions of this Act, copyright shall not subsist in any work made before the commencement of this Act, otherwise than under and in accordance with the pro- 45

visions of this section.

#### IMPERIAL RECIPROCITY.

34. The Governor in Council may by order in council direct Application that this Act (except such part, if any, thereof as may be of Act to works of 5 specified in the order and subject to such conditions and limita- authors tions as may be specified) shall apply to literary, dramatic, resident in British musical and artistic works the authors whereof were at the dominions time of the making of the work bona fide residents in a part of other than Canada. His Majesty's dominions, other than Canada, to which the 10 order relates, or British subjects resident elsewhere than in

Canada:

Provided that, before making an order in council under this Proviso. section with respect to any part of His Majesty's dominions, the Governor in Council shall be satisfied that that part has made 15 or has undertaken to make such provisions as it appears to the Governor in Council expedient to require for the protection of persons entitled to copyright under this Act.

#### INTERNATIONAL.

35. The Governor in Council may, by order in council, Application direct that this Act (except such parts thereof, if any, as may works of 20 be specified in the order) shall apply to literary, dramatic, residents in foreign musical and artistic works the authors whereof were at the countries. time of the making thereof subjects or citizens of or bona fide residents in a foreign country to which the order relates, and thereupon, subject to the provisions of this Act and of the 25 order, this Act shall apply accordingly:

Provided that-

Proviso.

(i) before making an order in council under this section the Governor in Council shall be satisfied that that foreign country has made or has undertaken to make such provisions as it appears 30 to the Governor in Council expedient to require for the protection of works entitled to copyright under this Act;

(ii) the order in council may provide that the term of copyright within Canada shall not exceed that conferred by the

law of the country to which the order relates;

(iii) the order in council may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities as may be prescribed by the order;

(iv) in applying the provisions of this Act as to existing 40 works the order in council may make such modifications as appear necessary, and may provide that nothing in those provisions as so applied shall be construed as reviving any right of preventing the production or importation of any translation in any case where the right has ceased.

2. An order in council under this section may extend to all Extent of

the several countries named or described therein.

Evidence of foreign copyright. 36. Where it is necessary to prove the existence in a foreign country to which an order in council under this Act applies of the copyright in any work, or the ownership of such right, an extract from a register, or a certificate, or other document stating the existence of such right, or the person who is the 5 owner of such right, if authenticated by the official seal of a Minister of State of such foreign country, or by the official seal or the signature of a British diplomatic or consular officer acting in such country, shall be admissible as evidence of the facts named therein, and all courts shall take judicial notice of 10 every such official seal and signature as is in this section mentioned, and shall admit in evidence, without proof, the documents authenticated by it.

#### EVIDENCE.

Certified copies as evidence.

37. All copies or extracts certified by the Department shall be received in evidence without further proof and with- 15 out production of the originals.

Validity of documents.

38. All documents executed and accepted by the Minister shall be held valid, so far as relates to official proceedings under this Act.

#### FEES.

Pagistoning a converight

Registration fees.

**39.** The following fees shall be paid to the Minister 20 before an application for any of the following purposes is received, that is to say:—

Registering a copyright	T1.00	
Registering a temporary copyright	0.30	
Registering an assignment	1.00	25
Certified copy of registration	0.50	
Registering any decision of a court of justice,		
for every folio of 100 words	0.50	
Certified copies of documents:—		
For first folio of one hundred words.	\$0.25	30
* For every subsequent folio (fractions		
of or under one-half folio not		
being counted, and of one-half or		
more being counted)	0.10	

Fees for Office copies.

Fees in full of all services. Application. 2. The said fees shall be in full of all services performed under 35 this Act by the Minister or by any person employed by him.

3. All fees received under this Act shall be paid over to the Minister of Finance and shall form part of the Consolidated Revenue Fund of Canada.

4. No person shall be exempt from the payment of any fee No exemption or charge payable in respect of any services performed under this from fees. Act for such person.

#### CLERICAL ERRORS NOT TO INVALIDATE.

40. Clerical errors which occur in the framing or copying Clerical errors may 5 of an instrument drawn by any officer or employee in or of the be corrected. Department shall not be construed as invalidating such instrument, but when discovered they may be corrected under the authority of the Minister.

#### RULES AND REGULATIONS.

41. The Minister may, from time to time, subject to the Rules, 10 approval of the Governor in Council, make such rules and regulations and prescribe such forms as appear to him necessary and expedient for the purposes of this Act; and such regulations and forms, circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act.

15 **42.** No person shall be entitled to copyright or any similar Abrogation of right in any literary, dramatic, musical or artistic work otherwights. wise than under and in accordance with the provisions of this Act, or of any other statutory enactment for the time being in force.

20 43. The Governor in Council may make orders for alter-Orders in ing, revoking, or varying any order in council made under this Act, but any order made under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the order comes into operation, and shall provide 25 for the protection of such rights and interests.

2. Every order in council made under this Act shall be Publication. published in *The Canada Gazette*, and shall be laid before Parlia-Laid before ment as soon as may be after it is made, and shall have effect Parliament.

as if enacted in this Act.

30 44. Subject to the provisions of this Act, the enactments Repeal of mentioned in the Second Schedule to this Act are, so far as they certain enactments. are operative in Canada, hereby repealed to the extent specified in the third column of that Schedule.

45. Chapter 70 of the Revised Statutes, 1906, and chapter 17 Repeal. 35 of the statutes of 1908, are repealed.

46. This Act shall come into force on a day to be named Commenceby proclamation of the Governor General.

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#### FIRST SCHEDULE

#### EXISTING RIGHTS.

Existing Right.	Substituted Right.
(a) In the case of Works other than Dra	matic and Musical Works.
Copyright.	Copyright as defined by this Act.
(b) In the case of Musical a	nd Dramatic Works.
Both copyright and performing right	Copyright as defined by this Act.
Copyright, but not performing right	cept the sole right to perform the work or any substantial part there- of in public.
Performing right, but not copyright	The sole right to perform the work in public, but none of the other rights comprised in copyright as defined

For the purposes of this Schedule the following expressions, where used in the first column thereof, have the following meanings:—

by this Act.

"copyright," in the case of a work which according to the law in force immediately before the commencement of this Act has not been published before that date and statutory copyright wherein depends on publication, includes the right at common law (if any) to restrain publication or other dealing with the work;

"performing right," in the case of a work which has not been performed in public before the commencement of this Act, includes the right at common law (if any) to restrain the

performance thereof in public.

## SECOND SCHEDULE.

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Geo. 3, c, 38, 15 Geo. 3, c, 53, 17 Geo. 3, c, 57, 54 Geo. 3, c, 56, 3 Geo. 4, c, 15, 5 & 6 Will, 4, c, 65,	The Engraving Copyright Act, 1734. The Engraving Copyright Act, 1767. The Copyright Act, 1775 The Prints Copyright Act, 1777 The Sculpture Copyright Act, 1814 The Dramatic Copyright Act, 1833 The Lectures Copyright Act, 1835 The Prints and Engravings Copy-	The whole Act. Sections two, four and five. The whole Act. The whole Act. The whole Act. The whole Act.
59. 6 & 7 Will. 4. c. 110.	right (Ireland) Act, 1836. The Copyright Act, 1836	The whole Act.
5 & 6 Vict. c. 45.	The Copyright Act, 1842 The International Copyright Act, 1844.	The whole Act. The whole Act.
10 & 11 Vict. c. 95.	The Colonial Copyright Act, 1847	The whole Act.
	The International Copyright Act, 1852.	The whole Act.
	The Fine Arts Copyright Act, 1862	Sections one to six. In section eight the words "and "pursuant to any Act for "the protection of copy-"right engravings." Sections nine to twelve.
38 & 39 Vict. c.	The International Copyright Act, 1875.	
	The Customs Consolidation Act, 1876.	Section forty-two, from "Books wherein" to "such copyright will expire." Sections forty-four, forty-five and one hundred and fifty-two.
45 & 46 Vict. c. 40.	The Copyright (Musical Compositions) Act, 1882.	The whole Act.
33.	The International Copyright Act, 1886.	
17.	The Copyright (Musical Compositions) Act, 1888.	
52 & 53 Vict. c. 42.	The Revenue Act, 1889	Section one, from "Books first published" to "as provided in that section."
2 Edw. 7. c. 15.	The Musical (Summary Proceedings) Copyright Act, 1902.	The whole Act.
6 Edw. 7. c. 36	The Musical Copyright Act, 1906	The whole Act.

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA!

BILL 184.

An Act respecting Copyright.

First reading, April 26, 1911.

MR. FISHER.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 185.

## An Act to amend the Fisheries Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Fisheries Act, chapter 45 of the Revised Statutes, R.S., c. 45. 5 1906, is amended by inserting the following section immediately Section after section 9:-

"9A. In the province of British Columbia no one shall engage Licenses in in the manufacture from sea-lions, hair-seals, sharks or dog-B.C. for making seal fish of oil or other commercial products, except under license or fish oils.

10 from the Minister.

"2. Such license shall not be granted until the Minister has Approval of approved of the site of the reduction works on which it is site of reduction proposed to carry on such manufacture, and such site shall not works. be within fifty miles of any other reduction works used for a 15 similar purpose.

"3. The license shall become void and be forfeited unless the Time for factory named therein is erected, equipped and working within commencing operations.

one year from the date of the issue of the license.

"4. The annual fee for such license shall be one dellar."

Explanatory Note.—The intention is to prevent such works being placed nearer each other than fifty miles. Within such a radius those who build works would have a sufficient area from which to draw the raw product; this would tend to assure the success of the venture, whereas if plants were allowed to be erected

to assure the success of the venture, whereas if plants were allowed to be erected too close together all would fail, and nothing in the way of destruction of these pests would be carried on.

At the present time there is nothing to control the establishment of reduction works, nor to afford any protection to those prepared to go into such venture. Section 9 of the Act provides for the protection of those building whale factories, and it is considered that similar protection should be afforded those going into the venture of reducing such mammals as dog-fish, sea-lions, hair-seals and sharks.

As the department desires to encourage such operations, the nominal fee of \$1 for the license is considered adequate.

2. The said Act is amended by inserting the following section Section immediately after section 23:-

"23A. No one shall operate a salmon cannery or salmon License in curing establishment in British Columbia except under a license B. C. for from the Minister.

Fee.

"2. The annual fee for such a license shall be fifty dollars."

Explanatory Note.-The existing British Columbia Fishery Regulations, by subsection 3 of section 11 thereof, provide that no salmon cannery or curing establishment shall be operated except under license from the Minister, the fee for which shall be \$50; this is not a regulation which could be adopted by Order in Council under the authority of section 54 of The Fisheries Act.

New s. 36.

3. Section 36 of the said Act is repealed and the following is substituted therefor:-

Annual fee for lobster cannery license.

"36. The annual fee for any such license shall be at the rate of five dollars for the first four thousand eight hundred pounds 5 of canned or cured lobsters or fraction of four thousand eight hundred pounds canned or cured under such license, and two dollars for each additional four thousand eight hundred pounds or fraction thereof canned or cured under such license."

Explanatory Note.—The existing section reads as follows:—
"36. The fee for any such license shall be at the rate of two dollars per one hundred cases or packages or fraction of one hundred cases or packages, containing lobsters canned or cured under such license.

"2. Each case or package shall contain forty-eight one pound cans, or ninety-six one-half pound cans."

The Select Committee of the House of Commons in connection with the lobster fishery recommended that the fee should be increased to \$5 for the first 100 cases, and \$2 for each additional 100 put up during the season.

It will be observed that section 36 of the Act deals with cases of 48 one pound

cans, or 96 half-pound cans. At the time that section was adopted lobsters were only put up in cases of 48 pounds each, but now they are put up in cases of many sizes, ranging from ten pounds upwards, and the cans are of many weights. Hence it is considered that the most satisfactory way of fixing the fee is on the total number of pounds of canned lobsters.

New s. 39.

4. Section 39 of the said Act is repealed and the following is 10 substituted therefor:-

Annual returns to Minister by manager of lobster factory.

"39. The owner or manager of every lobster factory or canning establishment shall send to the Minister [through the inspector of fisheries for the district, not later than the [thirtyfirst day of May] in each year, a true return of—

"(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning estab-

blishment;

"(b) the number of persons employed in such factory or canning establishment, distinguishing the sexes; 20

"(c) the number of cases of lobsters, [and the weights thereof,] packed during the twelve months which ended on the thirty-first day of March previous; and,

"(d) such other details and particulars as are required by the Minister.'

Explanatory Note.—This section should have been amended last session when section 78, which provides the penalty for an infraction thereof, was amended. (See 1910, c. 20, s. 11.)

The words within brackets show the changes.

The first change is to make the time for submitting the returns the same as in the amended section—the 31st of May—instead of the 1st of September. This change is necessary on account of the fiscal year now ending on the 31st of March. The change in paragraph (c) is to enable the department to keep track of the various weights of cases, as each case must be labelled, under section 37 of the

5. The said Act is amended by inserting the following sec-Section

tion immediately after section 42:-

"42A. No one shall maintain a pound or enclosure in which Licenses for lobster lobsters, legally caught during the open season, shall be re-pounds. 5 tained for sale during the close season at the place where the pound or enclosure is located, except under a license from the Minister, and no lobsters shall be taken from and disposed of from such pound or enclosure, during the close season, except under a certificate from a fishery officer, setting forth the 10 pound from which the lobsters were taken and that they had been legally caught during the open season.

"2. The annual fee on such license shall be seventy-five Fee.

dollars."

Explanatory Note.—Under the Lobster Fishery Regulations the possession of lobsters is prohibited during the close season but as the highest market prices are frequently obtainable during such time, the object of this amendment is to enable the best prices to be procured by placing the lobsters in pounds or enclosures during the fishery season and retaining them there alive until the highest prices are available. The privilege is a valuable one, and to guard against possible violation of the regulations, by placing lobsters in the pound during the close season, the Department will require to keep an officer at each pound. The fee, under the circumstances, is not high.

6. Section 11 of chapter 20 of the statutes of 1910 is repealed New s. 78.

15 and the following is enacted as section 78 of The Fisheries Act:-

. "78. Every owner or manager of a lobster factory or Failure to canning establishment who fails to send to the Minister, through send returns to Minister. the inspector of fisheries for the district, not later than the thirty-first day of May in each year, a true return of-

"(a) the number of fishermen employed, and of the lobster traps used in connection with his factory or canning estab-

lishment;

"(b) the number of persons employed in such factory or

canning establishment, distinguishing the sexes;

"(c) the number of cases of lobsters, [and the weights there-25 of,] packed during the twelve months which ended on the thirty-first day of March previous; and,

"(d) such other details and particulars as are required by

the Minister;

30 shall be liable to a penalty not exceeding four hundred dollars Penalty. and costs."

Explanatory Note.—The only amendment is the words within brackets, and is necessitated by the amendment to paragraph (c) of clause 4 of this Bill.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 185.

An Act to amend the Fisheries Act.

First reading, April 28, 1911.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 194.

An Act to amend the Dominion Lands Act.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Subsection 2 of section 15 of The Dominion Lands Act, 1908, c. 20, 5 chapter 20 of the statutes of 1908, is repealed and the following s. 15 amended. is substituted therefor:-

"2. If an entrant for a homestead fails in any year to fulfil Cancellation the requirements of this Act in respect of homesteads, or the of entry for homestead if requirements of the laws in force in respect thereof when the requirements 10 entry was obtained, the M nister may authorize the Commis-

sioner of Dominion Lands or the agent in whose district such homestead is situated to cancel the entry, and all rights of the entrant in virtue thereof shall thereupon cease and determine:

Provided that any subsequent entrant for the same land may Proviso. 15 be required by the Minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is cancelled; and that the Minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in

Explanatory Note.—The proposed amended subsection is the same as the present one, with the exception of the words authorize the Commissioner of Dominion Lands or the agent in whose district such homestead is situate to, which have been inserted after the word "may" in the fourth line. The power to cancel an entry granted through error, misrepresentation or fraud remains vested in the Minister exclusively, but in cases where the settlement duties are in default it is felt that the Act should be so worded as to leave no doubt as to the power of cancellation being vested in the Commissioner of Dominion Lands or the agent in whose district the land is situated.

20 2. Subsection 9 of section 15 of the said Act is repealed and s. 15 the following is substituted therefor:-

"9. Everyone is guilty of an indictable offence and liable to Penalty for two years imprisonment who buys, trades or sells, or professes buying, trading or to buy, trade or sel land, or any interest in or control of land selling before 25 open to homestead entry, or for which homestead entry has issue of patent.

been granted, or land that has been or which may be sold or

granted subject to settlement duties, before patent therefor has been issued.

Explanatory Note.—In this subsection the words or land that has been or which may be sold or granted subject to settlement duties have been added after the word "granted" in the fifth line. The object of this amendment is to make it clear that land sold subject to homestead duties is in the same position as land granted under homestead entry.

S. 39 amended.

Exchange of school lands

3. Subsection 2 of section 39 of the said Act is repealed and the following is substituted therefor:—

"2. Notwithstanding anything in this Act, the Governor in 5 Council may authorize the Minister to include in any block of land sold or to be sold to any person for the purpose of irrigation, or reclamation by way of drainage, or in any lands which have been or which may be set aside for the purpose of an Indian or other public reserve, or have been or may be reserved for any 10 other purpose which the Minister considers to be in the public interest, lands which under the provisions of this Act are school lands, or lands which upon survey will become school lands: but no such block of lands so sold or to be sold for the purpose of irrigation, or lands so set aside and reserved or to be set aside 15 and reserved for any of the purposes aforesaid, shall include school lands, or lands which upon survey shall become school lands, until other Dominion lands of equal area and value, as nearly as may be, have been selected in lieu thereof; and when other Dominion lands have been so selected and have been 20 designated by the Minister as "school lands" they shall thereafter be and become school lands and be dealt with in the same manner as ordinary school lands are dealt with under the provisions of this Act.

Proviso.

"Provided that if it is established to the satisfaction of the 25 Minister, either by report or order of the Lieutentant Governor in Council for the province in which any section, half-section or quarter-section of school lands is situate, or by the request in writing over the signature of the Minister or Deputy Minister of the Department which has charge of education in such pro- 30 vince, that it is desirable to take or reserve out of such section, half-section or quarter-section of school lands a small portion thereof as a site for a school and for purposes properly connected therewith, the Minister may, forthwith, sell to the board of school trustees for the district for which the same is required, 35 at a minimum price of ten dollars per acre, such portion of school lands, in no case to exceed an area of four acres, which must front on a road allowance, at such price as he may consider fair and reasonable, and may forthwith, upon payment of such price, cause letters patent to be issued for the portion of school 40 lands so required as a site for a school and for purposes properly connected therewith."

Explanatory Note.—This subsection is being amended by inserting after the the word "irrigation" in the third line of the subsection the words, or reclamation by way of drainage. While the Act at present provides for the exchange of

school lands which may be included within an irrigation tract, this provision does not cover school lands which may form part of a tract sold or granted for purposes of reclamation or drainage. Unless a parcel of flooded school land is reclaimed it is valueless, and as there is no provision under the law at present for the drainage of this class of land by the Government it is considered that it would be in the best interest of the school land endowment that flooded school lands should be exchanged for dry land of equal value elsewhere.

4. Section 40 of the said Act is amended by adding thereto s. 40

the following subsection:

"2. Until such school lands are disposed of by sale, the Lease, Governor in Council may, if he deems it expedient, authorize occupation or use of the lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the Lease, occupation or use of such lands, or any portion thereof, school lands are disposed of by sale, the lease, occupation or use of such lands, or any portion thereof, school lands are disposed of the lease, occupation or use of such lands, or any portion thereof, school lands are disposed of the lease, occupation or use of such lands, or any portion thereof, school lands are disposed of the lands. for such purposes as he deems advisable, and may make regulations with respect to the leasing, occupation or use of such lands."

Explanatory Note —While under the general powers vested in the Governor in Council by paragraph (k) of section 76 of the Act there would appear to be no doubt that school lands may be leased pending the disposal thereof by sale at public auction, it is considered advisable to insert a special provision to this effect in the Act, so that the right of cutting the hay or timber from this class of land, or removing coal or other minerals therefrom, may be disposed of under special regulations approved by the Governor in Council, and thus permit of a considerable amount of revenue being collected and added to the school land endowment fund

5. Section 42 of the said Act is repealed and the following is New s. 42. 10 substituted therefor:

"42. All moneys from time to time realized from the sale, Investment lease, occupation or use of school lands shall be invested in secur- of purchase moneys ities of Canada to form a school fund, and the interest arising and rents from school therefrom, after deducting the cost of management, shall be lands.

15 paid annually to the Government of the province within which such lands are situate, towards the support of schools organized and carried on in accordance with the law of such province; and the moneys so paid shall be distributed for that purpose by the said government in such manner as it deems expedient."

Explanatory Note.—This amendment is rendered necessary as a result of adding the foregoing subsection to section 40, and provides for the investment of moneys realized from the leasing of school lands in the same manner as from their sale. The proposed amendment consists in the insertion of the words lease, occupation or use after the word "sale" in the first line of section 42.

6. Subsection 2 of section 43 of the said Act is repealed and S. 43 the following is substituted therefor:-

"2. The sale or lease of land as agricultural, grazing, hay or Rights of marsh land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation, shall purchaser in land, or of land for or in connection with irrigation in land, or of land for or in connection with irrigation in land, or of land for or in connection with irrigation in land, or of land for or in land, or of land for land, or of land, or of

not convey any right to the salt, coal, petroleum, natural gas, minerals.

25 gold, silver, copper, iron or other mineral; nor shall any sale, purchase or lease of land as agricultural, grazing, hay, marsh or mineral land or land for or in connection with irrigation, convey, unless it is expressly conveyed, any exclusive or other property or interest in, or any exclusive right or privilege with respect

to, any lake, river, stream, spring, or other body of water within or bordering on or passing through the land."

Explanatory Note.—The only change which it is proposed to make in the present subsection of section 43 is to add the word spring after the word "stream" in the ninth line thereof. Water rights are already specifically reserved from lands granted under homestead entry or by sale under the provisions of section 8 and subsection 2 of section 43 of the Act, but while the word spring appears in section 8 it would appear to have been inadvertently left out from subsection 2 of section 43, and the object of the proposed amendment is to make the two provisions similar in every way.

THE HOUSE OF COMMONS OF CANADA.

An'

Act to amend the Dominion Lands

First reading, May 2, 1911.

MR. OLIVER.

Printer to the King's most Excellent Majestv Printed by C. H. PARMELER OTTAWA

194.

3rd Session, 11th Parliament, 1 George V., 1910-11

## THE HOUSE OF COMMONS OF CANADA.

## BILL 197.

# An Act to amend the Railway Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subparagraph (c) of paragraph (4) of section 2 of The R.S., c. 37, 5 Railway Act, chapter 37 of the Revised Statutes, 1906, herein-Befinition, after called "the principal Act," is repealed and the following "Company." is substituted therefor:—

"(c) in the sections of this Act which require companies to furnish statistics and returns to the Minister, or provide penalties for default in so doing, means further any company constructing or operating a line of railway in Canada, even although such company is not otherwise within the legislative authority of the Parliament of Canada, and includes any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such railway, and includes also any telephone, telegraph or express company."

2. Paragraph (f) of subsection 1 of section 30 of the prin-s. 30 cipal Act is amended by adding at the end thereof the follow-amended.

"and may require the company to establish and maintain Firean efficient and competent staff of fire-rangers, equipped with rangers. such appliances for fighting, or preventing fires from spreading, as the Board may deem proper, and to provide such rangers

25 with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed.

The Board may require the company to maintain an efficient Patrol of patrol of the line of railway and other lands in the vicinity railway. thereof to which fires may spread, and generally define the

30 duties of the company, and the said fire-rangers, in respect thereof. The Board may require the company to make returns of the names of fire-rangers in its employ in the performance of the above duties, and of the places or areas in which they are from time to time engaged. For the purpose of fighting and extinguishing fires, the said fire-rangers may follow the fires which spread from the railway to over and upon the lands to which they may spread."

9 41A amended.

Service on agent.

3. Subsection 1 of section 41A of the principal Act, as enacted by section 10 of chapter 62 of the statutes of 1908, is 5 amended by inserting immediately after the word "railway" in the third line of the said subsection the words "telegraph, telephone or express."

8 159 amended.

Limitation of time to acquire land and give notices.

4. Section 159 of the principal Act is amended by adding thereto the following subsection:—

"5. In granting any such sanction, the Board may fix a

period-

"(a) within which the company must acquire the lands included in its right of way, or take the necessary steps for such purpose; or,

"(b) within which the notices mentioned in section 193 shall be conclusively deemed to have been given; and in the event of the order granting such sanction providing no such time limit, any owner or person interested in lands, included in the right of way, as shewn by the said plans, may apply 20 to the Board for an order that the company shall acquire such lands, or take the necessary steps for such purposes, within such time as the Board deems proper, and thereupon the Board may make such order in the premises as appears just."

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S. 177 amended.

Lands which may be taken without owners consent.

5. Section 1777 of the principal Act is amended by adding thereto the following subsection:

"2. Lands under this section shall (without restricting the general meaning thereof) include all lands not appropriated to railway purposes by an order of the Board, or actually used 30 for railway purposes prior to the first day of February, one thousand nine hundred and four."

S. 228 amended.

Connections between intersecting provincial and Dominion railways.

6. Section 228 of the principal Act is amended by adding thereto the following subsections:-

"3. Where the lines or tracks of any railway, the construction 35 or operation of which is authorized by the legislature of any province, are intersected by those of a railway, the construction or operation of which is authorized by the Parliament of Canada, or in any case in which the lines or tracks of any two such railways run through or into the same city, town or village, and it 40 is desired by one of such companies, or by any municipal corporation, or other public body, or any person interested, that the lines or tracks of such railway should be connected, so as to admit of the safe and convenient transfer of engines, cars and trains from the lines or tracks of one railway to those 45

of the other, and for the reasonable receiving, forwarding, delivering and interswitching of traffic between such railways, and there exists in the province in which such connection is desired, a provincial railway, or public utilities board hav-

5 ing power to require such connection between the railways of Proceedings. two companies incorporated under provincial authority, the

following proceedings may be taken:-

"(a) Either of such companies, or any municipal corporation, Application or other public body, or any person interested, may file for order. with the secretary of the Board, and with the secretary 10 of the provincial railway, or public utilities board in the province in question, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies, interested or affected; and, where the application is not made by the municipality, upon the head of the municipal corporation within which the proposed

connection is situate;

"(b) After the receipt of the said application, the Board Hearing of and the provincial railway, or public utilities board application 20 having jurisdiction in the province, may, by joint session and or conference, in conformity with the practice to be established by them, hear and determine the said application, and may order that the lines and tracks of such railways 25 be so connected at or near the point of intersection, or in or near such city, town, or village, upon such terms and conditions, and subject to such plans, as they may deem

"(c) The chairman of the Board and the chairman of such Rules of provincial railway board, or public utilities board of such of the provinces as may pass concurrent legislation carrying into effect the purposes and objects of this Act, may make rules of procedure and practice covering the making of such applications and the hearing and the

disposition thereof;

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"(d) The chairman of the Board and the chairman of any Constitution provincial railway board, or public utilities board of the boards. province in which applications may arise, may assign or appoint from each board the members comprising the joint board that may be required to sit for the hearing and determining of such applications as they arise;

"(e) Any order aforesaid may be made a rule of the Exche-Enforcement quer Court of Canada, and shall be enforced in like manner of order.

as any rule, order, or decree of such court.

"4. The word 'railway,' for the purposes of this section, "railway." shall include any steam or electric railway, street railway or tramway."

8. 235 amended. Compensa-

7. Section 235 of the principal Act is amended by striking out the words "The railway" at the commencement of the said section and substituting therefor the words "Subject to the for railway section and substituting carried across company making such compensation to adjacent or abutting land owners as the Board deems proper, the railway of the 5 company."

S. 246 amended.

8. Section 4 of chapter 50 of the statutes of 1910 is repealed, and the following is enacted as subsection 5 of section 246 of the principal Act:-

Exception for transmission of electrical energy.

"5. An order of the Board shall not be required in cases 10 in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway, or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last 15 mentioned wires or conductors, in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purposes."

S. 250 amended. 9. Section 250 of the principal Act is amended by adding

thereto the following subsection:

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Drainage.

"4. An order of the Board shall not be required in the cases Exception for in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company, in accordance with the general regulations, plans or specifications adopted or approved by the Board for such purposes." 25

S. 254 amended.

10. Subsection 4 of section 254 of the principal Act is repealed, and the following are enacted as subsections 4 and 5 of the said section:

Exemption by Board.

"4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from 30 erecting and maintaining such fences, gates and cattle guards, where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.

Where lands are enclosed.

"5. Where the railway is being constructed through enclosed lands, it shall be the duty of the company to take effective 35 measures to prevent cattle and other animals escaping from such enclosed lands upon the property of the company.'

New s. 294. S. 295 repealed. 1910, c. 50. Company unless

11. Sections 294 and 295 of the principal Act, and sections 8 and 9 of chapter 50 of the statutes of 1970, are repealed, and the following is enacted as section 294 of the principal Act:-

"294. The company shall be liable to the owner for the full value of all horses, sheep, swine or other cattle that may be killed or injured upon the company's lands through the operation of the railway, save where such killing or injury is caused by reason of any person"(a) failing to keep the gates at any farm crossing, at each Gates not

side of the railway closed, when not in use; or,

"(b) leaving open any gate on either side of the railway No person provided for the use of any farm crossing without some animals, competent person being at or near such gate to prevent animals passing through such gate on to the railway; or,

"(c) other than an officer, contractor, or employee of the Fence taken company, taking down any part of the railway fence; or,

"(d) turning any animal upon or within the enclosure of any Animals

railway company; or,

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"(e) except as authorized by this Act, without the consent of enclosure, the company, riding, leading or driving any animal, or Railway used without suffering it to enter upon any railway and within the fences consent, and guards thereof; or,

"(f) leaving the gates of the company at railway stations Gates open 15 open for the convenience of the public."

12. Section 10 of chapter 32 of the statutes of 1909 and News. 298. section 10 of chapter 50 of the statutes of 1910 are repealed, 1909, c. 32; and the following is enacted as section 298 of the principal Act: 1910, c. 50.

"298. Whenever damage is caused to any property by a Liability fire started by any railway locomotive, the company making for fire caused by use of such locomotive, whether guilty of negligence or not, locomotive. shall be liable for such damage, and may be sued for the recovery of the amount of such damage in any court of competent juris-

25 diction: Provided that if it be shown that the company has Proviso. used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started

30 by the same locomotive and upon the same occasion, shall not Insurance. exceed five thousand dollars; provided also that if there is any insurance existing on the property destroyed or damaged the total amount of damages sustained by any claimant in respect of the destruction or damage of such property shall, for the

35 purposes of this subsection, be reduced by the amount accepted or recovered by or for the benefit of such claimant in respect of such insurance. No action shall lie against the company by reason of anything in any policy of insurance or by reason of payment of any moneys thereunder. The limitation of one Limitation.

40 year prescribed by section 306 of this Act shall run from the date of final judgment in any action brought by the assured to recover such insurance money, or, in the case of settlement, from the date of the receipt of such moneys by the assured, as the case may be.

"2. The compensation, in case the total amount recovered Apportiontherefor is less than the claims established, shall be apportioned compensation amongst the parties who suffered the loss, as the court or judge may determine.

Insurable interest in property.

"3. The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf.

Powers of Board as to fire guards. "4. The Board may order, upon such terms and conditions as it deems expedient, that fire guards be established and maintained by the company along the route of its railway and upon any lands, of His Majesty or of any person, lying along such route, and, subject to the terms and conditions of 10 any such order, the company may at all times enter into and upon any such lands for the purpose of establishing and maintaining such fire guards thereon, and freeing, from dead or dry grass, weeds and other unnecessary inflammable matter, the land between such fire guards and the line of railway."

New s. 360A. 1909, c. 31 amended. 13. Section 1 of chapter 31 of the statutes of 1909 is repealed and the following is enacted as section 360A of the principal Act:—

#### "RATES FOR ELECTRICAL POWER, ETC.

In disputes between lessee of water power and applicant for electricity Board may fix price.

"360A. In any case where water power has been acquired under lease from the Crown for the development of electrical 20 energy, and the lessee from the Crown of such water power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either as the case may be, the Board shall 25 determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

Powers of Board for such purpose.

"2. For the purpose of determining and fixing such quantity 30 or such price, the Board may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other person to attend before the Board and be examined 35 on oath and to produce all papers, documents, vouchers, records and books of every kind; and for the purpose aforesaid, the Board shall have all such powers, rights and privileges as are vested in a superior court.

Application of section inited.

"3. This section shall not apply to any case where the water 40 power, leased from the Crown, has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee."

14. The principal Act is amended by inserting the following Section added. section immediately after section 369:-

#### "SUBSIDIZED RAILWAYS.

"369A. Whenever it is made to appear to the Minister that Subsidized any railway owned by a company incorporated by the Parliament railways must be in 5 of Canada, the construction of which has been aided by a subsidy safe and from the Government of Canada, cannot by reason of the concondition. dition of such railway or of its equipment be safely and efficiently operated, the Minister may apply to the Board for an order that the said railway, or its equipment, or both, shall be put in a safe

10 and efficient condition, which order the Board is her by authorized to make after such notice to the president or manager of the company as to the Board seems reasonable; and the Board Application to Board. may, by order, direct what repairs, improvements or additions shall be made to the said railway, or equipment, or both, and 15 within what times the same shall be undertaken and completed

respectively.

"2. If the company fails to comply with such order of the On failure of Board, the Governor in Council may, upon the recommendation company to of the Minister, approve of such order, and direct that a copy of order, a lien may be created.

thereof, certified by the secretary of the Board and the Clerk of the Privy Council respectively, shall be filed by the Minister in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed

25 there shall, ipso facto, be created a first lien or mortgage upon the said railway and its equipment in favour of His Majesty for the amount of the said subsidy, which shall immediately thereupon become due and payable to His Majesty. Such lien may be Enforcement

enforced by His Majesty in the same manner and by the like 30 proceedings as any other lien upon property may be enforced by His Majesty in the Exchequer Court of Canada. The said court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway. Any moneys realized

35 from such sale may, with the consent of the purchaser, be applied by the Minister under the direction of the Chief Engineer of Government Railways towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Minister, and any moneys so realized, and not in

the opinion of the Minister required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for bondholders, in the event of there being outstanding bonds secured by mortgage or otherwise upon such railway."

15. Section 372 of the said Act is repealed and the following New s. 372. it substituted therefor:-"372. Every company shall annually make to the Minister, Annual returns of accidents under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and 5 showing casualties, whether to persons, or to animals or other property, which hav occurred on the property of the company, or in connection with the operation thereof, setting forth,— "(a) the causes and natures of such accidents and casualties: Causes and nature, "(b) the points at which such accidents and casualties 10 Locality occurred, and whether by night or by day; and, and time. "(c) the full extent of such accidents and casualties and all Extent and particulars, the particulars thereof. "2. Such returns shall be made for the period beginning Period for which returns from the date to which the then last yearly returns made by the 15 made. company extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, and ending with the last day of June in the then current year. Copies of "3. A duplicate copy of such returns, dated, signed and returns, attested in manner aforesaid, shall be forwarded by such com- 20 pany to the Minister within one month after the first day of August in each year. "4. Every company shall also, when required by the Minister, Copies of by-laws, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company 25 and of its railway, or of such other undertaking or business of the company as it is authorized to carry on. "5. The Minister may order and direct the form in which such Form. returns shall be made up."

Pending litigation. 16. Nothing in this Act shall affect pending litigation.

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Printer to the King's most Excellent Majesty Printed by C. H. PARMELEN OTTAW

MR. GRAHAM

First reading, May 4, 1911.

An

Act to amend the Railway Act.

THE HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

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## THE HOUSE OF COMMONS OF CANADA.

#### · BILL 207.

An Act respecting Bank Officers and Creditors.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Every one is guilty of an indictable offence and liable to Penalty for 5 imprisonment for a term not exceeding two years who, being the fraudulent or undue president, vice-president, director, manager, cashier or other preference officer of a bank, wilfully gives or concurs in giving any creditor of bank. of such bank any fraudulent, undue or unfair preference over other creditors, or who, being a creditor, forces, assists in forcing, 10 coerces or induces any president, vice-president, director, manager, cashier or other officer of a bank to give any creditor of such bank any fraudulent, undue or unfair preference over other creditors.

2. The president, vice-president, director, manager or other Penalty for 15 officer of a bank who makes or assists in making any false or false statements deceptive statement in any account, return, report or other by officials document respecting the affairs of such bank, is guilty of an of bank. indictable offence and liable to imprisonment for a term not exceeding five years, whether or not he knew such account, 20 return, report or other document to be false or deceptive.

3. Any official or director of a bank is guilty of an indictable Penalty for offence and liable to imprisonment for a term not exceeding two official years who, by himself or through any other person, accepts a loan from loan, discount or other accommodation from the bank of which bank. 25 he is an official or director.

4. Any director, manager or other official of a bank or other Penalty for corporation is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years who, by himself, or stock. through others, assists in the creation of what is commonly 30 known as watered stock for the bank or other corporation, of which he is such director, manager or other official.

Penalty for making loans on mine or unlisted mining security.

Loans on listed stock.

5. Any director, manager or other official of a bank who makes a loan on the security of a mine or mining company or on the stock of such mine or mining company, which has not been listed, is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

2. In case of a loan on security of listed stock the value of such stock shall be taken at the listed value up to par.

Penalty for causing clerks to work longer than eight hours a day

6. Any manager, agent or directing officer of any bank, or of any agency of a bank, who causes any clerk or employee under him to work within any office or building longer than eight 10 hours in any one day, such eight hours being divided by one hour, between the hours of noon and two in the afternoon, during which such clerk or employee may go outside of such office or building, is guilty of an offence, and liable to a fine not exceeding two hundred dollars. 15

Exception.

2. The provisions of subsection 1 of this section shall not apply to bank tellers, nor to the day upon which the monthly return is made up.

> An Act respecting Bank Officers and Creditors.

First reading, May 10, 1911.

THE HOUSE OF COMMONS OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910-11

207.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER

OTTAWA

MR. LEWIS.

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

#### BILL 208.

An Act to amend the Civil Service Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as The Civil Service Amendment Short title. 5 Act, 1911.

2. Section 39 of *The Civil Service Act*, chapter 16 of the R.S., c. 16, Revised Statutes, 1906, is amended by adding thereto the amended. following subsection:—

"2. A person who has served over three years as a clerk in Promotion of .10 the outside service of the customs may be appointed to the rank Customs with of senior clerk, subject to such examination on the duties of <sup>3</sup> years office and other qualifications as is prescribed by the deputy head in a report to be concurred in by the head of the Department. The minimum salary of such senior clerk shall be twelve Salary.

15 hundred dollars and the maximum salary sixteen hundred dollars per annum."

3. That part of Schedule B of the said Act which relates to Schedule B customs is repealed and the following is substituted therefor:— amended.

# "SCHEDULE B.

"CUSTOMS.

## "Higher Classes.

Collectors	Salary per	annum,	from \$ 300	to \$4,500
Chief inspector		"		to 4,000
Inspectors of ports	. "	"	2,100	to 3,200
Assistant inspectors.		"	1 600	to 2,000
Chief clerks	. "	ic	1,200	to 2,100
Surveyors		"	1,200	to 2,800
Assistant surveyo	rs			
(comprising tide su	r-			
veyors, chief landin	g			
waiters and chie				
lockers)	. "	"	1,200	to 1,600

## "Technical Officers.

Dominion appraisers.	.Salary per	annum,	from	\$2,100	to	\$2,600
Appraisers	. "	"		1,200	to	2,400
Assistant appraisers	. "	"		600	to	1,600
Gaugers	. "	"		900	to	1,600

# "Other Classes.

Senior clerks		annum, from	\$ 1,200 to	\$1,600
Clerks and landing waiters	100 m	u a a a	400 to	1,200
Examining officers (in- cluding preventive				
officers whose duties				
are not chiefly clerical, and lockers		u	100 to	1 000
Packers and messen-				1,000
gers	"	- 44	400 to	800

Date when salaries and increases to commence. 4. The salaries and increases provided by section 3 of this Act shall be payable as from the first day of April, one thousand nine hundred and eleven.

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First reading May 10 1911			
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An Act to amend the C.vi. Service Act.

# THE HOUSE OF COMMONS OF CANADA.

Manual de Contractor

#### THE HOUSE OF COMMONS OF CANADA.

## BILL 211.

An Act respecting aid towards the construction of the Canadian Northern Ontario Railway.

HEREAS, having regard to the growth of population and Preamble. the rapid development of the production and trade of that portion of Canada lying west of the Great Lakes, and to the rapidly expanding trade and commerce of Canada generally, it 5 is in the interests of Canada as a whole that another line of railway designed to assist in the direct and economic interchange of traffic between the eastern and western portions of Canada, to open up and develop portions as yet without railway facilities, to promote the internal and foreign trade of Canada, to develop 10 commerce through Canadian ports, and to afford the Government system of railways in Quebec, New Brunswick, Nova Scotia and Prince Edward Island an interchange of through traffic, should be constructed from the Pacific Ocean to the city of Montreal: And whereas the projected line of the Canadian 15 Northern Ontario Railway Company extending from Port Arthur to the city of Montreal will provide the uncompleted portion of the said through line lying north and east of the Great Lakes: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as 20 follows:

1. His Majesty, on behalf of the Dominion of Canada (herein- Aid after called "the Government") may aid and assist the construc-authorized. tion and completion by the Canadian Northern Ontario Railway Company (hereinafter called "the Company") of a line of Line of 25 railway extending from the city of Montreal in the province of railway aided. Quebec to the city of Port Arthur in the province of Ontario, Montreal to including the mileage of the line (lying between the said points) Port Arthur. already in part constructed by the Company and by the Canadian Northern Quebec Railway Company extending from a 30 point in the province of Quebec opposite the town of Hawkesbury to Rideau Junction, west of Ottawa, in the province of Ontario, and including the line already constructed by the Company extending from a point in the township of Capreol in the province of Ontario, to or near Sellwood Junction, by

Nature of aid.

Interest. Maturity of principal.

guaranteeing the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called "the guaranteed securities") of the Company, to the extent of thirtyfive thousand dollars per mile of the said line of railway so aided, which guaranteed securities to the extent aforesaid the Company 5 is hereby authorized to create and issue; interest on the guaranteed securities to be at the rate of three and one half per cent per annum, payable half yearly; the principal to be payable in fifty years from the passing of this Act. The Government may, subject to the provisions of this Act, enter into a contract with 10 the Company fixing the terms and conditions upon which the guarantee is given and of the security to be taken therefor.

Security. First mortgage on Montreal-Port Arthur line with certain exceptions.

2. The guaranteed securities shall be secured by a deed of trust, by way of mortgage or charge, to a trustee or trustees approved by the Governor in Council, and such deed of trust 15 shall grant a first mortgage or charge upon the line of railway set out in the first part of the Schedule to this Act, and upon the rights-of-way, station grounds and other real estate and interests therein, buildings and other structures and improvements, rolling stock and equipment (subject only to equipment bonds), 20 plant, machinery, tools, supplies, materials and other personal properties, present and future, acquired and to be acquired for the purposes of the said line, and in connection with the operation repair and maintenance thereof, and the tolls, incomes and revenues of the Company arising and to arise therefrom, and 25 the rights, privileges, franchises and powers of the Company now or hereafter held with respect to, and in connection with, the said line, and the operation, repair and maintenance thereof.

Mortgage on south of Sellwood Junction.

Subject to

existing

charges.

2. Such deed of trust shall also grant a mortgage or charge upon the line of railway (and the properties of the Company 30 thereto appertaining as above described) set out in the fourth part of the Schedule to this Act, ranking after the mortgages and charges created by two trust deeds made by the Company to the British Empire Trust Company, Limited, and National Trust Company, Limited, dated the twelfth day of July, nine-35 teen hundred and six and the twenty-fourth day of June, nineteen hundred and eight, respectively, (deposited in the Department of the Secretary of State of Canada, on the fifth day of October, nineteen hundred and six, and the eleventh day of July, nineteen hundred and eight, respectively), and ranking 40 after the thirty year three and one-half per cent debenture stock issued under such trust deeds, in so far as such debenture stock may from time to time be unexchanged and out-

Mortgage on certain deposited securities.

3. Such deed of trust shall also grant a first mortgage or 45 charge upon the bonds or debenture stock deposited under the provisions of section 3 of this Act.

3. The Company shall deposit with the trustee or trustees of Deposit of the said deed of trust, bonds or debenture stock issued under securities. the trust deed dated the twenty-eighth day of June, nineteen Kind of hundred and nine, made between the Company and the British securities to be deposited.

5 Empire Trust Company, Limited, and National Trust Company, Limited, (deposited in the Department of the Secretary of State of Canada, on the twenty-fourth day of August, nineteen hundred and nine), to an amount equal to thirty-five thousand Rate per dollars per mile of the line mentioned in the second part of the

10 said Schedule, and to thirty-five thousand dollars per mile of the line mentioned in the fourth part of the said Schedule (being approximately two million five hundred and fifty-eight thousand Aggregate five hundred dollars of such bonds or debenture stock); amount and the bonds or debenture stock so deposited shall form part of ly.

15 the mortgaged premises under the deed of trust securing the guaranteed securities; and there may be included in the last mentioned deed of trust provisions respecting the interest on the bonds or debenture stock so deposited, and respecting the

return to the Company (upon and after the discharge of the 20 said trust deeds dated the twelfth day of July, nineteen hundred and six, and the twenty-fourth day of June, nineteen Release of hundred and eight, respectively,) of the bonds or debenture portion of deposit. stock deposited in respect of the line mentioned in the fourth part of the said Schedule, freed and discharged from the mort-25 gage or charge under the trust deed securing the guaranteed

4. In the deed of trust securing the guaranteed securities General there shall also be included a general charge, ranking after and charge on Hawkesburysubject to the mortgage or general charge created by the said Niagara 30 trust deed dated the twenty-eighth day of June, nineteen hundred and nine, and subject to the powers of further issue therein Subject to reserved or contained, upon the lines of railway of the Company charges. referred to in the third part of the said Schedule, and the properties of the Company thereunto appertaining.

securities.

5. The kind of securities to be guaranteed hereunder and Forms and the forms thereof, and the form and terms of the deed of trust securing them, and the times and manner of the issue of the guaranteed securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expen-

40 diture of such moneys for the purposes of the line of railway so aided, and the forms and manner of guarantee or guarantees, shall be such as the Governor in Council approves, and such terms, provisions and conditions may be included in the said deed of trust as the Governor in Council deems expedient or necessary.

Signature to guarantees.

Effect.

6. The said guarantee or guarantees shall be signed by the Minister of Finance or such officer as is designated by the Governor in Council, and upon being so signed the Government shall become liable as guarantor for the payment of the principal and interest of the securities so guaranteed, according to the 5 tenor thereof, and the said payment shall form a charge upon the Consolidated Revenue Fund, and the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act respecting the guaranteed securities and the deed of trust and all matters relating thereto have 10 been complied with.

Conclusive evidence.

Standard of construction.

7. The line hereby aided, as set forth or described in section 1 of this Act, shall be constructed and completed according to the following specifications:—

Bridges.

Bridges over rivers and large streams are to be of concrete 15 and steel construction and to be built to the classification of the Heavy Standard Specification of the Department of Railways and Canals, dated one thousand nine hundred and eight.

Trestles.

Bridges of pile or frame trestle may be constructed over small streams which can be taken care of by culverts, such 20 culverts to be constructed within a reasonable time after the line is put in operation, of which time the Governor in Council shall be the sole judge.

Rails.

The line of railway shall be laid with steel rails, not less than eighty pounds to the lineal yard, with standard fastenings. 25

Curves and grades.

The maximum curvature shall not be of less radius than seven hundred and sixteen feet, and the grades against east-bound traffic shall not exceed five-tenths of one per cent, or 26.40 feet per mile; or six-tenths of one per cent, or 31.68 feet per mile, against west-bound traffic; provided that under 30 exceptional conditions, with the consent of the Governor in Council, less radius of curvature and heavier grades may be allowed, on the recommendation of the Chief Engineer of the Department of Railways and Canals, approved by the Minister of Railway and Canals, but in no case shall the curvature 35 exceed five hundred and seventy-three feet radius, or the gradients exceed 52.80 feet to the mile.

Length of

S. The decision of the Governor in Council as to the length of the lines referred to in the first, second and fourth parts of the said Schedule shall be final for the purposes of this Act, 40 notwithstanding anything herein.

Subrogation Government. 9. Subject to the provisions of this Act, any moneys paid by the Government under any guarantee given hereunder shall be held to be paid in discharge of the liability of the Governnt and not in discharge of the liability of the Company 45 under the guaranteed securities or under the deed of trust

securing them, and the moneys so paid shall be held to be still secured by the guaranteed securities and deed of trust, and the Government shall be subrogated in and to all the rights of the holders of the guaranteed securities, the interest upon or the 5 principal of which has been paid by the Government, and the Government shall, with respect to all moneys so paid, be in all respects in the position of security holders with respect to whose securities default has been made in payment, to the extent of the moneys paid by the Government.

10. The Government may, at the request of the Company, Certain out of the Consolidated Revenue Fund, pay all or any portion be paid by of the first four half-yearly payments of interest on the guar- Government. anteed securities falling due after the opening for traffic of the whole of the line so aided, but in such case the Government

15 shall not enforce the repayment thereof against the Company under the said trust deed, or against the Canadian Northern Railway Company under its guarantee as provided for in section 12 of this Act, until the maturity of the principal of the Not guaranteed securities pursuant to the terms of this Act. The re-payable until

20 Company shall, however, pending the repayment of such in-maturity of terest so paid by the Government, pay to the Government, half-vearly, interest on such interest at the rate of three and Interest upon one-half per cent per annum, and such interest upon interest such interest. until so paid shall form a charge upon the mortgaged premises 25 under the said trust deed.

11. The books of the Company shall at all times be open to Inspection of inspection for and on behalf of the Government by any person named in that behalf by the Governor in Council or by the Minister of Finance.

12. The Canadian Northern Railway Company shall, by Guarantee covenants included in the deed of trust referred to in section 2 by Canadian Northern of this Act, or in some other instrument agreed to between the Ry. Co. Governor in Council or the Minister of Finance and the Canadian Northern Railway Company, in such form as the Governor

35 in Council approves, guarantee to the Government the due payment by the Company of the principal and interest of all Principal and securities issued and guaranteed by the Government under the interest of all securities. provisions hereof, according to the tenor and effect of such guaranteed securities respectively, and in accordance with the

40 terms and provisions of this Act; and shall also guarantee to the Government the due payment by the Company of the deferred interest and of the interest upon interest, if any, Deferred which may be payable by the Company under section 10 of this Act; and shall further guarantee to the Government the

45 due payment by the Company of all loss or costs which the Costs of Government may sustain or be put to in enforcing, after default,

the provisions of the said deed of trust against the line of railway and premises thereby mortgaged and charged.

Routeing of traffic.

13. It is hereby declared that the aid herein provided for is granted by the Government for the express purpose of encouraging the transportation of goods through Canadian channels. 5 Before such aid is granted the Governor in Council shall require the Canadian Northern Railway Company and the Canadian Northern Ontario Railway Company to enter into an agreement undertaking that all freight originating on the line of the Canadian Northern Railway Company or its branches, 10 or on the line of the Canadian Northern Ontario Railway Company or its branches, not specifically routed otherwise by the shipper, shall, when destined to points in Canada be carried over the Canadian Northern Railway, or the Canadian Northern Ontario Railway, or the connections of either of them, or 15 over any railway within Canadian territory; and that the through rate on export traffic from the point of origin to the point of destination shall at no time be greater via Canadian ports than via United States ports, and that all such traffic, not specifically routed otherwise by the shipper, shall be carried 20 to Canadian ocean ports; and that the Canadian Northern Railway Company and the Canadian Northern Ontario Railway Company shall not in any matter within their powers directly or indirectly advise or encourage the transportation of such freight by routes other than those above provided, but 25 shall, in all respects, in good faith, use their utmost endeavours to fulfil the conditions upon which public aid is granted, namely, the development of trade through Canadian channels and Canadian ocean ports.

Via Canadian ocean ports.

Via.

Canadian

territory.

Export traffic.

Agreement.

14. The Company and the Canadian Northern Railway 30 Company, respectively, shall enter into an agreement with the Government—

Terminals at Montreal.

(a) to secure or establish, or cause to be secured or established, suitable terminals for the Company within the city of Montreal;

Interchange of traffic with I.C.R.

(b) on the request of the Government, to make arrangements with the Intercolonial Railway for the interchange of traffic between the Company and the Intercolonial Railway at Montreal, for such period as the Governor in Council determines, and upon such terms as are agreed 40 upon between the parties, and if the parties fail to agree, the terms shall be fixed by the Board of Railway Commissioners for Canada;

Use of terminals on company's default. (c) that in the event of default, and of the consequent acquisition by the Government, or by any railway company 45 other than the Company, of the line hereby aided, neither the Company nor the Canadian Northern Railway Company will oppose any application to the Board of Railway

Commissioners for Canada for an order providing for the use by the Government, or by such other railway company, of terminals at Port Arthur or Montreal owned or controlled by the Company or by the Canadian Northern Railway Company, in so far as such use is reasonably necessary in connection with the operation of the said aided line, and on reasonable terms and compensation to be established by the said Board.

#### SCHEDULE.

#### FIRST PART.

A line of railway extending from the city of Montreal in the province of Quebec to the city of Port Arthur in the province of Ontario, excepting thereout the mileage of the lines, lying between the said points, described in the second and fourth parts of this Schedule.

#### SECOND PART.

The line of railway constructed in part by the Canadian Northern Ontario Railway Company and the Canadian Northern Quebec Railway Company extending from a point in the province of Quebec opposite the town of Hawkesbury to Rideau Junction, west of Ottawa, in the province of Ontario, a distance of about sixty-two and one-half miles.

#### THIRD PART.

A line of railway of the Canadian Northern Ontario Railway Company extending from the town of Hawkesbury to a point on the Niagara river in the province of Ontario, including the spur now constructed into the city of Ottawa.

#### FOURTH PART.

A line of railway of the Canadian Northern Ontario Railway Company extending from a point in the township of Capreol in the district of Sudbury and province of Ontario to or near Sellwood Junction, a distance of about ten and six-tenths miles.

5

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

BILL 211.

An Act respecting aid towards the construction of the Canadian Northern Ontario Railway.

First reading, May 11, 1911.

MR. GRAHAM.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE HOUSE OF COMMONS OF CANADA.

## BILL 212.

An Act to amend the Water-Carriage of Goods Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Paragraph (a) of section 2 of The Water-Carriage of Goods 1910, c. 61, 5 Act, chapter 61 of the statutes of 1910, is repealed and the s. 2 amended. following is substituted therefor:—

"(a) 'goods' includes goods, wares, merchandise and articles Interpretaof any kind whatsoever, except live animals and lumber, deals "Goods." and other articles usually described as 'wood-goods'."

10 2. Section 10 of the said Act is repealed.

S. 10 repealed.

3rd Session, 11th Parliament, 1 George V., 1910-

THE HOUSE OF COMMONS OF CANADA.

BILL 212.

An Act to amend the Water-Carriage Goods Act.

First reading, May 12, 1911.

MR. BRODEUR.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### THE HOUSE OF COMMONS OF CANADA.

#### BILL 213.

#### An Act to amend the Bank Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The charters or Acts of incorporation, and any Acts in Bank 5 amendment thereof, of the several banks enumerated in the Schedule to this Act, which expire by virtue of the operation of section 4 of The Bank Act, chapter 29 of the Revised Statutes, as to some particulars. 1906, or by virtue of the operation of the respective incorporating Acts, are continued in force until the first day of July, one 10 thousand nine hundred and twelve, so far as regards, as to each of such banks,—

(a) the incorporation and corporate name:

(b) the amount of the authorized capital stock;(c) the amount of each share of such stock; and,

15 (d) the chief place of business; subject to the right of each of such banks to increase or reduce its authorized capital stock in the manner provided by The

2. As to all other particulars *The Bank Act* shall form and As to other 20 be the charter of each of the said banks until the first day particulars. of July, one thousand nine hundred and twelve.

2. Nothing in this Act shall be deemed to continue in force Forfeited any charter or Act of incorporation, if, or in so far as it is, or void charters not under the terms thereof, or under the terms of The Bank Act continued.

25 or of any other Act passed or to be passed, forfeited or rendered void by reason of the non-performance of the conditions of such charter or Act of incorporation, or by reason of insolvency, or for any other reason.

#### SCHEDULE.

- 1. The Bank of Montreal.
- 2. The Bank of New Brunswick.
- 3. The Quebec Bank.
- 4. The Bank of Nova Scotia.
- 5. The St. Stephen's Bank.
- 6. The Bank of Toronto.
- 7. The Molsons Bank.
- 8. The Eastern Townships Bank.
- 9. The Union Bank of Halifax.
- 10. The Ontario Bank.
- 11. La Banque Nationale.
- 12. The Merchants Bank of Canada.
- 13. La Banque Provinciale du Canada.
- 14. The People's Bank of New Brunswick.
- 15. The Union Bank of Canada.
- 16. The Canadian Bank of Commerce.
- 17. The Royal Bank of Canada.
- 18. The Dominion Bank.
- 19. The Bank of Hamilton.
- The Standard Bank of Canada.
- 21. La Banque de St. Jean.
- 22. La Banque d'Hochelaga.
- 23. La Banque de St. Hyacinthe.24. The Bank of Ottawa.

- 24. The Bank of Ottawa.
  25. The Imperial Bank of Canada.
  26. The Western Bank of Canada.
  27. The Traders' Bank of Canada.
  28. The Sovereign Bank of Canada.
  29. The Metropolitan Bank.
  30. The Northern Crown Bank.
  31. The Home Bank of Canada.

- 32. The Sterling Bank of Canada.
  33. The United Empire Bank of Canada.
- 34. The Farmers Bank of Canada.
- 35. The Bank of Vancouver.

First reading, May 12, 1911.

- 36. The Weyburn Security Bank.37. Banque Internationale du Canada.

An Act to amend the Bank Act

HOUSE OF COMMONS OF CANADA.

Session, 11th Parliament, 1 George V., 1918-1

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAW

MR. FIELDING

# THE HOUSE OF COMMONS OF CANADA.

### BILL 216.

An Act to amend the Post Office Act.

H IS Majesty, by and with the advice and consent of the Senate nd House of Commons of Canada, enacts as follows:

1. Section 21 of The Post Office Act, chapter 66 of the Revised R.S., c. 66. 5 Statutes, 1906, is repealed, and the following is substituted New s. 21.

"21. Whenever a year's revenue of a post office reaches eight Appointment hundred thousand dollars, the Governor in Council may by of promotion appoint to that post office, at a salary of one thousand dent 10 eight hundred dollars on appointment, with an annual increase of one hundred dollars to a maximum of two thousand five

hundred dollars, a person to be designated a superintendent, whose duty shall be such as is determined by the Postmaster General; and no person shall be eligible for such promotion 15 unless he has been a clerk in a city post office for at least five years."

2. Sections 27 and 31 of the said Act are repealed.

Ss. 27 and

3. Paragraph (a) of section 32 of the said Act is repealed, s. 32 and in lieu thereof it is enacted that a railway mail clerk shall amended. 20 be appointed on probation for a period of at least one year, Appointment and salary of at a salary at the rate of five hundred dollars a year, with an railway mail additional allowance for mileage, and on the confirmation of clerks. his appointment he may be paid £t the rate of six hundred dollars a year, and mileage, with annual increas s of one hundred

25 dollars up to eight hundred dollars, and an increase of fifty dollars a year thereafter until the maximum of one thousand four hundred dollars is reached; and a railway mail clerk who Statutory has been for a period of one year and upwards in receipt of increase of maximum. the maximum salary, as established before the first day of

30 April, one thousand nine hundred and eleven, shall be eligible for the increase of salary herein provided, from the first day of April, one thousand nine hundred and eleven, and, if he has

served for any period less than one year at such maximum salary, he shall be eligible for the increase as soon as he has completed one year's service at such maximum salary.

2. If the salary of any railway mail clerk is, on the first day of April, one thousand nine hundred and eleven, less than five 5 hundred dollars, it shall forthwith be increased to that minimum.

3. A railway mail clerk who is in the service on the first day of April, one thousand nine hundred and eleven,—

(a) whose salary is less than eight hundred dollars shall be

Increases on salaries under \$800.

minimum.

(a) whose salary is less than eight hundred dollars shall be eligible to annual increases of one hundred dollars each 10 until his salary is eight hundred dollars and less than nine hundred dollars, and, thereafter, such clerk shall be eligible to annual increases of fifty dollars until the maximum of one thousand four hundred dollars is reached;

Increases on salaries over \$800.11 (b) whose salary is eight hundred dollars and upwards shall 15 be eligible to annual increases of fifty dollars until the maximum of one thousand four hundred dollars is reached.

S. 32 amended. Statutory increases. **4.** Paragraph (g) of section 32 of the said Act is amended by striking out the words "fifty dollars" in the third line thereof, and substituting therefor the words "fifty or one hundred 20 dollars, as the case m y b ."

S. 35 amended. Examinations. S. 36 amended. 5. Section 35 of the said Act is amended by striking out the words "or stampers and sorters" in the first line thereof.

6. Section 36 of the said Act is amended by striking out the words "or stamper and sorter" in the second line thereof.

e 25

S. 40 amended. Grades.

Promotions.

7. Subsection 2 of section 40 of the said Act is amended by striking out the words "from time to time" in the ninth line thereof, and adding at the end of the said subsection the words "after the appointee has served not less than two years in Grade D."

30

S. 44 amended. Appointments. 8. Section 44 of the said Act is amended by striking out the words "or as stamper and sorter" in the fourth and fifth lines thereof.

S. 32 amended.

**9.** Paragraph (b) of section 32 of the said Act is repealed and the following is substituted therefor:—

Yearly case examinations

"(b) Railway mail clerks shall pass a yearly case examination in accordance with regulations passed by the Postmaster General, and no railway mail clerk shall be eligible for an increase of salary who has not obtained the percentage required by such regulations, and no increase shall be 40 granted except on the report of the deputy head, concurred in by the head of the Department, stating that the clerk is deserving of such increase."

OTTAWA

Printed by C. H. PARMELEE

Printer to the King's most Excellent Majesty

1910-11

MR. LEMIEUX.

First reading, May 12, 1911.

An Act to amend the Post Office Act.

E HOUSE OF COMMONS OF CANADA Session, 11th Parliament, 1 George V., 1910-11

ard

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE HOUSE OF COMMONS OF CANADA.

# BILL 217.

### An Act to amend the Civil Service Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. That part of Schedule B to The Civil Service Act, chapter 16 R.S., c. 16, 5 of the Revised Statutes, 1906, which relates to clerks in City amended. Post Offices, Offices of Post Office Inspectors and Superintendents of Railway Mail Service, and in the Money Order Exchange Office, as amended by chapter 6 of the statutes of 1909, is repealed and the following is substituted therefor, and such 10 repeal and substitution shall take effect and become operative as from the first day of April, one thousand nine hundred and eleven:—

"Clerks in City Post Offices, in Offices of Post Office Inspectors, in Offices of Superintendents of Railway Mail Service, and in the Money Order Exchange Office.

"CLERKS IN CITY POST OFFICES.

#### "SALARIES.

"Third class clerks—
Grade B, on appointment, \$500, by annual increases of clerks in city post offices.

\$100 to \$800.

Grade A, on appointment, \$800, by annual increases of \$50 to \$1,000.

"Second class clerks—
In post offices having a revenue of fifty thousand dollars and
over—

Grade B, on appointment, \$1,000, by annual increases of \$50 to \$1,200.

Grade A, on appointment, \$1,200, by annual increases of \$50 to \$1,400.

"First class clerks-

In post offices having a revenue of one hundred thousand dollars and over—

Grade B, on appointment, \$1,400, by annual increases of \$50 to \$1,600. There shall be not more than one clerk 5 in Grade B for every complete unit of one hundred permanent employees, employed in any office.

Grade A, on appointment, \$1,600, by annual increases of \$50 to \$1,800. There shall be not more than one clerk in Grade A for every complete unit of one hundred and 10 fifty permanent employees, employed in any office.

"Chief clerks—

In post offices having a revenue of eight hundred thousand dollars and over. Specific duties. There shall be not more than one chief clerk for every complete unit of 15 two hundred permanent employees, employed in any office. On appointment, \$1,800, by annual increases of \$50 to \$2,100.

"Office superintendents-

In post offices having a revenue of eight hundred thousand 20 dollars and over—

"Clerks in Offices of Post Office Inspectors, in Offices of Superintendents of Railway Mail Service, and in the Money Order Exchange Office.

#### SALARIES.

Salaries of certain post office clerks. "Third class clerks-

Grade B, on appointment, \$500, by annual increases of 25 \$100 to \$800.

Grade A, on appointment, \$800, by annual increases of \$50 to \$1,000.

"Second class clerks—

Grade B, on appointment, \$1,000, by annual increases of 30 \$50 to \$1,200.

Grade A, on appointment, \$1,200, by annual increases of \$50 to \$1,400.

"First class clerks-

Grade B, on appointment, \$1,400, by annual increases of 35 \$50 to \$1,600.

Grade A, on appointment, \$1,600, by annual increases of \$50 to \$1,800.

Classification of stampers sorters, and clerks. "Any stamper and sorter in a city post office, and any clerk in any of the said offices, who, on the first day of April, one 40 thousand nine hundred and eleven, was in the fourth or junior third class, shall be deemed to be a third class clerk, Grade B, from that date.

"Any clerk in any of the said offices who, on the first day of April, one thousand nine hundred and eleven, was,-

(1) in the senior third or junior second class shall be deemed

to be a third class clerk, Grade A, from that date;

(2) in the senior second class shall be deemed to be a second

class clerk, Grade B, from that date;

(3) in the first class shall be deemed to be a first class clerk, Grade B, from that date, and if his salary was less than \$1,400, it shall continue to be the amount he was then enjoying, subject to an annual increase of \$50 until his 10 salary reaches \$1,600 per annum.

"Senior second class clerks who, on the first day of April, one thousand nine hundred and eleven, are employed in city post offices having a revenue less than fifty thousand dollars,

15 shall be clerks in the second class, Grade B, under this part of Schedule B, notwithstanding any limitation as to revenue heretofore expressed; and first class clerks who, on the first day of April, one thousand nine hundred and eleven, are employed in city post offices, shall be clerks in the first class, Grade B, under 20 this Schedule, notwithstanding any limitations as to revenue or

number of permanent employees heretofore expressed."

2. Any office superintendent or clerk referred to in that Statutory part of Schedule B as amended by this Act, who has been for a period of one year and upwards in receipt of the maximum 25 salary of his class, as heretofore established, and whose salary, in the case of a clerk, is less than the maximum of the Grade in which he is placed under this Act, shall be eligible for the increase

of salary as provided by the said Schedule B as amended by

this Act from the first day of April, one thousand nine hundred 30 and eleven, and, if he has served for any period less than one year at such maximum salary, he shall be eligible for the increase as soon as he has completed one year's service at such maximum

salary.

3. No person shall be eligible for the position of third class Qualifications 35 clerk in a city post office unless he has passed either the Civil of third class clerks in city Service preliminary or the qualifying examination, or is a post offices. graduate of the Royal Military College or of a University in Canada, and, except as to persons in the service at the time at which this Act comes into force, no third class clerk who, on

40 appointment, had passed the preliminary examination only, shall be eligible for promotion to a higher class until he passes the qualifying examination, or unless he is a graduate of the

Royal Military College or of a University in Canada.

2. No person shall be eligible for the position of third class Qualification 45 clerk in the offices of Post Office Inspectors, Superintendents of for other third class Railway Mail Service, or in the Money Order Exchange Office clerks. unless he has passed the Civil Service qualifying examination,

or is a graduate of the Royal Military College or of any University in Canada.

Temporary employees.

4. Any person may be employed temporarily in a city post office, in the office of a Post Office Inspector, Superintendent of the Railway Mail Service, and in the Money Order Exchange 5 Office, or as a railway mail clerk, who has not passed the Civil Service Examination for the outside service, for a period of not more than one year, at a salary of five hundred dollars a year. A temporary railway mail clerk may be paid mileage allowance.

Temporary helpers. 5. Temporary helpers may be employed in any branch of the outside service of the Post Office Department, when necessary, irrespective of age and who have not passed the Civil Service Examination, at a per diem allowance to be fixed by the Postmaster General, but not to exceed two dollars and fifty cents a 15 day, but no temporary helper shall be employed for more than six months in any one calendar year.

Age'limit for temporary employees. **6.** Except as provided in section 5 hereof, no temporary clerk or other temporary employee shall, hereafter, be taken into employment in the outside service of the Post Office Depart-20 ment who is over thirty years of age.

Sch. B. amended.
Sorters in postal cars.

7. Schedule B to The Civil Service Act is further amended by adding after the words "railway mail clerks" in the first line of the paragraph which relates to mileage allowance for railway mail clerks the words "and other post office employees when 25 employed as sorters in the postal cars."

Sch. B. amended.

S. That part of the said Schedule B which relates to Post Office Inspectors, Assistant Post Office Inspectors, and Superintendents of the Railway Mail Service, as amended by section 10 of chapter 8 of the statutes of 1910, is further amended by 30 adding thereto the following paragraph:—

Salaries of Inspector, Assistant Inspector, or Superintendents. "The salary of an Inspector, Assistant Inspector, or Superintendent of the Railway Mail Service, who was appointed prior to the first day of April, one thousand nine hundred and ten, may be increased by an amount equal to the difference between 35 the salary he is receiving on the first day of April, one thousand nine hundred and eleven, and the salary he would have been receiving on that date had he, on appointment, been given the minimum salary as established by section 10 of chapter 8 of the statutes of 1910, with an annual increase of one hundred 40 dollars, or his salary may be increased by such lesser amount as the Governor in Council determines."

Statutory increases.

2. The shapeholders of meet at the rest of the state of t is the chareledges of the sale was the large and the date on which the sale was the

3rd Session, 11th Parliament, 1 George V., 1910-11

THE HOUSE OF COMMONS OF CANADA.

BILL 217.

An Act to amend the Civil Service Act.

First reading, May 12, 1911.

MR. LEMIEUX.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE HOUSE OF COMMONS OF CANADA.

### BILL 219.

An Act to amend the Quebec Savings Banks Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The charters of the Montreal City and District Savings Certain 5 Bank and of La Caisse d'Economie de Notre Dame de Quebec, charters which expire on the first day of July, one thousand nine hundred and eleven by virtue of the operation of section 4 of The Quebec R.S., c. 32, Savings Banks Act, chapter 32 of the Revised Statutes, 1906, s. 4. are hereby continued and shall remain in force until the first

- 10 day of July, one thousand nine hundred and twelve, except in so far as they, or either of them, are or become forfeited or void under the terms thereof, or of the said chapter 32, or of any other Act heretofore or hereafter passed relating to the said savings banks by non-performance of the conditions of such 15 charters or Acts respectively, or by insolvency, or otherwise.
- 2. The shareholders of each of the savings banks mentioned Nominal in the next preceding section may, by by-law, change the value of shares may nominal value of the shares of the capital stock of the bank be changed. from four hundred dollars, the nominal value of each share 20 before the passing of this Act, to a nominal value of one hundred dollars for each share; and four shares of one hundred dollars each shall be given in exchange for each share of four hundred dollars outstanding at the time such by-law comes into effect, Further and further issues of shares of the said banks, made after such 25 by-law comes into effect shall be shares of one hundred dollars

3. The shareholders of the said savings banks may, by by- Shareholders law, fix the date on which the fiscal year of the bank shall end, may change and the date on which the annual meeting shall be held; and fiscal year 30 public notice shall be given by the directors of the bank of the meeting. holding of annual or other meetings of shareholders by publishing such notice for at least four weeks in a newspaper at the

each.

place where the head office of the bank is situate; and the notice so published shall be printed in both the English and French languages.

Election of

4. The directors shall be elected at the annual meeting of the shareholders, and shall be eligible for re-election, but no Qualification, person shall be elected a director unless he is the holder at the time of such election of capital stock, upon which all calls have been paid, to the nominal value of ten thousand dollars.

Declaration of dividends.

5. The directors of each of the said savings banks shall, subject to the provisions of the said chapter 32, declare quarterly 10 or half yearly dividends of so much of the profits of the banks as to the majority of them seems advisable; and they shall give public notice for at least thirty days, in the manner in this Act provided for notices of meetings, of the time and place where such dividends will be paid.

and escend by virtue of the approach of smaller a of the of Santings Bones Act, chapter 32 of the Revised blatutes. I are hereby continued and shall remain in twee until the day of July, one thousand mine hundred and tweive, case, so far as they, or either of them, are or become forfelded or mider the sente thereof, or of the said chapter 32, or ot other him nectofore or introducer ransest relation to the

THE HOUSE OF COMMONS OF CANADA.

An Act to amend the Quebec Savings

Banks Act.

First reading, May 16, 1911.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

MR. FIELDING.

Session, 11th Parliament, I George V., 1910-11

# THE HOUSE OF COMMONS OF CANADA.

## BILL 222.

An Act respecting the National Battlefields at Quebec.

WHEREAS the National Battlefields Commission has re-Preamble. quested that it be empowered to purchase, acquire and hold the lands or immovable properties hereinafter referred to, which are required for the Quebec Battlefields Park and 5 are not included in the Schedule to chapter 58 of the statutes of 1908; and whereas the said Commission has requested that 1908, c. 58. it be empowered to pay or to redeem all rents, ground rents or other dues affecting such properties as may be gratuitously ceded and transferred to it or its successors in office, by the 10 Minister of Public Works and Labour of the province of Quebec, and such properties as may be transferred to it by the Government of Canada; and whereas the said Commission has also requested that it be empowered to advance, out of the National Battlefields fund, a certain sum of money to the 15 municipality of the town of Montcalm, in order to enable the said municipality to purchase certain lands necessary for the purposes of the said Quebec Battlefields Park provided these lands be, immediately after their purchase by the said municipality, gratuitously ceded by the said municipality to the 20 said Commission; and whereas it is expedient to comply with the said requests: Therefore His Majesty, by and with the advice

1. The National Battlefields Commission may, subject Commission 30 to the approval of the Governor in Council, purchase, acquire may purchase and hold the whole or part of the lands and immovable properties hereinafter described, namely:—

and consent of the Senate and House of Commons of Canada,

enacts as follows:-

(a) The tract of land on the south side of the street called "La Grande Allée," in the city of Quebec, granted to "The 35 Quebec Skating Club" in virtue of chapter 14 of the statutes of 1891, and fully described therein, with all the buildings erected thereon:

(b) The parcels of land bearing numbers 96, 97, 98, 99 and 66 of the subdivision of cadastral lot number 4437 of Montcalm

ward of the city of Quebec, including all or any dwelling houses, the tower commonly known as "Martello Tower number two," or other buildings of any kind erected on these parcels of

(c) The portions of the lots numbers four thousand four 5 hundred and forty-one (4441) and four thousand four hundred and forty-two (4442) on the cadastral plan for Montcalm ward of the city of Quebec, comprised between the two pieces of land respectively forming part of these lots belonging to The Ladies Protestant Home of Quebec and the Heirs Lampson 10 respectively and mentioned in article 8 of the Schedule to chapter 58 of the statutes of 1908, and a parallel to the northwest side of Tower street drawn across the said lots four thousand four hundred and forty-one and four thousand four hundred and forty-two, from the easternmost corner of lot number 15 four thousand four hundred and forty-three of the cadastre of the said Montcalm ward of the city of Quebec; and the

buildings which may be erected thereon:

(d) All the lots or parcels of land, portions of lots or parcels of land and projected streets—with any building which may 20 be erected thereon—hereinafter m ntioned in this paragraph and lying in the city of Quebec, outside or surrounding a certain tract of land upon which is erected the Quebec jail and its dependencies and which tract of land, also in the city of Quebec. reserved by the Government of the province of Quebec for 25 the purposes of the Quebec jail, is bounded towards the northwest by a liné—south-east of Monument Street—in the northeasterly prolongation of the north-west boundary of lots numbers one hundred and sixty-A (160-A) and one hundred and sixty-B (160-B) of the cadastre of the Banlieue, parish of 30 Notre-Dame-de-Quebec, towards the south-east by a line parallel to the lower or rear wall of the jail yard and one hundred and fifty feet distant—to the south-east—from the end towers of this wall, towards the north-east by the north-east side of the passage or street along the north-east wall of said jail yard 35 and the fence in prolongation of same, and towards the southwest by a line parallel to the north-easternmost boundary of the Plains of Abraham and at a distance of one hundred and ten feet to the north-east therefrom, and covers a superficial area of three hundred and forty-two thousand nine hundred and 40 fifty square feet more or less, English measure:—the northeast part of lot number four thousand four hundred and fortyseven (4447) bounded towards the south-west by the said tract of land reserved for the purposes of the Quebec jail, lot number four thousand four hundred and forty-eight (4448), 45 those portions of lots numbers four thousand four hundred and forty-nine (4449) and four thousand four hundred and fifty (4450) which lie outside of the said tract of land reserved for the purposes of the Quebec jail; lots numbers four thousand

four hundred and fifty-one (4451), four thousand four hundred and fifty-two (4452), four thousand four hundred and fiftythree (4453), four thousand four hundred and fifty-four (4454), four thousand four hundred and fifty-five (4455), four thousand

5 four hundred and fifty-six (4456), four thousand four hundred and fifty-seven (4457), four thousand four hundred and fiftyeight (4458), four thousand four hundred and fifty-nine (4459), four thousand four hundred and sixty (4460), four thousand four hundred and sixty-one (4461), four thousand four hundred

10 and sixty-two (4462), four thousand four hundred and sixtythree (4463), four thousand four hundred and sixty-four (4464), four thousand four hundred and sixty-five (4465), four thousand four hundred and sixty-six (4466), four thousand four hundred and sixty-seven (4467), four thousand four hundred and sixty-

15 eight (4468), four thousand four hundred and sixty nine (4469) and four thousand four hundred and seventy (4470) of the cadastre of Montcalm ward of the city of Quebec-and also all the intervening projected streets shown on the cadastral plan of the said Montcalm ward of the city of Quebec, mentioned

20 in the descriptions of these lots contained in the book of reference of said cadastre and lying outside of the aforesaid tract of land reserved by the Government of the province of Quebec for the purposes of the Quebec jail:-also the portion of lot number one hundred and sixty (160) lying partly to the north-

25 west and partly to the south-west of the aforesaid tract of land reserved for the purposes of the Quebec jail, the portion of lot number one hundred and fifty-nine (159) lying to the south-west of the same tract of land, the portion of lot number one hundred and sixty-six (166) lying partly to the south-

30 west and partly to the south-east of the same tract of land, said lots numbers one hundred and sixty-A and one hundred and sixty-B (160-A and 160-B) and the portions of the two projected streets respectively to the north-west (Tower street) and to the south-east (street unnamed) of the aforesaid por-35 tion of lot number one hundred and fifty-nine, all of the cadastre

of the Banlieue, parish of Notre-Dame-de-Quebec:

(e) The lots or parcels of land situated in the vicinity of "Martello Tower, number four," in the city of Quebec, and bearing respectively numbers one hundred and eighty-eight

- 40 (188), one hundred and eighty-nine (189) and one hundred and ninety-one (191) of the subdivisions of lot number three thousand seven hundred and fifty-five (3755) of the cadastre of St. John's ward of the said city of Quebec.
- 2. The National Battlefields Commission may, subject to As to rents 45 the approval of the Governor in Council, pay or redeem all dues, etc. rents, ground rents or other dues affecting such property or properties as may be gratuitously ceded and transferred to it for the purposes of the Quebec Battlefields Park.

Advance to town of Montcalm to acquire certain lands.

3. The National Battlefields Commission may, subject to the approval of the Governor in Council, advance, out of the National Battlefields fund, a sum of money not to exceed fifteen thousand dollars to the municipality of the town of Montcalm or its successors, in order to enable the said municipality to purchase certain lands necessary for the Quebec Battlefields Park, that is to say for the opening of an avenue between St. Louis Road and Ste. Foye Road, in line with the "Monument des Braves," in the town of Montcalm, which lands are to be, after their purchase by the said municipality, 10 gratuitously ceded and transferred to the said Commission; the sum so advanced by the said Commission to be repaid to the latter by the said municipality or its successors in annual consecutive instalments bearing interest at the rate of three per cent per annum, the term over which the instalments may 15 be spread not to exceed thirty years.

First reading, May 17, 1911.

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An Act respecting the National Battlefields at Quebec.

OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

OTTAWA

Printed by C. H. Parmeler

Printer to the King's most Excellent Majesty

1910-11

MR. LEMIEUX.

## THE HOUSE OF COMMONS OF CANADA.

# BILL 224.

An Act respecting Duties of Customs on Importations from Japan.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. No other or higher duties shall be imposed on the importa- Customs 5 tion into Canada of any article, the produce or manufacture of articles on the dominions and possessions of His Majesty the Emperor of imported from Japan, from whatever place arriving, than are imposed on the like article produced or manufactured in any other foreign country when imported into Canada; and, subject otherwise to the provisions of *The Customs Tariff*, 1907, and of *The Customs R.S.*, c. 48. Act and of this Act, there shall be levied, collected and paid <sup>1907</sup>, cc. 11 and 50. upon all goods or articles the produce or manufacture of the said dominions and possessions, when imported into Canada or taken out of warehouse for consumption therein, the minimum

15 rates of duties of customs for the time being levied upon the like articles when imported from any other foreign country.

2. No prohibition shall be maintained or imposed on the No discrimimportation into Canada of any article the produce or manufaction. ture of the dominions and possessions aforesaid, from whatever place arriving, which shall not equally extend to the importation of the like article the produce or manufacture of any other country, provided however that this section shall not be applica- Proviso. ble to the sanitary or other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of 25 plants useful to agriculture.

3. This Act shall not be brought into force unless and until the Conditions Governor in Council is satisfied that no other or higher duties are coming are or will be imposed, and that no prohibitions are or will be into force. maintained or imposed, so long as this Act remains in operation, 30 on the importation into the dominions and possessions of His

Majesty the Emperor of Japan of any article the produce or manufacture of Canada, from whatever place arriving, than are Proviso.

imposed, or maintained or imposed, respectively, on the like article produced or manufactured in any foreign country on its importation into the said dominions and possessions; but nothing in this section shall be applicable to the sanitary or other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

Commencement and expiry of Act.

2. This Act shall come into force upon such date as is fixed by an order in council published in *The Canada Gazette*, and shall remain in force for a period not exceeding two years from the seventeenth day of July, one thousand nine hundred and eleven. 10

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THE HOUSE OF COMMONS OF CANADA.

3ILL 224

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An Act respecting Duties of Customs on Importations from Japan.

First reading, May 18, 1911.

MR. FIELDING.

OTTAWA
Printed by C. H. Parkeler
Printer to the King's most Excellent Majesty

224

3rd Session, 11th Parliament, 1 George V., 1910-11

# THE SENATE OF CANADA.

# BILL A.

An Act to provide for the incorporation of Railway Companies.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:—

1. Any number of persons, not fewer than seven, of the full Formation of age of twenty-one years, who desire to be incorporated for the purposes of constructing, maintaining and operating a railway which is within the legislative jurisdiction of the Parliament of Canada, may, by agreement in writing, form themselves into an association for those purposes, and, upon complying with the provisions of this Act, may obtain letters-patent creating them and their successors a corporation with all the powers and privileges, and subject to all the obligations and restrictions contained in The Railway Act and in any other general Act R.S., c. 37. relating to railways.

15 2. The agreement of association shall contain the following Contents of particulars:—

(a) the proposed name of the corporation, which name shall Name of not be that of any other known company, incorporated corporation. or unincorporated, or any name likely to be mistaken therefor, nor otherwise, on grounds of public policy or convenience, objectionable, and shall end with the words "Railway Company;"

20

(b) the terminal points of the proposed railway, and as nearly Termini. as may be estimated, its length in miles;

25 (c) the proposed route, with the name of each county, city, Route. town, village and municipality through, into or near which it is proposed to build the railway;

(d) the gauge of the railway, which shall be four feet, eight Gauge. inches and one-half of an inch;

30 (e) the amount of the capital stock of the corporation, which Capital shall not be less than ten thousand dollars for each mile of the estimated length of the railway, and shall be divided Shares into shares of one hundred dollars each;

Subscribed shares.

(f) the number of shares of capital stock which each associate agrees to take; but an associate shall not be bound by such agreement to pay more than ten per cent upon such shares unless the corporation is duly created;

Head office. Provisional directors.

(g) the place where the head office of the corporation is to be; (h) the names, residences, occupations and post office addresses of at least seven persons to act as provisional directors. These must be subscribers to the agreement 10 and a majority of them resident in Canada; they may fill any vacancy occurring among their number; and shall appoint a secretary and a treasurer who shall hold office until their successors are appointed by the corporation if created; the same person may be appointed both 15 secretary and treasurer;

Secretary and Treasurer. Execution of agreement.

- (i) the name, residence, occupation and post office address of the secretary and of the treasurer of the association.
- 2. The agreement shall be signed with the full name of and be sealed by each associate, who shall, opposite his signature, 20 state his residence, occupation and post office address, and the place and date of his signature. Each signature shall be duly witnessed by one witness, whose full name, residence and occupation shall be stated.

Notice of agreement.

publication in official

newspapers.

and local

3. Before proceeding to examine and survey the route of the 25 proposed railway the provisional directors shall cause notice of the agreement of association to be given as follows:—

(1) By publication of a copy thereof, at least once a week for six consecutive weeks,-

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- (a) in The Canada Gazette, and (b) the official Gazette of any province in which the proposed railway or any part thereof is to be constructed; and
- (c) in at least one newspaper in each city, town or village through, into or near which the proposed railway is to be constructed, and in which there is a newspaper published. 35

By letter.

(2) By sending by registered letter a copy of the agreement of association to the clerk of each county or district council, and of each city, town, village or other municipal corporation, which may be specially affected by the construction or operation of the proposed railway.

English and French.

2. In the province of Quebec and Manitoba, the notice shall be given in both the English and French languages.

Proof.

3. A statutory declaration by the secretary of the association that any provision of this section has been duly complied with shall be *prima facie* proof of such compliance.

Examination and survey.

4. After the notice required by section 3 of this Act has been duly given, the directors may cause an examination and survey of the route of the proposed railway to be made; and for that purpose they or their agents may enter upon any lands along or adjacent to such route, and do all things necessary.

2. In the exercise of the powers granted by this section as Damages and little damage as possible shall be done and full compensation therefor. shall be made to all persons interested for all damages by the exercise of such powers.

5. The provisional directors shall cause to be made by a com- Plan profile petent engineer, from actual examination and survey, a plan, report and estimate of profile, report and estimate of cost, on such scales and contain-cost. ing such information and in such detail, as may be required by regulations in that behalf to be made by the Board of Railway 10 Commissioners for Canada, or as may be required by special

order of the Board made when necessary.

2. The plan, profile, report and estimate shall contain gener- Information ally all necessary information as to-

to be given thereby.

(a) the character of the country through which the proposed railway is to pass and the feasibility of the proposed 15

(b) the proposed gradients;

(c) all existing railways and highways to be crossed and the

mode of crossing proposed in each case;

(d) all rivers, streams and watercourses, to be crossed or 20 diverted, specially distinguishing such as are navigable waters, and giving in each case the nature and estimated cost of the proposed bridge, tunnel, ferry or other means of crossing, or of the proposed diversion,

(e) the kind and amount of excavation, embankment, masonry

and other sorts of work;

25

(f) full information as to the manner of constructing the proposed railway and the standard to be adopted therefor

both as to its construction and equipment.

(g) everything necessary to enable the Board of Railway 30 Commissioners for Canada to determine whether the certificate provided for by this Act should be granted by the Board.

6. Within twelve months after the last publication of the Application to Board of 35 notice of agreement of association the provisional directors may Railway apply to the Board of Railway Commissioners for Canada for a Commission-certificate that the public interest requires that a railway should certificate. be constructed as proposed in the agreement of association.

2. With such application there shall be submitted to the What to be submitted. 40 Board-

(a) the original agreement of association, and as many copies thereof as the Board may require;

(b) proof that the preceding provisions of this Act have been

complied with;

(c) proof that responsible persons have in good faith sub-45 scribed the amount of capital stock required by this Act, and that at least twenty-five per cent on the amount so

subscribed has been actually paid in cash into some chartered bank in Canada to the credit of the association to be used only for the purposes of the agreement of association;

(d) proof that the necessary notice has been published and 5

given as required by this Act;

(e) the plan, profile, report and estimate of cost required by

this Act;

(f) a statutory declaration, made by at least the majority of the provisional directors and by the secretary of the 10 association, as to the truth of all essentials required by this Act and that it is in good faith intended by the association to locate, construct, maintain, equip and operate the railway on the proposed route.

Powers to Board.

3. The Board may order such further information or proof 15 of any alleged fact to be afforded as in its discretion may be requisite.

Form and verification.

4. Any information or proof required by this Act or by the Board in pursuance of this Act shall be given in such form, and shall be verified in such way, by statutory declaration or other-20 wise, as the Board may prescribe either by general regulation or by special order.

Requirements for issue of certificate.

7. If the Board is satisfied—

that the requirements of this Act, and of all regulations and orders made under this Act by the Board, have been complied 25 with as regards all matters preliminary to the making of the

application and as regards the application; and—

that the amount mentioned in the next preceding section of this Act has been paid in good faith as required by that section, and that such further amount has been so paid as in the opinion 30 of the Board is necessary to pay all damages, immediate or consequential, caused by the laying out or building of the railway or by the taking of any lands or material therefor; and—

that sufficient security has been given, by bond or otherwise, that the said amount shall not be withdrawn for any purposes 35

other than those of the agreement of association; and-

that the construction and operation of the proposed railway

will be in the public interest;

Issue of certificate.

the Board shall issue a certificate setting forth that the provsions of this Act have been complied with and recommending 40 that the associates be incorporated under this Act, under such name, with such powers, and subject to such provisions, as the Board may, in pursuance of this Act, determine.

Refusal of certificate.

8. If the Board is not so satisfied, it shall refuse to issue such certificate, but the associates may within one year from 45 such refusal apply again for a certificate.

9. Before issuing the certificate the Board shall determine Matters to be all such matters relating to the following subjects as are not Board. provided for by The Railway Act-

(a) the persons to be incorporated;

(b) the corporate name to be given to the corporation;

(c) the provisional directors;

(d) the capital stock; (e) the head office;

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(f) the annual meeting of the corporation;

(g) the route of the proposed railway, as to which the Board may impose such conditions and restrictions as the Board deems advisable in the interest of the public or

of any municipality.

The route fixed by the Board may include such lines, Municipalibranches or spurs within municipalities as may be necessary for carrying on the corporation's business; but no such line, branch or spur shall be located or constructed without the consent of the proper municipal authority, who in giving such consent may impose such conditions and restrictions as to the location, construction or use thereof as are agreed upon between the provisional directors, or the directors, and the municipal authority; and the corporation shall be liable to the municipality for all damage or loss caused to the municipality by such location, construction or use, or by the negligence or default of the corporation, its agents or workmen;

(h) the amount of bonds, debentures or other securities which Issue of securities. may be issued. This shall be fixed at a certain rate per

mile of the railway, and such issue shall be authorized to be made only in proportion to the length of railway constructed or under contract to be constructed, and on the express condition that all moneys realized from such issue shall be used for no other purpose than the construction, equipment, maintenance and operation of the railway, and that if by any court of competent jurisdiction it is found that this condition has not been fulfilled, that court shall order the corporation to pay an amount equal

to the moneys so diverted from their proper use, which

amount shall be paid into the consolidated revenue fund of Canada;

(i) the other railway companies with which, if it so desires, Agreements the corporation may, subject to the provisions of sections with other companies 361, 362 and 363 of The Railway Act, enter into agreements for any of the purposes specified in section 361 of this Act.

10. When in the opinion of the Board it would be for the Additional public interest that the powers hereinafter mentioned, or any powers of them, should be conferred upon the corporation, and that

R.S., c. 37. Corporators.

Directors.

Capital.

Head office.

Annual

such powers are necessary for the effectual carrying on of the business of the corporation as a common carrier, the Board may also determine whether and to what extent any or all or such powers should be conferred upon the corporation, that is to say, powers for-

Vessels, &c.

(a) the acquisition, chartering, maintenance and operation of steam and other vessels in connection with the undertaking of the corporation; and the construction, acquisition and disposal of wharves, docks, elevators, warehouses and all other structures and buildings necessary 10 for such purposes;

Development utilization of power.

(b) the construction, maintenance and operation of structures and works for the development of power of any kind, and for the conversion of power so obtained into any other form of power, heat, light or electricity, and for 15 the utilization of power, heat, light or electricity obtained by such development or conversion, in and for the purposes of the business of the corporation;

Operation of telegraph and telephone lines for public.

(c) the operation of the telegraph and telephone lines of the corporation for the transmission of messages for the 20 public; the collection of tolls for such transmission, subject to the approval of such tolls by the Board, and to revision thereof from time to time by the Board; and, for the purposes of such operation and transmission, the making of contracts with other companies having tele-25 graph or telephone powers, and the connection of the lines of the corporation with the lines of such companies, or their lease to such companies;

(d) the issue by the corporation of bonds, debentures or other securities charged upon any property of the corporation 30 other than the railway.

Issue of letters patent of incorpora-

Issue of securities on

railway.

property other than

11. If the provisional directors fyle with the Secretary of State the certificate issued by the Board of Railway Commissioners for Canada, and if the proper fees as set forth in the Schedule to this Act have been paid, the Secretary of State shall 35 forthwith cause to be issued under his seal of office, letters patent incorporating the association according to the tenour of the certificate'

Application

12. The Railway Act and all amendments thereof, except in of R.S., c. 37. so far as modified by this Act, shall apply to every corporation 40. created under this Act, and to every railway constructed, maintained or operated under the authority of this Act.

Interpretation.

2. The expressions "Special Acts" and "Act authorizing the construction of the railway," wherever used in The Railway Act and its amendments, shall include letters patent issued 45 under this Act.

13. No corporation created under this Act shall amalgamate Prohibition with, or enter into any agreement for making a common fund of amalgamation and or pooling earnings or receipts with, or leasing any part of its pooling with line to, any other railway company owning a parallel or com-competitors. 5 peting line. Every such amalgamation or arrangement shall be null and void.

2. The provisions of this section shall not extend to agree- Exception. ments or arrangements made under section 364 of The Railway Act, as to interchange of traffic, running rights and the other 10 purposes authorized by that section.

14. When any railway company is incorporated by an Act of Extensions of the parliament of Canada, or its undertaking is declared to be a existing railways. work for the general advantage of Canada, any extension of the railway of such company not heretofore authorized shall be 15 subject to the provisions of this Act with respect to notice and to the submission of the Board of the plan, profile, report and estimate provided for in section 5 of this Act.

2. Upon the Board being satisfied that all the requirements Powers of

of this Act and of The Railway Act applicable thereto have been Board. 20 complied with, the Board may fix the amount of securities which the company may issue on the said extension, and may give such other powers provided for by this Act as it deems necessary, and may thereupon grant a certificate that public Certificate. necessity demands the construction of the railway applied for,

25 and that all the provisions of this Act and of The Railway Act and all regulations of the Board have been complied with

3. The applicants may thereupon file the said certificate Fyling. with the Secretary of State, who shall, upon the payment of the proper fees, grant letters patent under his seal authorizing the Letters Patent. 30 construction of the railway.

15. Excepting as in the next preceding section provided As to nothing in this Act shall apply to any railway company incorcompanies. porated before the passing of this Act.

16. This Act may be cited as The Railway Companies Incor- Short title. 35 poration Act, 1911.

#### SCHEDULE.

Note.—It is intended to add the schedule of fees at a future stage of the Bill.

THE SENATE OF CANADA.

# BILL

# A

An Act to provide for the Incorporation of Railway Companies.

Received and read a first time, Tuesday, 29th November, 1910. Second reading,

Thursday, 1st December, 1910.

Honourable Mr. Davis.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

#### BILL B.

An Act to amend The Dominion Lands Act.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:-

1. Section 16 of The Dominion Lands Act is amended by 1908, c. 20, s. 16 amended.

5 adding the following proviso thereto:

"provided that if an entrant for a homestead within any Conditions of area, in any of the provinces or territories to which this Act issue of applies, which has been selected and set aside by the Governor for in Council upon the recommendation of the Minister as suitable homestead.

10 for tree culture, or in the event of the death of the entrant his Cultivation legal representative, proves, in the same manner as fulfilment bearing area. of the other conditions of homestead entry have to be proved, as in this Act is provided, that at the date of his application for the issue of letters patent for such homestead, there are not less

15 than one thousand healthy trees growing upon such homestead, which such entrant or his legal representative planted thereon and each of which is then not less than one or two inches at its base, the same shall be accepted in lieu of one-half of the cultivation that would otherwise have to be proved to have been done

20 to the lands comprising such homestead."

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

# BILL

B

An Act to amend The Dominion Lands
Act.

Received and read a first time,

Tuesday, 29th November, 1910.

Second reading,

Thursday, 1st December, 1910.

Honourable Mr. Davis.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

# THE SENATE OF CANADA.

#### BILL C.

An Act to incorporate The Alberta-Saskatchewan Life Insurance Company.

WHEREAS the persons hereinafter named have by their Preamble.
petition prayed that it be enacted as hereinafter set forth,
and it is expedient to grant the prayer of the said petition:
Therefore His Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as follows:—

- 1. James A. Powell, Esquire, John A. O'Neill Hayes, Esquire, IncorporaJohn A. Hislop, Esquire, and Robert Lee, Esquire, all of the tion.
  city of Edmonton in the province of Alberta, and S. Harris,
  10 Esquire, of the city of Vancouver in the province of British
  Columbia, together with such persons as become shareholders
  in the Company, are hereby incorporated under the name of
  "The Alberta-Saskatchewan Life Insurance Company," herein-Corporate
  after called "the Company."
- 2. The persons named in section 1 of this Act shall be the Provisional provisional directors of the Company.
  - 3. The capital stock of the Company shall be two million Capital. dollars, which may be increased to three million dollars.
- 4. The amount to be subscribed before the general meeting subscription for the election of directors is called shall be two hundred and before fifty thousand dollars.
- 5. The Company shall not commence business until two subscription hundred and fifty thousand dollars of the capital stock have before commencing been subscribed and sixty-two thousand five hundred dollars business.

  25 paid thereon.
  - 6. The head office of the Company shall be in the city of Head office. Edmonton in the province of Alberta.

Business guthorized.

any person, and may grant, sell or purchase life annuities, grant endowments depending upon the contingency of human life, and generally carry on the business of life insurance in all its branches and forms.

20

1910, с. 32.

The Insurance Act, 1910, shall apply to the Company

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

C

An Act to incorporate The Alberta-Saskatchewan Life Insurance Company.

Received and read a first time

Tuesday, 17th January, 1911.

Second reading

Thursday, 19th January, 1911.

Honourable Mr. LOUGHEED.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE SENATE OF CANADA.

#### BILL D.

# An Act to amend The Judges' Act.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:

1. Section 3 of chapter 39 of the statutes of 1908, intituled 1908, c. 39, 5 An Act to amend The Judges' Act, is hereby repealed and the s. 3 amended following section is substituted therefor:

"3. Sections 21, 22 and 23 of the said Act are hereby repealed, R.S., 1906, and the following sections are substituted therefor:—

"21. If any lieutenant governor, or any chief commissioner New ss. 21, 10 or assistant chief commissioner of the Board of Railway Com
22, 23.

Remain of missioners for Canada, having been, at the time of his appointment as lieutenant governor, or as such chief commissioner or governor, or assistant chief commissioner, a judge of the Supreme Court of assistant chief commissioner of Canada, or of the Exchequer Court of Canada, or of any superior missioner of

15 court in Canada, or having resigned his office as such judge for Board of the purpose of accepting appointment as lieutenant governor, or Railway Comas such chief commissioner or assistant chief commissioner, has missioners, if continued in office as judge of one or more of such courts and in previously a judge. the said office of lieutenant governor, or chief commissioner or

20 assistant chief commissioner, for periods amounting together to twelve years or upwards, or has become afflicted with a permanent infirmity disabling him from the due execution of his office, and if such lieutenant governor or chief commissioner or assistant chief commissioner resigns his office, or if his term of office, or

25 any renewed term of office, has expired, His Majesty may, by letters patent under the Great Seal, reciting such periods of office or such permanent infirmity, grant to such lieutenant governor, or chief commissioner or assistant chief commissioner, an annuity equal to two-thirds of the salary of the judicial office

30 which he held at the time of his appointment as lieutenant governor or chief commissioner or assistant chief commissioner, or which he resigned for the purpose of accepting such appointment, to commence immediately after his so ceasing to hold office as lieutenant governor or chief commissioner or assistant

amended.

chief commissioner, and to continue thenceforth during his natural life.

"22. If any such lieutenant governor, or any such chief com- Pension in missioner or assistant chief commissioner of the Board of Rail-certain ca 5 way Commissioners, resigns his office or completes his term of salary of service, original or renewed, therein, having, in either such former judicial

"(a) attained the age of seventy-five years, and continued in office as such judge and in the said office of lieutenant 10 governor or chief commissioner or assistant chief commissioner for periods amounting together to twenty years or upwards; or,

"(b) attained the age of seventy years, and continued in office as such judge and in the said office of lieutenant governor or chief commissioner or assistant chief commissioner for periods amounting together to twenty-five years or up-

"(c) continued in office as such judge and in the said office of lieutenant governor or chief commissioner or assistant chief commissioner for periods amounting together to thirty

years or upwards;

15

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His Majesty may, by letters patent under the Great Seal, reciting such period of service, and, in cases (a) and (b), such lieutenant governor's or chief commissioner's or assistant chief 25 commissioner's age, grant to him an annuity, payable as aforesaid, equal to the salary of the judicial office which he held at the time of his appointment as lieutenant governor or chief commissioner or assistant chief commissioner, or which he resigned for the purpose of accepting such appointment, to 30 commence immediately after his resignation as lieutenant

governor or chief commissioner or assistant chief commissioner,

and to continue thenceforth during his natural life.

"23. If, between the date of the appointment of any such Increase of lieutenant governor or chief commissioner or assistant chief pension if judicial 35 commissioner, or of his resignation of his office as such judge, salary was and the date of his resignation of, or retirement from, the office after he of lieutenant governor or chief commissioner or assistant chief ceased to commissioner, the salary attached to the judicial office which he held at the time of his appointment, or which he resigned for

40 the purpose of accepting appointment as lieutenant governor or chief commissioner or assistant chief commissioner, has been increased, the annuity to be granted to him under this Act may be increased in the same proportion."

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER Honourable Mr. CHOQUETTE. OTTAWA

Second reading Wednesday, 25th January, 1911.

Received and read a first time

Wednesday, 18th January, 1911.

to amend The Judges' Act.

An

THE SENATE OF CANADA Session, 11th Parliament, 1 George V., 1910-1

# THE SENATE OF CANADA.

### BILL E.

An Act respecting The Ontario Northern and Timagami Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1898, c. 87;
grant the prayer of the said petition: Therefore His Majesty, 1902, c. 84;
by and with the advice and consent of the Senate and House 1904, c. 134;
1905, c. 161;
1906, c. 136.

1. The Ontario Northern and Timagami Railway Company Extension of may, within five years after the passing of this Act, complete time for and put in operation the lines of railway which it has been of authorized heretofore authorized to construct; and if, within the said lines.

10 period, the said lines are not so completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and void as respects so much of the said lines as then remains uncompleted.

2. Section 6 of chapter 136 of the statutes of 1906 is hereby Former time limit repealed.

3rd Session, 11th Parliament, 1 George V., 1910-1;

THE SENATE OF CANADA.

BILL

E

An Act respecting The Ontario Northern and Timagami Railway Company.

Received and read a first time

Tuesday, 24th January, 1911.

Second reading

Thursday, 26th January, 1911.

Honourable Mr. McHugh.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

#### BILL F.

An Act to incorporate The Guardian Accident and Guarantee Company.

WHEREAS the persons hereinafter named have by their Preamble. petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of 5 the Senate and House of Commons of Canada, enacts as follows:-

1. Kennet W. Blackwell, manufacturer, Hugh M. Lambert, Incorporation. insurance manager, Albert William Atwater, King's Counsel, and D. Forbes Angus, vice-president of the Intercolonial Mining Company, all four of the city and district of Montreal, province 10 of Quebec, Canada, together with such persons as become shareholders of the Company, are hereby incorporated under the name of "The Guardian Accident and Guarantee Company," herein-Corporate name. after called "the Company."

- 2. The persons named in section 1 of this Act shall be the Provisional directors. 15 provisional directors of the company.
  - 3. The capital stock of the Company shall be one million Capital. dollars, which may be increased to two million dollars.
  - 4. The amount to be subscribed before the general meeting Subscription before general for the election of directors is called shall be two hundred and meeting. fifty thousand dollars.

5. The Company shall not commence business until one before million dollars of the capital stock have been subscribed and two commencing business. hundred and fifty thousand dollars paid thereon.

Head office.

Business

6. The head office of the Company shall be in the city of Montreal, in the province of Quebec.

authorized. 7. The Company may make contracts of insurance of any of the following classes as defined by The Insurance Act, 1910:-

(a) accident insurance;

20

25

· (b) sickness insurance;

(c) burglary insurance;

and may also make contracts of insurance,-

(d) guaranteeing the fidelity of persons in positions of trust or confidence, public or private, [and the due performance by them of the duties and obligations imposed on them by contract, agreement or otherwise;]

(e) against the breakage of plate or other glass either local or

in transit [by land].

An Act to incorporate The Guardian Accident and Guarantee Company.

Received and read a first time

Tuesday, 24th January, 1911.

Second reading

Thursday, 26th January, 1911.

OTTAWA

Honourable Mr. Casgrain.

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELER

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA

#### BILL G.

An Act to incorporate The Grain Growers' Grain Company, Limited.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Thomas Alexander Crerar, John Kennedy, Roderick IncorporaMcKenzie, all of the city of Winnipeg, n the province of Manitoba, Edward Alexander Partridge and David Railton, of
Sintaluta, in the province of Saskatchewan, Newel Edward
10 Baumunk, of Dundurn in the province of Saskatchewan, George
Langley, of Maymont, in the province of Saskatchewan, Thomas
William Knowles, of Emerson, in the province of Manitoba, and

Alexander von Mieliecki, of Calgary, in the province of Alberta,

together with such persons as become shar holders in the com15 pany hereby incorporated, are hereby constituted a body corporate under the name of "The Grain Growers' Grain Company, Corporate
Limited," hereinafter called "the Company."

- 2. The persons named in section 1 of this Act shall be the Provisional first or provisional directors of the Company, a majority of directors.

  20 whom shall form a quorum for the transaction of business; and, until otherwise provided under the by-laws of the Company, they shall possess all the powers which are conferred upon R.S., c. 79. directors by The Companies Ac and by this Act.
- 3. The capital stock of the Company shall be two million Capital 25 dollars, divided into shares of twenty-five dollars each.
- 4. The head office of the Company shall be in the city of Head office Winnipeg, in the province of Manitoba [or at such other place as and place for meetings. the directors by by-law appoint, and all meeting of the share-holders shall be held at the head office,] but the directors may 30 establish other offices and places of business elsewhere.

Qualification of shareholders.

**5.** Such persons as are bona fide farmers or are the owners or lessees of a farm, and the wife and children of a farmer residing with him and assisting in his farm work and entitled by law to hold shares in a company shall be eligible to hold shares in the Company; provided however that shares may be allotted to any 5 person not so eligible on resolution adopted by vote of twothirds of he shareholders of the Company present or represented by proxy at any meeting of the company.

Condition precedent as to commencement of business.

Rev. Stats., Man., 1902, c. 30.

6. The Company shall not commence business until an agreement has been entered into and duly carried out between the 10 Company and the "Grain Growers' Grain Company, Limited," a company incorporated under "The Manitoba Joint Stock Companies Act' and its amending Acts, and having its head office at the city of Winnipeg in the province of Manitoba, for the sale and transfer to the Company of the goodwill, stock-in- 15 trade, business, franchises, letters-patent, undertaking assets, and property, real and personal, of the said "Grain Growers" Grain Company, Limited," under the powers conferred by this Act upon the Company and under the powers conferred upon or possessed by the said "Grain Growers' Grain Company, Limi- 20 ted."

Power to acquire of Manitoba Company.

7. The Company may purchase, take over or otherwise business, etc., acquire, continue and carry on as a going concern the business or businesses now being carried on by the "Grain Growers' Grain Company, Limited," a company incorporated under "The Mani- 25 toba Joint Stock Companies Act" and its amending Acts, and having its head office at the city of Winnipeg, in the province of Manitoba, and the goodwill, stock-in-trade, franchises, letterspatent, undertaking, assets, and property, real and personal, of the said company, subject to the obligations, if any, affecting 30 the same, and may pay for the same wholly or partly in cash or wholly or partly in fully paid up or partly paid up shares or stock of the Company, or wholly or partly in debentures of the Company, or otherwise; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, con-35 tracts, and engagements of the said business or businesses, so carried on by the said "Grain Growers' Grain Company, Limited," and also the obligations affecting the assets and property so purchased or acquired from the said company.

Payment therefor.

Assumption of Manitoba Company's obligations, etc.

Authorized Grain and flour.

Dairy and farm products.

8. The Company may carry on the business of,— (a) purchasing, receiving, handling, storing, shipping, dealing in, and selling grain, both as owners or as agent or otherwise, or as a broker for a commission for handling and selling the same; grain; owning, leasing, and operating mills for the manufacture 45

manufacturing, buying, and selling flour and other products of of flour and all kinds of grain products; buying, receiving, handling, dealing in and selling all kinds of dairy and farm products

both as owners, or as agent or otherwise, or as a broker for a commission for handling and selling the same; buying, receiving, handling, dealing in and selling live stock, and manufacturing, Live stock, buying, dealing in and selling cured and corned meats and meat products, etc.

5 products of all kinds, and hides and other animal products, both as owners or agent or otherwise, or as a broker for a commission for handling, and selling the same; and of farming, grain grow- Farming, etc.

ing and stock raising in all their branches;

(b) manufacturing, purchasing, dealing in and selling agricul- Agricultural implements. 10 tural implements and machinery; purchasing, dealing in and selling coal, coal oil, gasoline, and other commodities used in Dealing in generating power, lumber, hardware, brick, stone, lime, cement, various minerals and and all kinds of building material, and all kinds of merchandise merchandise. and supplies:

(c) lumber merchants, and saw mill proprietors, and acquiring Wood by purchase, lease or otherwise timber lands and limits, and products, saw mills, purchasing, dealing in and selling lumber and wood of all kinds, timber lands, lumber, etc. and manufacturing and dealing in wood-pulp and wood products of all kinds:

(d) quarry and colliery proprietors, coke manufacturers, and Quarrying miners in all their respective branches, and purchasing, leasing or otherwise acquiring mines and mining rights, minerals and quarries; manufacturing bricks, tiles, pipes, artificial stone, Manufacture pottery, earthenware, china and terra cotta, and ceramic ware chemical

25 of all kinds, and chemical and manure manufacturers;

(e) proprietors and publishers of newspapers, journals, and Newspapers, etc., printing, other literary undertakings; and printers, publishers, stationers, etc., paper engravers, lithographers, book-binders, and paper and ink ink. manufacturers;

(f) lending money on the security of, or purchasing or invest-Lending ing in mortgages or hypothecs upon freehold or leasehold estate money on or other investigate or other immovables and in the debentures, bonds, and other and other security. securities of any government or municipal or school corporation, or of any chartered bank or incorporated company;

(g) purchasing, leasing, or otherwise acquiring lands, build-Lands, ings, easements, works, and structures of all kinds, and building buildings, etc. and erecting buildings of all kinds including store and office buildings, and selling, leasing or otherwise disposing of the same.

Subsidiary

2. For the purposes of its business, the Company may also,—Subsidiary powers.

(a) construct, acquire, lease, sell and operate grain elevators, Acquisition flouring mills, warehouses, stock yards, tanneries, abattoirs, and operation of elevators, cold storage warehouses, sheds, meat packing plants, cheese mills, factories, creameries, and condensing factories, and such build-factories, etc. ings and manufacturing plants as may be necessary or con-

45 venient for the Company

(b) acquire, lease, and utilise hydraulic, electric or other Hydraulic, power, and enter into any arrangement with any authorities, electric and other power. municipal, local or otherwise, that may seem conducive to the ompany's objects, and obtain from any such authority any

rights, privileges and concessions which the Company may think desirable, and may carry out, exercise and comply with any such arrangements, rights, privileges, and concessions;

(c) build, construct, acquire, charter, operate, manage, sell, lease, and otherwise dispose of all kinds of vessels, wharves, 5 docks, piers, warehouses, and other buildings and works;

(d) purchase, hold, lease or otherwise acquire, lands, farms, ranches, buildings, stores, and other property, real and personal and improve, extend, manage, develope, lease, mortgage, pledge, hypothecate, exchange, sell, dispose of or otherwise deal in and 10 with the same:

(e) acquire and hold shares in any company or association having objects altogether or in part similar to those of the Company or carrying on any business capable of being conducted so as directly or indirectly to benefit the Company; and also 15 acquire by purchase or otherwise and hold shares in the Home Bank of Canada and in any chartered bank of Canada, and in any loan, trust or mortgage company incorporated by the Parliament of Canada or by the law of any province of Canada; and generally carry on any business which may seem to the Company 20 capable of being conveniently carried on in connection with the Company's business:

(f) purchase or otherwise acquire any business within the similar to the objects of the Company and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same; and 25 sell or otherwise dispose of the business, property, or undertaking of the Company, or any part thereof, for such considerations 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 the Company; and pur- 30 chase grain consigned or shipped to the Company as agent or broker, or otherwise.;

> (q) construct, equip, maintain and operate all such railways, railway sidings, tramways, switches or spur lines as are necessary to connect any property of the Company with its elevators, \$5 mills or other buildings or with the line of any railway company incorporated by, or under the control of Parliament.

> **9.** After the whole of the capital stock of the Company has been subscribed or issued and fifty per cent thereof has been paid up, the capital stock may be increased, from time to time, 40 to an amount not exceeding five million dollars, by the directors of the Company, under the authority of a vote of not less than two-thirds of the shareholders present or represented by proxy at a general or special meeting duly called to consider a by-law to increase the capital stock; and such increased capital stock 45 shall be issued and may be held subject to the same conditions and dealt with in the same manner as the original capital stock of the company.

Vessels. wharves. warehouses,

Acquisition of real propert generally.

Acquisition of shares in other companies.

Acquisition of shares of banks, loan companies,

Carrying on of any convenient

Acquisition of businesses Company's.

Disposal of Company's business.

Purchase of grain consigned to Company.

Construction and operation of railway lines.

Increase of capital stock.

Limit to amount.

Issue and dealing with.

10. The Company may make, accept, and endorse or execute Issue of cheques, promissory notes, bills of exchange, warehouse receipts, instruments. bills of lading, warrants, and other negotiable or transferable instruments.

11. The Company may, by by-law adopted by a vote of not Borrowing less than two-thirds of the shareholders of the Company present powers. or represented by proxy at a general or special meeting of the Company, duly called for considering the by-law, empower the directors of the Company to borrow from time to time money

10 upon the credit of the Company or upon the security of any of the real or personal property of the Company, to such an amount or amounts as may be specified in such by-law; and upon the adoption of such by-law in manner aforesaid the directors may from time to time borrow money upon the credit of the Com-

15 pany as well as upon the security of any of the real or personal property of the Company to such amount or amounts; and for Security the purposes of securing the said money may hypothecate, mortgage, or pledge all or any of the real or personal property of the Company. Nothing in this section contained however Proviso.

20 shall apply to or limit the borrowing of money by the Company on bills of exchange, or promissory notes, made, drawn, accepted or endorsed by or on behalf of the Company, or shall be held to restrict or limit the borrowing powers possessed by the Company at law or under The Companies Act.

R.S., c. 79.

12. The Company may invest in or advance and lend money Powers for on real, personal or mixed securities, on cash, credit or other and lending accounts, or policies, bonds debentures, bills of exchange, pro-money missory notes, or other obligations, or on the deposit of elevator and warehouse receipts and other documents of title to goods,

30 wares and merchandise, bills of lading, certificates and other warranty of title, or lend money on the security of existing produce, and in particular to customers and others having dealings with the Company.

13. The directors of the Company may set apart from the Reserve 35 earnings and profits in any year of the Company so much thereof as the directors deem necessary and proper for use as a reserve fund, in addition to the capital and assets of the Company, to be used by the directors with said capital and assets in carrying on the business of the Company.

2. The Company may at any annual general meeting of the Distribution Company, on resolution adopted by a vote of the shareholders present or represented by proxy at such meeting, order when the profits of the Company in any year show a surplus after providing a dividend of not less than eight per cent on the par

45 value of the subscribed capital of the Company and any sum set apart by the directors as or towards a reserve fund, that said

Notice to shareholders.

surplus shall be distributed among the shareholders of the Company upon such basis and in such proportions as may be set out in said resolution; provided however that notice of the said resolution shall be mailed or delivered to the shareholders of the Company at the same time that notice of the date of such 5 annual general meeting of the Company is mailed or delivered to the Company's shareholders.

Superannuation, pension funds, etc. 3. The Company may, on resolution adopted by a vote of shareholders present or represented by proxy at any general meeting of the Company, notice of the resolution having been 10 mailed or delivered, with the notice convening such meeting, to the shareholders of the Company, constitute from the earnings of the Company a superannuation, pension, annuity, insurance or invalidity fund for the benefit of officers and servants of the Company, under and upon such scheme as has been adopted at 15 such meeting by such vote.

Issue of debentures for purchase of business of Manitoba Company, under s. 7.

Interest.

Amount. Form.

Sale or pledge.

Security.

14. The directors of the Company, under authority of a bylaw for the purpose adopted by a vote of not less than twothirds of the shareholders of the Company present or represented by proxy at any meeting of the Company called for the purpose 20 of considering the by-law, may from time to time create and issue debentures, bearing such rate of interest as may be agreed upon, for sums of not less than one hundred dollars each, signed by the president or other presiding officer, under the seal of the Company, and countersigned by the secretary and payable to 25 bearer or order; and the directors may deliver the debentures for the purposes set forth in section 7 of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company. The said debentures and interest thereon, 30 if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed; and such mortgage deed may give to the holders of the said debentures or the trustees or trustee for such holders named in such mortgage deed, such powers, powers of 35 sale, rights, and remedies as are specified in such mortgage deed.

Voting power of shareholders. Proxies. 15. A shareholder of the Company shall have but one vote, and shall not be entitled to a vote for each share in the stock of the Company he may own. A proxy to vote on behalf of a 40 shareholder shall not be given to any shareholder who is a director, officer or employee of the Company.

Limit to number of shares held by one shareholder. 16. No shareholder of the Company shall hold or own more than forty shares in the share capital of the Company.

17. The Company shall not be bound to register the transfer Registration of shares in the share capital of the Company, except to the of transfer assignee in insolvency of a shareholder, or the legal representative unnecessary of a shareholder on the death of such shareholder, or the com- except in certain cases. 5 mittee in lunacy of a shareholder, unless by resolution of a majority of shareholders of the Company present or represented by proxy at a meeting of the Company sanctioning the transfer of such shares.

18. The directors of the Company shall be classified in Election of directors. 10 respect of the time for which they shall severally hold office, by dividing them as equally as possible into three classes, each Classification. class consisting of one third of the whole number of the board of directors. The directors of the first class shall be elected for a term of one year; the directors of the second class shall be Term of 15 elected for a term of two years, and the directors of the third class shall be elected for a term of three years. At each annual election, the successors to the directors of the class whose term

shall expire in that year shall be elected to hold office for the term of three years, so that the term of office of one class of 20 directors shall expire in each year. A director whose term of office is expiring shall be eligible for re-election. In case of any vacancy in the directors of any class through death, resignation, Filling of disqualification, or other cause, the remaining directors, by vote of a majority thereof, may elect a successor to hold office for

25 the unexpired portion of the term of the director whose place is vacant, and until the election of his successor.

The Company may by by-law or resolution remove any director Removal before the expiration of his period of office, and appoint another from office person in his stead.

BILL

G

An Act to incorporate The Grain Growers Grain Company, Limited.

Received and read a first time Friday, 27th January, 1911.

Second reading

Wednesday, 1st February, 1911.

Honourable MR. Davis.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL H.

An Act respecting The Quebec and New Brunswick Railway Company.

WHEREAS The Quebec and New Brunswick Railway Com- Preamble. pany has, by its petition, prayed that it be enacted as 1900, c. 75. hereinafter set forth, and it is expedient to grant the prayer of 1906, c. 149. the said petition: Therefore His Majesty, by and with the advice 1909, c. 125. 5 and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Quebec and New Brunswick Railway Company may, Extension of within two years after the passing of this Act, commence the time for construction. construction of its railway as authorized by chapter 75 of the 1() statutes of 1900, and by the Acts in amendment thereof, and 1900, c. 75, expend fifteen per cent of the amount of its capital stock thereon; \$5.7. 149, and may within five years after the passing of this Act, complete s. 4. 1909, c. 125. the said railway and put it in operation; and if, within the said s. 2. periods respectively, the said railway is not so completed and 15 such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company shall cease and be null and

20 2. Section 3 of chapter 125 of the statutes of 1909 is hereby Repeal of repealed.

void as respects so much of the said railway as then remains

uncompleted.

3rd Session, 11th Parliament, 1 George V., 1910-1

THE SENATE OF CANADA.

#### BILL

# H

An Act respecting The Quebec and Nev Brunswick Railway Company.

Received and read a first time Friday, 27th January, 1911.

Second reading

Wednesday, 1st February, 1911.

Honourable Mr. Costigan.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL I.

An Act respecting the Pollution of Navigable Waters. .

WHEREAS it is expedient to make provision for the preven-Preamble. tion of the pollution of navigable waters: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. In this Act the expression "the Minister" means the Interpreta-Minister of Agriculture.

except according to

regulations.

2. Every person is guilty of an offence against this Act and Prohibition liable on summary conviction to the penalties hereinafter pro- of placing sewage and vided, who puts, or causes or permits to be put, or to fall, flow, other refuse 10 or to be carried into any navigable water, or into any other matter in navigable water any part of which is navigable or flows into any navigable waters, water,-

(a) any solid or liquid sewage matter; or,

(b) any other solid matter which, not being sewage, is poisonous, noxious, putrid, decomposing, refuse, or waste; or,

(c) any liquid matter which, not being sewage, is poisonous, noxious, putrid, decomposing, refuse or waste; unless such matter, whether solid or liquid, is disposed of in accordance with regulations or orders made or permits granted

20 under the authority of this Act.

2. A person, other than a municipal or sanitary authority, Exception of shall not be guilty of an offence under this section in respect of persons using the passing of sewage matter along a drain communicating public sewers. with any sewer belonging to or under the control of any municipal

25 or sanitary authority, if he has the sanction of the municipal of sanitary authority for such passing.

3. Every corporation convicted of an offence against this Act Penalties. or of a violation of any regulation or order made or permit corporations. granted under the authority of this Act shall be liable to a fine 30 not exceeding five hundred dollars and an additional amount of fifty dollars for each day the offence continues.

2. Every person, other than a corporation, who is convicted Individuals. of any such offence or violation shall be liable to a fine not

exceeding fifty dollars and an additional amount of ten dollars for each day the offence continues, or to imprisonment not exceeding two months, or to both such fine and imprisonment.

Disposal of fines recovered.

3. One-half of any sum recovered under this section shall belong and be paid to the person upon whose information or at 5 whose instance proceedings for the recovery thereof were had, and the other half shall be paid into the Consolidated Revenue Fund of Canada.

Regulations by Governor in Council. 4. The Governor in Council may make such regulations, general or special, as are requisite or expedient to carry out the 10 purposes and intent of this Act; and the said regulations shall have force and effect as of and from the date of the publication thereof in *The Canada Gazette*.

Order and permits by Minister.

2. The Minister may make such orders and grant such permits as are provided for in such regulations.

Appeal from Minister's order, etc.

5. Any order or decision of the Minister under the regulations provided for in this Act shall be subject to an appeal to the superior court of original jurisdiction in the province in which such order or decision is to be enforced; and the said superior court shall have power to affirm, set aside or vary such order or 20 decision; but pending the final determination of any such appeal the order or decision appealed from shall stand and be binding and the execution thereof shall not be stayed.

Form of appeal.

2. The appeal shall be in the form of a special case to be agreed upon by both parties, or their attorneys, and if they 25 cannot gree, to be settled by a judge of the said superior court upon the application of one of the parties or his attorney.

Appeal from Superior Court. 6. An appeal shall also lie, at the instance of either party, to the Supreme Court of Canada from the order or decision of the said superior court.

Enforcement of orders.

7. The superior court of original jurisdiction in the province in which an offence against this Act has been committed or in which any order or decision given under this Act by the Minister or by the said superior court is to be enforced, may, by summary order, require any corporation, municipality or person to abstain 35 from the commission of such offence or to comply with such order or decision, and generally may give such directions for carrying such order or decision into effect as to the Court seems meet.

Procedure in courts.

8. Subject to the provisions of this Act, and in so far as they 40 are not incompatible therewith, all enactments, rules and orders relating to proceedings in the superior courts of original jurisdiction in the several provinces and of the Supreme Court of Canada on appeals thereto, shall apply to proceedings had or

appeals taken under this Act in the same manner as if such proceedings or appeals related to a matter within the ordinary jurisdiction of the said Courts.

9. The Governor in Council, when it is shewn to his satis-Power to Governor 5 faction that the public interest will not be injuriously affected General thereby, and with due regard to the interests involved and to exempt to the circumstances, means and requirements of the locality waters from or district, may, from time to time, by proclamation published of Act. in The Canada Gazette, declare any such waters, or part or parts 10 thereof, exempted in whole or in part from the operation of this Act, and on such conditions and terms as he may prescribe, and may, from time to time, revoke such proclamations.

10. Sections 2 and 3 of this Act shall not come into force Date of until such date as is appointed therefor by the Governor in operation of Act. 15 Council by proclamation published in The Canada Gazette.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

## BILL

I

An Act respecting the Pollution of Navigable Waters.

Received and read a first time

Tuesday, 31st January, 1911.

Second reading

Thursday, 2nd February, 1911.

Honourable Mr. Belcourt.

OTTAWA

Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

# BILL J.

An Act to incorporate The Canadian Inter-Mountain Railway Company.

WHEREAS a petition has been presented, praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. James A. Harvey, Walter Clayton, William Warner, and Incorpora-Ernest W. Bigelow, all of the city of Vancouver, British Columbia, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of 10 "The Canadian Inter-Mountain Railway Company", hereinafter Corporate called "the Company".
  - 2. The persons named in section 1 of this Act are hereby Provisional constituted the provisional directors of the Company.
- 3. The capital stock of the Company shall be five million Capital.

  15 dollars. No one call thereon shall exceed ten per cent on the Calls. shares subscribed.
  - 4. The head office of the Company shall be in the city of Head office. Vancouver, in the province of British Columbia.
- 5. The annual meeting of the shareholders shall be held on Annual 20 the first Tuesday in September.
  - 6. The number of directors shall not be less than five nor Directors. more than nine, one or more of whom may be paid directors.

7. The Company may lay out, construct and operate a Lines of railway of the gauge of four feet eight and one half inches,—
25 (1) from a point in the province of Alberta at or near Coutts,

(1) from a point in the province of Alberta at or near Coutts, thence northerly to Milk River, thence in a generally westerly direction to the town of Cardston, thence in a generally southwesterly direction to the western boundary of the province of

Alberta at the summit of Kishenehna Pass, thence in a generally westerly direction in the province of British Columbia to the Flathead River, thence in a generally northerly and northwesterly direction to a point on The Canadian Pacific Railway at or near the City of Fernie;

(2) from a point on the railway authorized by paragraph (1) of this section, at or near Milk River in the province of Alberta, thence in a general v easterly direction by the most feasible

route to Estevan, in the province of Saskatchewan;

(3) and also the following branch lines,—

(a) from a point on the railway hereby authorized, at or near the junction of Calder Creek and the Flathead River, to a point at or near the town of E ko;

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(b) from a point at or near Cardston in the province of

Alberta to the town of Lethbridge;

(c) from a point in or near township three, range one, west of the fourth meridian, in the province of Alberta, to the town of Medicine Hat:

(d) from a point in or near township four, range nineteen, west of the third meridian, to the town of Swift Current;

(e) from a point in or near township six, range twenty-nine, west of the second meridian, to the town of Moosejaw.

Special powers.

Branches.

Vessels.

8. The Company may, for the purposes of its undertaking. build, purchase, hire, or otherwise acquire, charter, own, control and operate, steam and other vessels for the carriage of passen- 25 gers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of such vessels for any of such purposes, and may generally for the purposes of its undertaking carry on the business of ship-owners and carriers by water.

Telegraph lines.

R.S., c. 37.

Contracts with other

companies.

Tolls or charges.

9. The Company may, subject to the provisions of The and telephone Railway Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchang ng 35 or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of ,or may lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act or with The Railway Act, shall apply to the telegraphic business of the Company.

10. In connection with its business and for the purposes of Acquisiton 5 its undertaking, and subject to the provisions of section 247 of development of water-The Rai'way Act, the Company may-

(a) acquire (but not by expropriation), and develope water-Transmission powers, rights, easements, and privileges in the vicinity of its of electric and other railway, and construct, maintain, and operate dams, reservoirs, power.

10 buildings and works for the transmission and distribution of electricity for light, heat, power or any other purpose in connection with its railway, vessels, and other properties and works, and transmit and deliver the same to any place through which the railway is authorized to be built;

(b) supply, sell or otherwise dispose of any surplus water, Disposition of surplus electricity, electric or other power not required for the purposes power

15 of the Company, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been Approval of rates charged. approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

2. No such dam shall be constructed until the site and plans Approval of dams. 20 thereof have been submitted to and approved of by the Minister of Public Works.

11. The securities issued by the Company on that part of its Issue of railway west of Cardston, Alberta, shall not exceed fifty thous-securities. and dollars per mile of the railway, and on that part of its railway 25 east of Cardston, Alberta, shall not exceed thirty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

12. In addition to the securities authorized by section 11 of Issue of securities 30 this Act, the directors may, under the authority of a resolution for purposes of the shareholders passed at any special meeting called for the other than purpose, or at any annual meeting at which shareholders represent the shareholders represent the securities authorized by section 11 of Issue of securities authorized by section 12 of Issue of Securities authorized by secti enting at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, from time to 25 time at their discretion, borrow money for the Company's purposes other than the railway, and may issue bonds, debentures, perpetual or terminable debenture stock, or other securities for the construction and acquisition of any of the vessels, properties or works, which the Company is authorized to construct, acquire 40 or operate, other than the railway; but such bonds, debentures, perpetual or terminable debenture stock or other securities shall not exceed in amount the value of the vessels, properties, or works in respect of which they are issued.

Power to execute mortgages as security.

2. For the purpose of securing any such issue of bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents, and revenues of the Company, present or future, other than the rai way, as are described in such mortgages.

R.S., c. 37. ss. 136-148, to apply.

3. All the provisions of sections 136 to 148, both inclusive, of The Railway Act, shall, so far as they are applicable, apply to such bonds ,debentures, debenture stocks and other securities and mortgages.

Agreements with other companies.

13. Subject to the provisions of sections 361, 362 and 363 of 10 The Railway Act, the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in said section 361, such companies being;— The Canadian Pacific Railway Company, The Canadian Northern Railway Company, The Grand Trunk Pacific Railway Company, 15 The Alberta Railway and Irrigation Company, and The Crow's Nest Southern Railway Company.

> An Act to incorporate The Canadian Inter-Mountain Railway Company.

THE SENATE OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE

Honourable Mr. DE VEBER

Second reading

Thursday, 2nd February, 1911.

Received and read a first time

Tuesday, 31st January, 1911.

OTTAWA

#### BILL K.

An Act respecting The Hamilton Provident and Loan Society.

WHEREAS The Hamilton Provident and Loan Society has Preamble. by its petition prayed that it be enacted as hereinafter set 1885, c. 30; 1893, c. 85; forth, and it is expedient to grant the prayer of the said petition: 1895, c. 85. Therefore His Majesty, by and with the advice and consent of 5 the Senate and House of Commons of Canada, enacts as fol-

1. Section 3 of chapter 30 of the statutes of 1885, as amended by section 2 of chapter 85 of the statutes of 1893, is hereby repealed, and the following section is substituted therefor:-

"3. The aggregate amount of money deposits, together with Limitation of money amount of the debentures and debenture stock issued, or to deposits and the amount of the debentures and debenture stock issued, or to deposits and be issued, as hereinafter provided, and remaining unpaid, may be debentures. equal to, but shall not at any time exceed, three times the aggregate of the then actually paid in and unimpaired permanent

15 capital and of the then actual reserve fund of the Society; nor Limitation of shall such aggregate borrowings at any time exceed the amount borrowings. of principal remaining unpaid on the mortgages and other securities then held by the Society: Provided that the permitted Proviso, as to aggregate of such horrowings shall at all times be reduced by the aggregate of such borrowings shall at all times be reduced by the

20 aggregate of the loans or advances, if any, made by the Society to its shareholders on the security of their stock in the Society: Provided further that the amount held by the Society on deposit Proviso, as to shall not at any time exceed the aggregate amount of the to be held on Society's then actually paid up and unimpaired capital, and of deposit.

25 its cash actually on hand or deposited in any chartered bank or banks of Canada, and belonging to the Society: Provided never- Proviso as theless that the extent to which the increased borrowing power in any year hereby conferred is exercised by the Society in any year shall of increased bear no greater proportion to the whole additional borrowing power.

30 power conferred by this Act upon the Society than the amount of the debentures of the Society paid off or renewed during that year bear to the whole present debenture debt of the Society."

BILL

K

An Act respecting The Hamilton Provident and Loan Society.

Received and read a first time,

Thursday, 2nd February, 1911.

Second reading,

Tuesday, 7th February, 1911.

Honourable Mr. Gibson.

OTTAWA
Printed by C. H. PARMBLES
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

#### BILL L.

An Act respecting The Pacific Northern and Omineca Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1902, c. 90;
grant the prayer of the said petition: Therefore His Majesty, 1904, c. 114;
by and with the advice and consent of the Senate and House of
5 Commons of Canada, enacts as follows:—

1. The Pacific Northern and Omineca Railway Company Extension of may within five years after the passing of this Act, proceed with time for completion. the construction of and complete and put in operation the lines of railway which it was authorised to construct by chapter 90 of 1902, c. 90, the statutes of 1902, as amended by chapter 141 of the statutes 1906, c. 141, of 1906; and if, within the said period, any one of the said lines ss. 1, 3. of railway is not so completed and ut in operation, the powers of construction conferred upon the said Company by Parliament shall cease and be null and void as respects so much of that line 15 of railway as then remains uncompleted.

2. Section 3 of chapter 141 of the statutes of 1906 is hereby Former time limit repealed.

# BILL

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An Act respecting The Pacific Northern and Omineca Railway Company.

Received and read a first time, Thursday, 2nd February, 1911.

Second reading,

Tuesday, 7th February, 1911.

Honourable Mr. Возтоск.

OTTAWA
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1910-11

## SENATE OF CANADA.

#### BILL M.

An Act respecting The Quebec, Montreal and Southern Railway Company.

WHEREAS The Quebec, Montreal and Southern Rai way Preamble. Company has by its petiti n prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice 5 and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The Quebec, Montreal and Southern Railway Company Extension of may complete the construction of the railways authorized by completion sections 8 and 9 of chapter 150, of the statutes of 1906 and put of certain 10 them in operation within five years after the passing of this Act; and if the said railways are not completed and put in a railways. and if the said railways are not completed and put in operation 1906, c. 150, within the said period, the powers of construction conferred ss. 8, 9. upon the said Company shall cease and be null and void as respects so much of the said railways as then remains uncom-15 pleted.

3rd Session, 11th Parliament, 1 George V., 1910-

THE SENATE OF CANADA.

BILL

M

An Act respecting The Quebec, Montres and Southern Railway Company.

Received and read a first time
Friday, 3rd February, 1911.

Second reading

Wednesday, 8th February, 1911.

Honourable MR. BÉIQUE.

OTTAWA
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Printer to the King's most Excellent Majesty
\*1910-11

#### BILL N.

An Act respecting the Globe Printing Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to (Can.) 1866, grant the prayer of the said petition: Therefore His Majesty, (Dom.) 1877, by and with the advice and consent of the Senate and House c. 84. (Dom.) 1892, ! of Commons of Canada, enacts as follows:-

1. Section 4 of the Act incorporating the Globe Printing Powers of directors to Company, chapter 123 of the statutes of the former Province of Canada passed in the year 1866, as amended by section 2 of by-laws. chapter 75 of the statutes of 1892, is hereby further amended Can., 1866. 10 by adding thereto the following subsection:

"2. The directors shall have, in addition to the foregoing 1892, c. 75, s. 2 amended. powers, all powers conferred upon directors of companies by R.S.C., 1906. sections 131 and 132 of The Companies Act, chapter 79 of The c. 79, ss. 131, Revised Statutes of Canada, 1906."

2. Section 11 of the said incorporating Act as amended by Can., 1866, section 4 of chapter 75 of the statutes of 1892, is hereby repealed c. 123, s. 11, and Dom., and the following is enacted in lieu thereof:

"11. The annual general meeting of the Company shall be Annual held on such day in each year as the directors may determine; general 20 and at such meeting a full and detailed statement of the financial meeting. affairs of the Company up to the end of the preceeding financial statement. year shall be submitted to the stockholders, and shall appear in the books of the Company and be open for inspection by the

shareholders."

1892, c. 75

3. Sections 2 and 3 of chapter 84 of the statutes of 1877 are 1877, c. 84 hereby repealed and the following sections are enacted in lieu amended.

New ss. 2, 3. thereof:

"2. The directors of the Company may make from time to Increase any amount which they consider requisite for the due consider 30 any amount which they consider requisite for the due carrying out of the objects of the Company.

"2. The directors of the Company may also at any time make Subdivision a by-law subdividing the existing shares into shares of a smaller of shares. amount.

Approval by

"3. No by-law for increasing the capital stock of the Company, or for subdividing the shares, shall have any force or effect whatsoever, until it has been approved by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company at a special general meeting of the Company duly called for considering the same.

Contents of by-law.

"3. Every such by-law for increasing the capital stock of the Company shall declare the number of the shares of the new stock and may prescribe the manner in which the same shall be allotted.

Allotment of shares.

"2. In default of the manner of the allotment of the shares of the new stock being prescribed by any such by-law the control of such allotment shall vest absolutely in the directors."

THE SENATE OF CANADA

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Act respecting the Globe Printing

Company.

Honourable Mr. Derbyshire

Second reading

Wednesday, 8th February, 1911.

Received and read a first time

Friday, 3rd February, 1911

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Printer to the King's most Excellent Majesty

1910-11

Session, 11th Parliament, 1 George V., 1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

#### BILL O.

An Act respecting The Western Alberta Railway Company.

WHEREAS The Western Alberta Railway Company, herein-Preamble. after called "the Company," has by its petition prayed 1898, c. 90. that it be enacted as hereinafter set forth, and it is expedient 1900, c. 85. to grant the prayer of the said petition: Therefore His Majesty, 1905, c. 176. 5 by and with the advice and consent of the Senate and House of 1908, c. 170. Commons of Canada, enacts at follows:-

- 1. The undertakings of the Company are hereby declared to Declaration. be works for the general advantage of Canada.
- 2. The Company may, within two years after the passing of Time for 10 this Act, commence the construction of its railway and expend construction of frailway fifteen per cent of the amount of its capital stock thereon, and extended. may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not so commenced and 1908, c. 170, 15 such expenditure is not so made, or the said railway is not so s. 1 amended. completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3. Section 1 of chapter 170 of the statutes of 1908 is hereby Repeal of former time repealed.

4. Subject to the provisions or sections 361, 362 and 363 of Agreements The Railway Act the Company may, for any of the purposes companies, specified in the said section 361, enter into agreements with all or R.S., 1906, c. 37. 25 any of the following companies: The Canadian Pacific Railway
Company, The Grand Trunk Pacific Railway Company, The Canadian Northern Railway Company, The Grand Trunk Pacific Branch Lines Railway Company, and The Alberta Central Railway Company.

# BILL

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An Act respecting The Western Alberta Railway Company.

Received and read a first time

Tuesday, 7th February, 1911.

Second reading

Thursday, 9th February, 1911.

Honourable Mr. DE VEBER.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL P.

An Act to incorporate The Universal Life Assurance Company of Canada.

WHEREAS the persons hereinafter named have by their Preamble. petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: therefore His Majesty, by and with the advice and consent of 5 the Senate and House of Commons of Canada, enacts as follows:

1. Michael J. O'Brien, of the town of Renfrew, in the county Incorporation. Renfrew, railway contractor; Louis Napoleon Poulin, mer-poration. chant, William H. McAuliffe, manufacturer, Charles A. McCool 10 gentleman, and A. Eugene Corrigan, insurance agent, all of the city of Ottawa, in the county of Carleton; John J. Seitz, of the city of Toronto, in the county of York, manufacturer; Napoleon Arthur Dussault, of the city of Quebec, in the county of Quebec, physician; Charles J. Doherty, of the city of Montreal, in the 15 district of Hochelaga, gentleman; and John Angus McMillan, of the town of Alexandria, in the county of Glengarry, merchant; together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Corporate Universal Life Assurance Company of Canada", hereinafter 20 called "the Company."

- 2. The persons named in section 1 of this Act shall be the Provisional provisional directors of the Company.
- 3. The capital stock of the Company shall be one million Capital. dollars, which may be increased to two million dollars.
- 4. The amount to be subscribed before the general meeting Subscription for the election of directors is called shall be two hundred and before general meeting. fifty thousand dollars.
- 5. The Company shall not commence business until three Subscription hundred and fifty thousand dollars of the capital stock have before commencing been subscribed and seventy thousand dollars paid thereon. 30 been subscribed and seventy thousand dollars paid thereon.

Head office.

6. The head office of the Company shall be in the city of Ottawa, in the province of Ontario.

Business authorized

7. The Company may make contracts of life insurance with any person and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and generally may carry on the business of life insurance in all its branches and forms.

1910, c. 32.

8. The Insurance Act, 1910 shall apply to the Company.

Received and read a first time

Second reading

Tuesday, 7th February, 1911.

Thursday, 9th February, 1911.

An Act to incorporate The Universal Assurance Company of Canada.

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Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

Honourable Mr. Coffey.

3rd Session, 11th Parliament, 1 George V., 1910-11

SENATE OF CANADA

#### OF CANADA. SENATE

# BILL Q.

Note.—The clauses and portions of clauses enclosed within square brackets, namely 10, part of 12, subsection 1 of 14, 16 and 17, are not intended to form part of the Bill. They are printed herein for information only.

## An Act respecting Grain.

IS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The Canada Grain Act, 1911.
- 2. In this Act, unless the context otherwise requires,—

(a)- 'Minister' means the Minister of Trade and Commerce;

- (b) 'Department' means the Department of Trade and Interpreta-Commerce;
- (c) 'Board' means the Board of Grain Commissioners for Canada:

(d) 'Secretary' means the Secretary of the Board;

(e) 'regulations' mean regulations made by the Board.

under the authority of this Act;

- (f) 'officer' includes chief inspector, inspector, deputy inspector, chief weighmaster, weighmaster, assistant 15 weighmaster, and the holder of any office created by the Board with the approval of the Governor in Council under this Act;
  - (g) 'chief inspector' means a chief inspector of grain appointed or continued in office under this Act;

(h) 'inspector' means an inspector of grain appointed or continued in office under this Act;

(i) 'deputy inspector' means a deputy inspector of grain appointed or continued in office under this Act;

(j) 'inspecting officer' means the inspector or deputy inspector by whom an inspection is made;

(k) 'division' means an inspection division established under this Act;

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- (l) 'district' means an inspection district or sub-division established under this Act;
- (m) 'grain' means and includes all kinds and varieties of grain, the inspection of which is provided for by this Act;
- (n) 'western grain' means grain grown in the western inspection division;
- (o) the expression 'hard Red Fife Wheat' shall mean wheat that is red in colour and of the Red Fife variety;
- (p) 'operator' or 'lessee' includes any buyer of grain 10 having allotted to him any storage or working-space, or bin or bins in any elevator or warehouse;
- (q) 'applicant,' referring to an applicant for cars, means any person who owns grain for shipment in car lots, or who is an operator of any elevator;
- (r) 'agent' or 'railway agent' includes any railway station agent;
- (s) 'track-buyer' means any person, firm or company who buys grain in car lots on track;
- (t) 'commission merchant' means any person who sells 20 grain on commission;
- (u) 'person' means any person, firm or corporation;
- (v) 'country elevator' includes such as are described in section 151 of this Act;
- (w) 'public elevator' includes every elevator or warehouse 25 which receives grain for storage from the western inspection division, after such grain has been inspected under this Act;
- (x) 'eastern elevator' includes every elevator or warehouse at any point in the eastern inspection division used only 30 for the storage of grain grown in that division, after inspection of such grain under this Act, or, if such grain, after being stored in such elevator, is subject to inspection under this Act on delivery out of such elevator;
- (y) 'terminal elevator' includes every elevator or warehouse which receives or ships grain, and is located at any point declared by the Board to be a terminal;

Division of Act into parts.

2. The remainder of this Act is divided into three Parts, as follows:—

Part I comprising sections 3 to 17 inclusive; Part II comprising sections 18 to 117 inclusive;

Part III comprising sections 118 to 246 inclusive and the Schedule of Forms therein mentioned.

#### PART I.

#### BOARD OF GRAIN COMMISSIONERS FOR CANADA.

3. There shall be a commission to be known as The Board of Bo Grain Commissioners for Canada, which shall consist of three commissioners appointed by the Governor in Council.

2. Each commissioner shall hold office during good behaviour Appointment 5 for a period of ten years from the date of his appointment, but of commis he may be removed at any time by the Governor in Council for term of office. cause: provided that when a commissioner reaches the age of seventy years his office shall, ipso facto, become vacant.

3. A commissioner, upon the expiration of his term of office 10 if under seventy years of age shall be eligible for re-apointment.

4. One of such commissioners shall be appointed by the Chief Com-Governor in Council as chief commissioner of the Board, and he shall be entitled to hold the office of chief commissioner so 15 long as he continues a member of the Board. The chief com-

Board.

missioner, when present, shall preside at the meetings of the

- 4. There shall be a secretary of the Board, who shall be Secretary. appointed by the Governor in Council and shall hold office 20 during pleasure.
  - 5. No commissioner or the secretary shall directly or indi- Commisrectly hold any interest in any corporation subject to this Act, secretary nor directly or indirectly deal in or be financially interested in not to deal in grain. grain, nor hold any interest in any grain elevator or warehouse,

25 or in any partnership, corporation or business engaged in the grain trade, or in the transportation or storage of grain.

2. The commissioners and the secretary shall reside in the Residence. city of Fort William or Port Arthur, in the province of Ontario.

3. The commissioners and the secretary shall, before acting Oath of as such, take and subscribe an oath of office before a Superior or County Court Judge in the form following, which oath shall be filed with the Department:

'I, A. B., do solemnly swear that I will faithfully, truly and 35 impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief commissioner (or commissioner, or secretary) of the Board of Grain Commissioners for Canada, and that while I continue to be such chief commissioner (or commissioner, or secretary), I will not 40 directly or indirectly deal in or be financially interested in grain or hold any interest in any grain elevator or warehouse, or in any partnership, corporation or business engaged in the grain trade or in the transportation or storage of grain. Se help me God.'

Duties of Commissioners and Secretary. 6. The commissioners and the secretary shall devote the 5 whole of their time to the performance of their duties under this Act, and shall not accept or hold any other office or employment.

Quarters for the Board, Secretary, etc. 7. The Governor in Council shall, upon the recommendation of the Minister, provide a suitable place in which the sessions 10 of the Board may be held, and also suitable offices for the commissioners, secretary and other officers of the Board.

Where the Board may sit.

- 2. In addition to the sessions of the Board to be held at the place so provided the Board may when in its opinion it is desirable so to do hold sittings in any place or places in Canada. 15
- 3. The Board may authorize any commissioner to hold any inquiry or make any investigation in any part of Canada.

How Board shall conduct business and quorum. 8. The Board shall sit at such times and conduct its proceedings in such manner as seems to it most convenient for the speedy despatch of business. Two commissioners shall be a 20 quorum. No vacancy in the Board shall impair the right of the remaining commissioners to act.

Appointment of persons with technical knowledge.

9. The Board may, with the approval of the Governor in Council, appoint any person having special or technical knowledge of the subject in question to assist in an advisory capacity 25 in respect of any matter before the Board.

Salaries of Commissioners and Secretary.

- [10. The chief commissioner shall be paid an annual salary of dollars and the other two commissioners shall each be paid an annual salary of dollars.
- 2. The secretary shall be paid an annual salary to be fixed 30 by the Governor in Council.]

Powers of Board.

11. The Board shall have such powers and authority as are prescribed by the various sections of this Act.

Minister to determine how revenue shall be paid.

2. The Minister may determine the manner in which any revenue payable under this Act shall be paid into the Consoli-35 dated Revenue Fund of Canada, what books shall be kept and returns made in connection therewith, and what security shall be given by the persons employed in the collection or management of such revenue.

Warehouse receipts.

3. The Board may, with the approval of the Governor in 40 Council, make regulations for and require the registration of terminal warehouse receipts.

12. Every officer and employee attached to or under the Appointauthority of the Board shall be appointed by the Minister, and salaries under [shall receive such salary or remuneration as is approved by the the Board. Governor in Council upon the recommendation of the Board; 5 provided that the Governor in Council may authorize the Board to make appointments of a temporary character and to fix the remuneration to be paid to temporary officers and employees.] Who shall be continued

2. All persons now holding any office or employment under in office. The Manitoba Grain Act, or under Part II of The Inspection R.S. c. 83; 10 and Sale Act shall be continued in such office or employment R.S., c. 85. or some other office or employment under this Act.

13. Any oath, the taking of which is hereinafter authorized Authorization of oath. or prescribed by this Act, may be administered by a commis-

14. [The salaries and remuneration of the commissioners How salaries 15 and the secretary and of all officers and employees, and all the of Board expenses of the Board incidental to the carrying out of this shall be paid Act, including all actual and reasonable travelling expenses, shall be paid monthly out of moneys provided by Parliament.]

2. All railway or steamship companies shall furnish free Free trans-20 transportation upon any trains or steamships for members of Board and the Board and the secretary, and for such officers and staff staff. of the Board as the Board may determine with their baggage and equipment.

15. The Board shall, within thirty days after the close of Report to be 25 each calendar year, make to the Minister a report respecting-

(a) all such matters as appear to the Board to be of public interest in connection with the inspection, weighing, storage and transportation of grain; and

(b) such matters as the Minister may direct.

[16. The Governor in Council may authorize the Minister Construction to construct, acquire, lease, or expropriate for His Majesty of acquiring of terminals. any terminal elevator if Parliament has granted the money for such purpose.

2. The Expropriation Act shall, in any case, apply to the Expropria-35 acquisition or lease of such terminal elevator and to the ascer- apply. taining of the compensation to be paid therefor.]

[17. Upon the construction, acquisition, leasing or exprop- Board to riation by His Majesty of any terminal elevator, the Board manage and shall be charged with its operation and management, and the terminals.

40 Board may, with the approval of the Governor in Council, make regulations for its management and operation and prescribe a tariff of fees and charges for the use thereof.]

#### PART II.

#### GENERAL.

Inspection divisions and chief inspectors.

18. The Board with the approval of the Governor in Council may from time to time establish inspection divisions in Canada, in and for which, respectively, it is expedient to appoint chief inspectors of grain, change the boundaries of any inspection division and appoint a chief inspector for each such 5 inspection division, or for more than one such division.

Duties.

19. A chief inspector shall have under the Board the general supervision and control of inspectors and deputy inspectors in his division or divisions, and shall perform the duties hereinafter assigned to chief inspectors, or from time 10 to time assigned to them by the Board.

Regulations.

20. The Board may make rules and regulations either with or without the approval of the Governor in Council as hereinafter provided.

Inspection divisions.

21. Subject to changes of boundaries as hereinbefore pro- 15 vided,—

Eastern.

(a) the Eastern Inspection Division shall consist of all that portion of Ontario lying east of the city of Port Arthur, and of the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island; and,

Inspection divisions.

- (b) the Western Inspection Division shall consist of,-
  - (i) the provinces of Manitoba, Saskatchewan, Alberta and British Columbia;
  - (ii) the Northwest Territories;
  - (iii) that portion of the province of Ontario lying west 25 of and including the city of Port Arthur.

Subdivisions

22. The Board with the approval of the Governor in Council may, from time to time, establish inspection districts within any inspection division, and determine, and from time to time vary, the boundaries of such districts.

23. When the division has not been divided into districts Local limits. or when districts have not been established therein, or when for any reason it is considered expedient so to do, the Minister may appoint inspectors and deputy inspectors, as prescribed by 5 section 12, in and for any division, and in such case the Board may, from time to time, assign to inspectors and deputy inspectors local limits within which they shall perform their duties under this Act.

24. Chief inspectors, inspectors and deputy inspectors shall Qualifica-10 hold office during pleasure, and shall be appointed only from tions of among duly qualified persons, certified as such by a board of inspectors. grain examiners as hereinafter provided.

2. The chief inspector of any division shall have power to Power to suspend any inspector or deputy inspector for cause.

- 25. An inspector or deputy inspector shall not ordinarily Limits. act as such except within the district for which he is appointed or the local limits, if any, assigned to him; but the Board may authorize and require any inspector or deputy inspector to act temporarily in another district or beyond such limits.
- 26. An inspector or deputy inspector who is appointed in When no local limits. and for a division, and to whom no local limits have been assigned, may act as such anywhere within the division.
- 27. It shall be the duty of an inspecting officer to inspect Duties of grain when called upon so to do by the owner or possessor inspecting 25 thereof or his authorized agent, and without unreasonable delay to issue his certificate of such inspection, specifying the grade of such grain; but, before undertaking an inspection or issuing a certificate, an inspecting officer shall require the production of satisfactory evidence of ownership or possession or 30 authorized agency.

28. All chief inspectors, inspectors and deputy inspectors of Present wheat and other grain, at present in office, shall respectively, officers. until otherwise provided, be chief inspectors, inspectors and deputy inspectors of grain under this Act in and for the divi-35 sions and districts respectively for which they have been appointed, or with authority to act within such local limits as have been assigned to them respectively, and be entitled in respect of their duties as such to the salaries or fees to which they have respectively been heretofore entitled in respect of 40 the like duties.

29. Every chief inspector, inspector or deputy inspector shall, before acting as such, take and subscribe before a commissioner or notary public, an oath of office in the form or to

the effect following:-

Oath of inspector.

I, A. B., do solemnly swear, that I will faithfully, truly and 5 impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief inspector of grain (or inspector of grain, or deputy inspector of grain) and that while I continue to be such chief inspector (or inspector, or deputy inspector), I will not, directly or indirectly, by myself 10 or by any other person or persons, deal or trade in any grain on my account, or upon the account of any other person or persons. So help me God.

Inspectors to give security.

30. Every chief inspector, inspector and deputy inspector shall, before acting as such, give security for the due perform- 15 ance of the duties of his office, in such sum as the Board directs, and such security shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof.

Vacancy.

**31.** In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall 20 perform all the duties of the inspector until his successor is appointed, or until such suspension ceases.

Grading of grain.

32. Inspecting officers shall grade all grain in accordance with the grades defined in this Act, and samples shall be made under the direction of the chief inspector of each division in 25 accordance with such grades for the purpose of grading and of appeals therefrom to a grain survey board or to the chief inspector under the provisions hereinafter contained.

Samples to be furnished.

33. The chief inspector and the inspectors for the division shall, not later than the first week in October in each year, 30 furnish official standards of grain as established by them under this Act, when requested to do so by any person; and each standard shall be accompanied by a specific statement that it is a sample of the official grade.

Charges therefor. 2. For all samples so furnished the inspector shall make such 35 charge as is approved by the Board.

## Board of Examiners.

Grain examiners.

34. The Board may, from time to time, appoint in and for any division or district such number of fit and skilful persons as it deems necessary, to be a board of examiners, to examine and test the ability and fitness of applicants for 40 certificates of qualification to act as chief inspectors, inspectors or deputy inspectors.

35. The members of any such board shall hold office during Oath of pleasure, and each of them before acting as examiner shall take before a commissioner or notary public an oath in the form

following or to the same effect:-

5 I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever by reason of any function of my office of examiner, except such as I am entitled to receive by law, and that I will therein well and truly, 10 in all things, act without partiality, favour or affection, and to

the best of my knowledge and understanding. So help me God.

36. Every oath of office required under this Act except those Record of of the commissioners and secretary, shall be transmitted to oaths. and filed with the Board, and the judge, commissioner, notary public, commissioner or secretary of the Board administering the oath shall keep in custody a copy thereof certified by

him as such.

2. Any copy certified by the secretary of the Board shall be prima facie evidence of such oath.

- 20 37. Boards of examiners shall grant certificates as to the Certificates qualifications of the candidates who present themselves for tion. examination, but only such certificates as the knowledge and proficiency of such candidates require or justify.
- 38. No person shall be appointed as chief inspector, in-Inspector spector or deputy inspector in any division who has not been certificate. examined by, and received a certificate of qualification to act as chief inspector, inspector or deputy inspector from the board of examiners of the division or of some district therein.
- 39. When a board of examiners grants any certificate Report to 30 of qualification a report thereof shall forthwith be made to the Board.
- 40. Every board of examiners shall collect from each Fees for candidate coming before the board for examination, before such examination is held, a fee not to exceed twenty dollars, such 35 fee to be divided among the members of the said board in such manner as they direct.

## Commercial Grades.

41. If a considerable portion of the crop of wheat or any Commercial other grain for any one year in any division has any marked grades established. characteristics which exclude it, to the prejudice of the pro-

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ducer, from the grade to which it otherwise belongs, special grades may be established therefor in the manner hereinafter provided, and shall be called and known as commercial grades.

## Grain Standards Board.

Standards established by grain standards board. 42. The Board may appoint, for any division or district, as a grain standards board, such number of fit and skilful 5 persons as it deems necessary, for the purpose of establishing such commercial grades and of choosing samples of such grades to be the standards therefor; and the appointment of such persons by the Board shall be held to be permanent and effective until superseded and replaced by other appointments by 10 the Board for that purpose.

Standards.

2. The persons so appointed shall only select and establish the standards found necessary, to be designated as commercial grade; and in the inspection of all grain other than that subject to be graded as commercial grade, the inspectors shall be 15 governed by the grades established by this Act.

Samples.

43. The chief inspector shall distribute portions of all standard samples so chosen to such persons as the Board from time to time directs, and in the inspection of grain of marked characteristics as aforesaid inspecting officers shall be governed 20 by the samples so chosen.

Special marks.

**44.** The packages containing the samples so distributed, and the certificates granted by inspecting officers in relation to such grain, shall be marked *Commercial grade*.

Summoning of grain standards board.

45. A grain standards board shall be summoned for the 25 establishment of commercial grades and the selection of samples thereof whenever the chief inspector of the division or three members of the board notify the chairman of the board that such a course is necessary.

# Grain Survey Board.

Grain survey board.

46. The Board, on the recommendation of the boards of 30 trade of Toronto and Montreal respectively, may appoint for any eastern division or district a grain survey board composed of such number of fit and skilful persons as is in each case considered necessary.

Powers and duties. 2. Such board shall have the powers and be charged with the 35 duties hereinafter defined and set forth, which powers and duties shall be exercised and performed in accordance with any regulations made by the Board in that behalf.

By-laws.

47. The Board may make by-laws for any grain survey board for the better carrying out of its business and for the 40 establishment of a tariff of fees for survey purposes.

- 48. The members of a grain survey board, before acting as Oath of such, shall take an oath of office in such form as is prescribed office. by the Board, with the approval of the Governor in Council.
- 49. Whenever, in a division or district for which a grain Disputes as 5 survey board has been appointed, the owner or possessor of any of grain. grain inspected therein is not satisfied with the inspecting officer's grading of such grain, he may appeal therefrom to the chief inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured 10 in a manner satisfactory to him, and give his decision thereon, which shall be final, unless the owner or possessor, within twenty-four hours after receiving the notification thereof, makes further appeal to the grain survey board for the division or district, in which case the said board shall give a decision

15 which shall be final. 2. Notwithstanding anything in this section the owner or Appeal possessor of the grain may appeal directly from the inspecting direct to the board. officer of the said board, whose decision in all cases shall be final and binding on all parties, and the inspecting officer shall

20 issue a certificate accordingly.

3. No appeal shall be considered in any case where the Proviso. identity of the grain in dispute has not been preserved.

- 4. If the grading of the inspecting officer is confirmed by the Costs of board, the costs of the appeal not exceeding in any case the 25 sum of five dollars shall be paid by the owner or possessor of

the grain, otherwise by the Board.

50. The Board may appoint a chief inspector of any division Members to be ex officio a member of any board of grain examiners, grain standards board, or grain survey board within his 30 division.

51. No inspecting officer shall in any case make the grade Grading of of any lot of grain inspected by him above that of the poorest grain. quality found therein, if he is satisfied that the grain has been improperly loaded for the purposes of deception.

52. No inspecting officer shall inspect grain being laden or After dark about to be laden on vessels or cars after dark or in wet weather, weather. except on receipt, personally, or through the office of the chief inspector, of an application from the owner or possessor of the grain or his authorized agent, written upon one of the printed 40 forms furnished by the Board and signed by such owner or his authorized agent, relieving him, the inspecting officer, from

responsibility for damage which may be caused by such wet weather, darkness, or for loss arising from errors liable to occur in an inspection under such circumstances.

2. In every case of such inspection, the inspecting officer shall Inspecting officer to be be personally present when the grain is actually delivered on present. board.

Reports,

53. The Board may, from time to time, require any inspector or deputy inspector to make such returns or reports of his official acts to them or to any board of trade, or chamber of commerce, in such form, and containing such particulars and information as it deems expedient.

Account books,

54. Every inspector of grain shall keep a proper book or books in which he shall, from time to time, enter an account of all grain inspected and the amount paid for such inspection.

55. For the purpose of verifying any statement made by an to inspection. inspecting officer of the quantity of grain inspected or weighed 10 by him at any public, eastern or terminal elevator, the books kept in connection with such elevator shall at all times be open to inspection by any authorized officer of the Board.

Grain in terminal elevators.

**56.** All inspectors and deputy inspectors of grain shall, at all times during ordinary business hours, be at full liberty to 15 examine all grain stored in any public, eastern or terminal elevator; and all proper facilities shall be extended to them by the warehouseman, his agents and servants, for an examination, and all parts of public, eastern or terminal elevators shall be open to examination and inspection by any inspector or deputy 20 inspector.

Sale by sample.

57. Nothing in this Act shall prevent any person from selling or buying grain by sample, regardless of its grades.

Weight of

58. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by 25 weighing, unless a bushel by measure is specially agreed upon, and the weight equivalent to a bushel shall except as hereinafter provided be as follows:-

Barley, forty-eight pounds; Buckwheat, forty-eight pounds; Flax-seed, fifty-six pounds; Indian corn, fifty-six pounds; Oats, thirty-four pounds; Peas, sixty pounds; Rye, fifty-six pounds;

Wheat, sixty pounds.

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Fees.

Fees.

**59.** The fees for the inspection of grain shall be as follows: Grain in sacks, one-third of a cent per cental; Grain in bulk, per carload, fifty cents; 40 Grain in cargoes, per one thousand bushels, fifty cents.

Alteration of fees.

60. The Board with the approval of the Governor in Council may, from time to time, increase or reduce the fees for the inspection of grain, and may prescribe scales of fees differing from each other for the several divisions or districts or at any point where inspection is made.

61. The inspection and weighing fees upon grain inspected Advance or weighed within any division or district shall be treated as 5 advanced charges, to be paid by the carrier or warehouseman in whose possession the grain is at the time of its inspection or weighing, and, unless otherwise provided, shall be paid through Disposal of the chief inspector or inspectors to the Board for deposit to the Consolidated Revenue Fund of Canada, and accounts there-10 of shall be kept in such manner and in such detail as is from

## Weighmasters.

time to time determined by the Minister.

62. The Minister may appoint in and for each division a Appointment of weighchief weighmaster, whose duties and powers shall be defined masters. by the Board, and may also, in any place where inspection of 15 grain is authorized under this Act, or where is situate any country, public, eastern or terminal elevator, appoint a weighmaster and such assistants as are necessary.

2. Such weighmasters and assistants shall receive such com- Salary. pensation, by fees or otherwise, as is determined by the Gov-20 ernor in Council, upon recommendation of the Board.

63. Every weighmaster or assistant weighmaster so ap-Oath of pointed shall, before exercising the duties of his office, subscribe to an oath of office and furnish a guarantee bond in such amount as the Board directs.

- 64. The offices of chief weighmaster and chief inspector in Combination each division may be combined until otherwise ordered by the of offices. Board.
- 65. The weighmasters and assistants in each division shall, Powers of under the direction of the chief weighmaster, supervise and weighmaster. 30 have exclusive control of the weighing of grain inspected, subject to inspection or otherwise, or received into or shipped out from any country, public, eastern or terminal elevator.

66. Every such weighmaster or assistant shall give upon Certificate of demand to any person having weighing done by him, a certifi- weight, etc. 35 cate under his hand, showing the amount of each weighing, the number of each car or cargo weighed, the initial of the car, the place where weighed, the date of weighing and the contents of the car or cargo.

2. Such certificate shall be, in all cases, prima facie evidence Evidence. 40 of the facts therein contained.

67. All weighmasters and their assistants shall make true Record to be weights, and keep a correct record of all weighing done by kept. them at the places for which they are appointed, in which

record shall be entered an accurate account of all grain weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of each car weighed, the initial letter of each car or the name of each vessel, the place where weighed, the date of weighing, and the contents of the car or cargo; if the car is leaking or in bad order the record shall state the fact.

Certified extract from weighmaster's record. 2. An extract from the record kept by any weighmaster or assistant in pursuance of this section, certified by the chief inspector or the chief weighmaster of the division, or by any 10 officer in the office of either of them, shall be prima facie evidence of the facts set forth in such extract.

Fees.

68. The fees for the weighing of grain shall be such as are determined by the Board, who with the approval of the Governor in Council may from time to time increase or reduce them. 15

Rules and regulations.

69. The Board may make rules and regulations for the weighing of grain in any division.

# Offences and Penalties.

Interfering with weighmaster. 70. If any owner, lessee or other occupant of any terminal elevator, by himself or by his agent or employee, refuses or prevents a weighmaster or any of his assistants from having 20 access to such elevator or to any scales therein or connected therewith, in the regular performance of their duties in supervising the weighing of grain in accordance with this Act, he shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars for each offence.

Refusal to

Penalty.

71. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his office on any lawful day between sunrise and sunset, by any owner or possessor of grain, neglects or refuses to proceed forthwith to such inspection, if he is not at the time of such application 30 employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars, over and above all damages occasioned to the person complaining by such neglect or refusal, recoverable upon summary conviction before any one justice of the peace.

Penalty.

Violation of this Act. 72. Every inspector or deputy inspector who,-

(a) without authority inspects grain out of the local limits for which he is appointed; or,

(b) gives any wilfully false or untrue certificate; or,

(c) connives at or is privy to any fraudulent evasion of this 40 Act; or,

(d) otherwise violates any provision of this Act; shall for each offence, on summary conviction before two justices of the peace, be liable to a penalty of one hundred

Penalty.

dollars, and shall forfeit his office, and be disqualified from ever after holding the same.

73. Every person, not thereunto duly authorized under this Unauthorized Act, who in any manner whatever assumes the title or office of as inspector. 5 inspector or deputy inspector, or issues any certificate purporting to establish the quality of any grain shall for every such offence, on summary conviction, be liable to a penalty Penalty. not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

74. Every person who, with a fraudulent intention, uses Fraudulent an inspector's certificate or bill of inspection in connection with inspector's grain other than the grain in connection with which such certi-certificate. ficate or bill of inspection was issued, is guilty of an indictable offence and liable to imprisonment for a term not exceeding Penalty. 15 three years or to a penalty not exceeding five hundred dollars, or to both.

75. Any person who directly or indirectly gives or offers, Bribes, threats, or promises to give, or procures to be given, any bribe, recom-violence to influence pense or award to, or makes any collusive agreement with, any inspector. 20 inspector or deputy inspector, or who makes use of, or threatens. to make use of, any force, violence or restraint, or inflicts or threatens the infliction of any injury or loss upon any inspector or deputy inspector, or upon any other person, in order to improperly influence such inspector or deputy inspector in the

25 performance of his duties under this Act, is guilty of an indictable offence and liable to imprisonment for a term not Punishment exceeding two years or to a penalty not exceeding two hundred dollars, or to both.

76. Every person who violates any provision of this Part, Evading law 30 providing that a bushel of grain shall be determined by weight of bushel. ing and specifying the number of pounds such bushel shall contain, shall, for a first offence, be liable on summary conviction to a penalty not exceeding twenty-five dollars and, for Penalty. each subsequent offence to a penalty not exceeding fifty dollars.

77. Every elevator operator who allows the grain in a car Penalty for which has been ordered east from Winnipeg or St. Boniface, grain to for which he has signed a bill of lading and from which a elevator without sample of grain has been drawn for inspection as provided in permission. subsection 3 of section 91 of this Act, to be returned, without

40 the permission of the chief grain inspector, to the elevator from which it was loaded shall, for each offence, be liable to a penalty not exceeding fifty dollars.

### Procedure.

78. Every action brought against any person for anything Limitatoni done under this Act, or contrary to its provisions, shall be

suits.

commenced within eighteen months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the thing was done under this Act, and may give this Act and the special matter in evidence at any trial thereof; and if it appears so to have been 5 done, then the judgment shall be for the defendant.

Costs.

2. If the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover all costs and have the like remedy therefor as defendants have in other 10 dases.

## Eastern Inspection Division.

Eastern inspection division.

79. The provisions contained in sections 80 to 84, both inclusive, apply only to the Eastern Inspection Division; and apply to all grain grown in that division, to the exclusion of any provisions of this Act inconsistent with them or dealing 15 with like matters.

Grain shipped from public elevators.

80. All grain shipped from any eastern elevator shall be shipped out as graded into such elevators by the inspecting officers.

Re-inspection.

2. Should any person interested in such grain have reason 20 to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may, at his request, re-inspect such grain; and, in case he finds that it is out of condition or has become deteriorated in quality, he shall endorse across the face of the original certificate a 25 statement of the facts, with the date and place where the re-inspection was made and shall attach his signature thereto; but under no circumstances shall such grain be mixed or regraded.

When otherwise shipped.

81. If otherwise shipped, a certificate for a straight grade 30 shall be refused and the quantity of each grade composing the mixed cargo, or carload if shipped by rail, shall be written across the face of the certificate.

Grain of same grade kept together.

Certificate for mixed

cargo.

82. All grain of the same grade shall be kept together and stored only with grain of a similar grade.

2. Should different grades be loaded together in the same compartment of any vessel at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such 40 mixed cargo; but no certificate for a straight grade shall be

issued for such mixed eargo.

Refusal of nspection

83. Inspection shall be refused whenever any lot of grain is so situated that the inspecting officer cannot obtain such samples thereof as he considers necessary to a thorough inspec- 45 tion.

84. Duplicate inspection certificates shall accompany all Duplicate grain inspected east of Port Arthur to its destination in Canada, certificate. and no re-inspection shall be permitted unless there is reason to believe that the grain has gone out of condition or has de-5 teriorated in quality since it was originally inspected, in which case any inspecting officer may inspect such grain and, if he finds that it has so gone out of condition or deteriorated, he shall issue a certificate in accordance with the facts.

2. No such inspection shall take place unless the identity of

10 the grain has been preserved.

# Western Inspection Division.

85. The provisions contained in sections 86 to 104, both Western inclusive, relate only to the Western Inspection Division, and inspection division. apply to all grain grown in that division, to the exclusion of any provisions of this Act inconsistent with them or dealing with 15 like matters.

86. Inspecting officers shall be required and instructed to Samples of grade in accordance with this Act all grain defined therein, grading. and standard samples shall be made in accordance therewith for the purpose of grading and surveys.

87. Should the climatic or other conditions result in the Commercial production of a considerable proportion of grain, other than grades. oats, not capable of being included in the classification provided for in this Act, the grain standards board for the division shall be convened for the selection of commercial grades and How 25 samples whenever the chairman of the said board is notified selected.

by the chief inspector or five members of the said board that such a course is necessary.

2. Inspecting officers shall grade all classes of grain which Their use. cannot be graded according to this Act, in accordance with the 30 commercial samples so selected by the board.

88. In case the lateness of harvesting or climatic conditions Further prevent the procuring of proper and representative samples of selections by any quantity of grain of the crop of that year in time for the of the board. purposes of inspection thereof and action thereon at any meet-35 ing of the grain standards board convened for the purpose of selecting commercial grades, the board at such meeting may authorize a committee of such number of its members as it may appoint to meet at a later date and to select such further commercial grades and samples as the character of the samples soprocured may require; and the commercial grades and samples 40 so selected by such committee shall be deemed, for all purposes of inspection and grading, to have been chosen by the full board.

Q-3

Furnishing samples.

89. The chief inspector and the inspectors for the division shall, not later than the first day of October in each year, furnish official samples of grain as established by them under this Act when requested to do so by any person, such sample to be accompanied by a specific statement that it is a sample of the official grade.

Cargo samples.

2. The inspectors shall also supply cargo samples when required.

Charges.

3. For all samples so furnished the inspector shall make such charge as is approved by the Board.

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Inspection east of Winnipeg.

90. All grain placed in public or terminal elevators east of Winnipeg, in the division, shall be subject to inspection, both inwards and outwards.

Grain to be inspected in Winnipeg. district.

91. All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, 15 passing through the Winnipeg district en route to points to the cast thereof, shall be inspected at Winnipeg or a point within the district; and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer.

Inspection at Winnipeg.

2. Grain which is shipped from points west of Winnipeg to Winnipeg for orders, as provided in section 208 of this Act, and which goes forward without delivery in Winnipeg, shall be inspected at Winnipeg and the certificate of inspection shall be issued at the end of the period of detention: Provided, how- 25 ever, that on the written order of the agent of the shipper a car of grain held at Winnipeg shall be inspected on its arrival and the certificate of inspection issued.

Drawing of sample.

3. In the case of grain which is being shipped east from an elevator in Winnipeg or St. Boniface, the sample for inspection 30 shall not be drawn from any car until the car has been billed for shipment by the railway company.

Exception from foregoing.

4. When, owing to extreme pressure of business, the railway company, or other transportation company, finds that cars containing grain are being unduly delayed for inspection purposes 35 in Winnipeg, then the company, upon notification to, and with the consent of, the chief inspector, or, in his absence, the inspector, may remove a special number of cars to Fort William without inspection at Winnipeg.

Re-inspection at Fort William.

5. Any grain inspected at Winnipeg or other western point 40 may be re-inspected at Fort William or other terminal elevators in the division without additional charge; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee.

Re-inspection at terminal elevators.

6. If any car on its arrival at a terminal elevator is found by the inspector to be plugged or wrongfully loaded, the grain in such car shall be re-inspected, and if the first inspection is altered the original certificate shall be recalled and a new one

shall be issued in accordance with the re-inspection and shall

7. Railway companies and other transportation companies Notice to be shall notify the inspection department of the arrival of cars of arrival of grain at points where inspection is authorized and of the posi-grain. tion of such cars in the railway yard, and such cars shall not go forward until inspected.

92. All grain shipped for eastern points from any terminal shipped as 10 or public elevator within the division shall be shipped only as graded into graded into such elevators by the inspecting officers. Provided elevators. that when grain has deteriorated or changed condition in Proviso. storage, the inspecting officer shall issue only a certificate in accordance with the facts.

93. If otherwise shipped, a Western Inspection Division Refusal of Western certificate for a straight grade shall be refused, and the certificate. quantity of each grade composing the mixed cargo or carload, if shipped by rail, shall be written across the face of the certificate.

94. All grain of the same grade shall be kept together and Grain of stored only with grain of a similar grade, and a selection of kept different qualities of the same grade is prohibited.

2. Should grain of different grades be loaded together in the same compartment of any vessel, at any point within the 25 division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo.

95. All grain stored as aforesaid shall be binned under Inspector to the direction, supervision and control of the inspector, deputy of storage inspector or inspecting officer. The inspector, deputy inspector, and shipping of grain. or inspecting officer shall have full control of all grain in terminal elevators and no grain shall be shipped out of, transferred 35 or removed from any terminal elevator without his supervision.

2. The inspector shall keep the proper records of all grain Records. received into store in any terminal elevator, which records shall show the particulars of each parcel or car-lot of grain received, the date received, the grade, the dockage, if any, and the

40 number of the bin in which such grain has been stored; and he shall keep similar records of all grain shipped from any terminal elevator, which records shall also give the name of the vessel or the number of the car into which such grain has been

3. No grain shall be transferred from one bin to another in Transfer a terminal elevator without the supervision of the proper in- from one bin to another. specting officer, who shall record such transfer in proper books.

Special binning forbidden.

Exceptions, R.S., c. 83,

Powers of inspector as to cleaning.

4. No grain shall be specially binned for any person, firm or corporation in any terminal elevator except in cases where it is found to be out of condition on arrival at such terminal elevator, and in cases where it has gone out of condition while in store as provided in sections 140 to 144 of this Act, and ex-

cept as provided in section 229 of this Act.

5. All grain marked by the inspecting officer for cleaning shall be cleaned under his supervision, and the inspector may condemn any cleaning machine which in his opinion is not doing satisfactory work and may order machines installed 10 which will satisfactorily clean such grain to its proper grade; and he shall also have the power, where he finds the cleaning facilities inadequate, to order the installation of such additional machines as will meet the requirements.

Cleaning by owner.

6. Where grain rejected for dirt is ordered to be cleaned by 15 the owner the cleaning shall be subject to the supervision of the inspecting officer.

Stock taking

7. In the month of August in each year stock shall be taken of the quantity of each grade of grain in the terminal elevators, and at any time that the Board deems it advisable, it may order 20 an additional weigh-up or stocktaking, in any terminal elevator.

Regulations as to binning and cleaning.

96. The Board may make such rules and regulations as are necessary for the control of the binning and cleaning of all grain stored in terminal elevators, including the transferring of grain from one bin to another and the delivery of grain from 25 the bins into cars, vessels or other receptacles.

Certificate to accompany grain.

97. The certificates of inspection given by inspecting officers shall in all cases accompany the grain to its destination.

East of Western division.

98. No certificate shall be issued east of the Western Inspection Division for western grain, whether such grain 30 goes forward in bulk or in cars.

If grain suspected condition,

2. Should any person interested in such grain have reason to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may at his request inspect such grain and, in case he finds that it is 35 out of condition or has become deteriorated in quality, he shall endorse across the face of the original certificate a statement of the facts, with the date and place where the re-inspection was made, and shall attach his signature thereto; but under no circumstances shall such grain be mixed or re-graded.

Identification of grain.

3. The Board shall issue such rules and regulations governing the inspection and outward shipments of grain from any elevator under their control as will satisfactorily identify the inspection certificates with the lake bill or the railway shipping bill and the lot or parcel of grain covered by such certificate. 45

99. When grain shipped from any elevator is being sys- Systematic tematically reduced in quality below the general average quality quality. of the grain of similar grades in the bins of the terminal elevators, the chief inspector shall instruct inspecting officers that 5 no such grain shall be allowed to pass inspection except on a lower grade.

2. The inspectors shall at all times keep careful watch on Investigation by chief grain received into terminal elevators, and, if they find any inspector. such grain as aforesaid being received, shall at once notify 10 the chief inspector, who shall make an investigation forthwith

and take action accordingly.

100. Whenever, in a division or district for which a grain Disputes as survey board has been appointed, the owner or possessor of to grading. any grain inspected therein is not satisfied with the inspecting 15 officer's grading of such grain, he may appeal therefrom to the chief inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to him, and give his decision thereon, which shall be final unless the owner or possessor, within 20 twenty-four hours after receiving the notification thereof, makes

further appeal to the grain survey board for the division or district, in which case the said board shall give a final decision to settle the grading of the grain in dispute; but nothing in this section shall prevent the owner or possessor of the said 25 grain appealing directly from the inspecting officer to the said

board, whose decision in all cases shall be final and binding on all parties, and the inspecting officer shall issue a certificate accordingly.

If the owner or possessor so desires he may call for a fresh Fresh sample 30 sample to be drawn by the inspector for use on re-inspection may be or survey, the expense thereof to be borne by the applicant, and required. in case it be drawn for the purpose of survey it shall be sent to the secretary of the survey board.

2. No appeal shall be considered in any case where the Proviso.

35 identity of the grain in dispute has not been preserved.

3. If the grading of the inspecting officer is confirmed by Cost of the board the costs of the appeal, not exceeding in any case the appeal. sum of five dollars, shall be paid by the owner or possessor of the grain, otherwise by the Board.

101. The grain survey board for the division shall consist of twelve persons, of whom six shall be nominated by the Grain survey Board of Trade of the city of Winnipeg, two by the Minister board. of Agriculture for the province of Manitoba, two by the Minister of Agriculture for the province of Alberta, and two by 45 the Commissioner of Agriculture for the province of Saskatche-

The competency of the persons so nominated must be approved by the Board.

2. The grain survey board shall be governed in the performance of its duties by such general regulations as are made by Regulations. the Board.

Oath.

3. The members of the grain survey board, before acting as such, shall take an oath of office in such form as is prescribed by the Board with the approval of the Governor in Council.

By-laws.

102. The Board may make by-laws for the better carry- 5 ing out of the business of the grain survey board and for the establishment of a schedule of fees for survey services.

Offices in Winnipeg.

103. The offices of the grain survey board shall be in the city of Winipeg; but for the purpose of better conducting any particular survey, they or any number duly appointed in any 10 special case may hold sittings at any other place in the division.

Unclean grain.

104. In the case of unclean grain inspected in the Western Inspection Division, the inspector shall state in his certificate the percentage of dirt necessary to be removed in order to clean the grain to the grade certified.

2. If the grain is found to be excessively dirty and it is impracticable for the inspector when grading such grain in cars to ascertain the percentage of dirt, the inspector, from the sample taken when the cars are being unloaded, shall ascertain and state the percentage of dirt and seeds necessary to clean 20 such grain to grade.

3. In such case, if the dockage contains a proportion of domestic grain, that proportion shall be marked on the certificate.

#### GRADES GENERALLY.

Qualities of grain.

105. The grades of grain shall be as follows:-

### Spring Wheat.

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Spring wheat.

No. 1 spring wheat shall be sound and clean, weighing not less than 60 pounds to the bushel.

No. 2 spring wheat shall be sound and reasonably clean, weighing not less than 58 pounds to the bushel.

No. 3 spring wheat shall comprise all sound wheat not good 30 enough to be graded as No. 2, weighing not less than 56 pounds to the bushel.

Rejected spring wheat shall comprise all spring wheat fit for warehonsing, but too low in weight or otherwise unfit to be graded as No. 3.

#### Goose Wheat.

Goose wheat .

No. 1 goose wheat shall be plump and clean, weighing not less than 61 pounds to the bushel

No. 2 goose wheat shall be plump and reasonably clean.

weighing not less than 59 pounds to the bushel.

No. 3 goose wheat shall comprise such as is not good enough 40 to be graded as No. 2, reasonably clean and weighing not less than 55 pounds to the bushel.

## Winter Wheat.

Extra white winter wheat shall be pure white winter wheat, Winter sound, plump and clean, weighing not less than 62 pounds to the bushel.

No. 1 white winter wheat shall be pure white winter wheat, 5 sound, plump and clean, weighing not less than 60 pounds to the bushel.

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than 58 pounds to the bushel.

10 No. 1 red winter wheat shall be pure red winter wheat, sound, plump and clean, weighing not less than 62 pounds to the bushel.

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than 60 pounds to the 15 bushel.

No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than 61 pounds to the bushel.

No. 2 mixed winter wheat shall be white and red winter 20 wheat mixed, sound, plump and clean, weighing not less than 59 pounds to the bushel.

No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

### Corn.

No. 1 white corn shall be white, sound, dry, clean and in all corn. other respects No. 1 corn.

No. 2 white corn shall be white, sound, dry and reasonably clean.

No. 3 white corn shall be white, sound, dry and reasonably 30 clean, but otherwise unfit to be graded No. 2.

No. 1 yellow corn shall be yellow, sound, dry, clean and in all other respects No. 1 corn.

No. 2 yellow corn shall be yellow, sound, dry and reasonably clean.

35 No. 3 yellow corn shall be yellow, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 2 corn shall be mixed corn, sound, dry and reasonably

No. 3 corn shall be mixed corn, dry and reasonably clean, but 40 otherwise unfit to be graded No. 2.

All corn that is damp, dirty, in a heating condition or from any other cause unfit for the preceding grades shall be graded as rejected.

#### Oats.

No. 1 white oats shall be sound, clean and free from other Oats, grain and shall weigh not less than 34 pounds to the bushel.

No. 2 white oats shall be sound, reasonably clean and reasonably free from other grain and shall weigh not less than 32 pounds to the bushel.

No. 3 white oats shall be sound, but not clean enough to be graded No. 2, and shall weigh not less than 30 pounds to the 5

bushel.

No. 4 white oats shall be sound, but otherwise not equal to No. 3, and shall weigh not less than 28 pounds to the bushel.

Black oats.—The grades of Nos. 1, 2, 3 and 4 black oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 10

white oats, except that the former shall be black.

Mixed oats.—The grades of Nos. 1, 2, 3 and 4 mixed oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall be black and white mixed.

White clipped oats.—The grades of Nos. 1, 2, 3 and 4 white clipped oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall weigh not less than 38, 36 and 34 pounds to the bushel, respectively.

## Rye.

Rye.

No. 1 rye shall be sound, clean and shall weigh not less than 20

58 pounds to the bushel.

No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain, and shall weigh not less than 56 pounds to the bushel.

No. 3 rye shall be sound, but not clean enough to be graded 25 No. 2, and shall weigh not less than 55 pounds to the bushel.

Rejected rye shall include such as is unsound, musty, dirty or from any other cause unfit to be graded No. 3.

# Barley.

Barley.

No. 1 barley shall be plump, bright, sound, clean and free

from other grain.

No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra barley shall be in all respects the same as No. 2 35 barley, except in weight and colour, weighing not less than 47

pounds to the bushel.

No. 3 barley shall include shrunken barley, weighing not less

than 45 pounds to the bushel.

No. 4 barley shall include all barley equal to No. 3 weighing 40 not less than 44 pounds to the bushel.

### Peas.

Peas.

No. 1 peas shall be white, clean, sound, not worm eaten, and free from bugs.

No. 2 peas shall be reasonably clean and sound, and reasonably free from worm-eaten and buggy peas.

No. 3 peas shall be such as are too dirty to be graded No. 2,

or are worm eaten or buggy.

The grades of 1, 2 and 3 marrowfat peas shall correspond in all respects with the preceding grades Nos. 1, 2 and 3, except that the former shall be of the white-eyed and black-eyed

Mixed peas shall be sound and may contain a variety of peas 10 not elsewhere classified.

### Buckwheat.

No. 1 buckwheat shall be sound, clean, dry and free from Buckwheat. other grain, weighing not less than 50 pounds to the bushel.

No. 2 buckwheat shall be sound, clean and dry, weighing not

less than 48 pounds to the bushel.

No. 3 buckwheat shall be sound, but not clean enough to be graded as No. 2, weighing not less than 45 pounds to the bushel.

All good buckwheat that is slightly damp, but fit for warehousing, or which is too dirty to be graded No. 3, shall be classed as no grade, in the discretion of the inspector.

106. 'No established grade' shall include all grain not No establishclassified in the foregoing.

#### GRADES IN WESTERN INSPECTION DIVISION.

107. The grades mentioned in this section apply only to Grades in Manitoba grain grown in the Western Inspection Division, and in respect division. of the several kinds of grain specified shall so apply to the 22 exclusion of the grades defined in the last preceding section.

## Spring Wheat.

No. 1 Manitoba hard wheat shall be sound and well cleaned, Spring wheat. weighing not less than 60 pounds to the bushel, and shall be composed of at least seventy-five per centum of hard red Fife

30 No. 1 hard white Fife wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of not less than sixty per centum of hard white Fife wheat, and shall not contain more than twenty-five per centum of soft wheat.

35 No. 1 Manitoba northern wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least 60 per centum of hard red Fife wheat.

No. 2 Manitoba northern wheat shall be sound and reason-40 ably clean, of good milling qualities and fit for warehousing, weighing not less than 58 pounds to the bushel, and shall be composed of at least forty-five per centum of hard red Fife wheat.

Any wheat not good enough to be graded as No. 2 Manitoba northern, shall be graded No. 3 Manitoba northern in the discretion of the inspector.

No. 1 wheat rejected for smut and scoured shall be graded

as scoured of the grade to which it belongs.

No. 2 wheat rejected for smut and scoured shall be graded

as scoured of the grade to which it belongs.

No. 3 wheat and lower grades rejected for smut and scoured shall be graded as scoured of the grade to which it belongs: Provided that wheat which is inspected No. 3 northern scoured, 10 or lower, may be graded in such regular grade, not higher than No. 3, as the inspector determines.

No. 1 wheat inspected as No grade for moisture and dried

shall be graded as dried of the grade to which it belongs.

No. 2 wheat inspected as No grade for moisture and dried 15 shall be graded as dried of the grade to which it belongs: Provided that, on the written order of the owner, any No. 1 dried or No. 2 dried wheat may be graded as No. 3 northern.

No. 3 wheat and lower grades inspected as No grade for moisture and dried shall be graded as dried of the grade to 20 which it belongs: Provided that wheat which is inspected No. 3 northern dried, or lower, may be graded in such regular grade, not higher than No. 3 northern, as the inspector determines.

## Winter Wheat.

Winter wheat.

No. 1 Alberta red winter wheat shall be hard pure red winter 25 wheat, sound and clean, weighing not less than 62 pounds to the bushel.

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No. 2 Alberta red winter wheat shall be hard red winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

No. 3 Alberta red winter wheat shall include hard red winter wheat not clean enough or sound enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

No. 1 Alberta white winter wheat shall be pure white winter wheat, sound and clean, weighing not less than 60 pounds to 35

the bushel.

No. 2 Alberta white winter wheat shall be white winter wheat, sound and clean, weighing not less than 58 pounds to the bushel.

No. 3 Alberta white winter wheat shall include white winter 40 wheat not clean enough nor sound enough to be graded as No.

2, weighing not less than 56 pounds to the bushel.

No. 1 Alberta mixed winter wheat shall be red and white winter wheat mixed, sound, plump and clean, weighing not less than 61 pounds to the bushel, and containing not less than 50 45 per cent red winter wheat.

No. 2 Alberta mixed winter wheat shall be red and white winter wheat mixed, sound, plump, clean, weighing not less

than 59 pounds to the bushel.

Extra No. 1 Canadian western oats shall be white, sound, Oats. clean and free from other grain, and shall contain 95 per cent of white oats and shall weigh not less than 42 pounds to the bushel.

No. 1 Canadian western oats shall be white, sound, clean and free from other grain, shall contain 95 per cent of white oats, and shall weigh not less than 36 pounds to the bushel.

No. 2 Canadian western oats shall be sound, reasonably clean and reasonably free from other grain, shall contain 90 10 per cent of white oats, and shall weigh not less than 34 pounds to the bushel.

No. 3 Canadian western oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

No. 1 black or mixed oats shall be sound, clean, free from other grain, and weigh not less than 36 pounds to the bushel.

No. 2 black or mixed oats shall be sound, reasonably clean, reasonably free from other grain, and weigh not less than 34 pounds to the bushel.

20 Extra No. 1 feed oats shall be sound, except as to frost, shall contain not more than two per cent of wheat nor more than two per cent of other grain, shall be reasonably clean, and shall weigh not less than 38 pounds to the bushel.

No. 1 Feed oats shall be oats excluded from the preceding 25 grades on account of damage other than heating, shall contain not more than five per cent of wheat, nor more than three per cent of other grain, shall be reasonably clean, and shall weigh not less than 34 pounds to the bushel.

No. 2 Feed oats shall include oats weighing less than 34 30 pounds to the bushel or otherwise unfit for No. 1 Feed.

## Barley.

No. 1 Manitoba barley shall be plump, bright, sound, clean Barley. and free from other grain.

No. 2 Manitoba barley shall be reasonably clean and sound but not bright and plump enough to be graded as No. 1, and 35 shall be reasonably free from other grain, and weigh not less

No. 3 extra Manitoba barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than 47 pounds to the bushel.

No. 3 Manitoba barley shall include shrunken or otherwise slightly damaged barley, weighing not less than 45 pounds to the bushel.

No. 4 Manitoba barley shall include all barley equal to No. 3, weighing less than 45 pounds to the bushel.

## Rye.

Rye.

No. 1 Manitoba rye shall be sound, plump and well cleaned. No. 2 Manitoba rye shall be sound, reasonably clean and reasonably free from other grain.

All rye which is from any cause unfit to be graded as No. 2

rye, shall be graded as rejected.

### Flax Seed.

Flaxseed.

No. 1 Northwestern Manitoba flax seed shall be mature, sound, dry and sweet, and contain no more than twelve and a half per centum of damaged seed, and weigh not less than 53 pounds to the bushel of commercially pure seed.

No. 1 Manitoba flaxseed shall be mature, sound, dry and 10 sweet, and contain not more than twenty-five per centum of damaged seed, and weigh not less than 52 pounds to the bushel

of commercially pure seed.

All flax seed which is immature or musty or which contains more than twenty-five per centum damaged seed, and is fit for 15 warehousing and testing not less than 49 pounds to the bushel of commercially pure seed, shall be graded as rejected.

Flax seed that is damp, warm, mouldy, musty or otherwise

unfit for warehousing, shall be classed as no grade.

To test flax seed, one pound of average seed shall be taken 20 from the sample tested, and the impurities or foreign matter therein shall be removed as near as possible by the use of two sieves of 32-gauge wire-cloth, one with meshes 3 x 16 and the other with meshes 16 x 16 to the square inch. The percentage of impurities and weight per bushel of the commercially pure 25 seed shall be determined by the use of proper testing scales.

### UNITED STATES GRAIN.

Inspection of U.S. grain.

108. Inspecting officers shall, when required, inspect grain of United States production passing through Canada in transit to the United Kingdom or to a foreign country, and shall grant certificates therefor based on standard samples of such grain 30 established as hereinafter provided.

U.S. corn.

109. The provision made in the following sections for the establishment of standard samples for grain of United States production shall not apply to corn, but corn of United States production shall be inspected to the definitions provided in 35 section 105 of this Act.

Standard samples.

110. Standard samples for grain of United States production may be established yearly by the grain survey board of any division or district, and shall be known as the standards for United States grain of that division or district.

Chief inspector.

2. The chief inspector shall be a member of this survey board.

3. The Board may reject such standard samples if it deems Rejection of them to have been unfairly or improperly chosen, and in such case it shall forthwith cause others to be chosen in their place by such means as it thinks proper.

4. Standard samples, as so established, shall be district Distribution. buted by the grain survey board to such persons as the Board from time to time, directs.

5. For all samples so furnished the chief inspector shall Charges. make such charge as is approved by the Board.

111. Every certificate issued for such grain shall state that States pro it is of United States production and that the grade given there-duction to on is that established by the grain survey board appointed by be stated. the Board for the division or district wherein the inspection takes place.

- 112. The fees for inspection of such grain shall be the same Fees. as provided by this Act in the case of Canadian grain.
  - 113. Appeals from the grading of such grain by inspecting Appeals. officers may be made to the grain survey board, as provided for in the case of Canadian grain.
- 114. The provisions of the three next following sections shall apply to such grain.

#### ALL GRAIN.

115. All good grain that is slightly damp or otherwise unfit No grade. for warehousing, shall be entered on the inspecting officer's books as No grade, with his notations as to quality and condi-25 tion, and all good grain that contains a large admixture of

other kinds of grain shall be classed as No grade. 2. All grain that is in a heating condition or is badly bin- Condemned burnt, whatsoever grade it might otherwise be, shall be reported

and entered upon the inspecting officer's books as Condemned 30 with the inspector's notations as to quality and condition.

3. Any grain that is unsound, musty, dirty, smutty, Rejected. sprouted, or from any other cause is unfit to be classed under any of the recognized grades, shall be classed as Rejected.

4. All grain shall be weighed and the weight per bushel Weight.

35 recorded in the inspecting officer's book.

- 5. No grain that has been subject to scouring or treatment Scoured by use of lime or sulphur shall be graded higher than No. 3.
- 116. In the inspection of grain the weight shall not alone Weight. determine the grade.
- 117. All inspecting officers shall make their reasons for Inspector's grading grain, when necessary, fully known by notation on their book.

## PART III.

Application of Act.

118. This Part applies to the Western Inspection Division as described in paragraph (b) of section 21 of this Act and in so far as respects dealing with western grain, to public elevators in the Eastern Inspection Division.

Duties of Board.

119. The Board shall-

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- (a) require all track-buyers and owners and operators of elevators, warehouses and mills, and all grain commission merchants to take out annual licenses.
- (b) fix the amount of bonds to be given by the different owners and operators of elevators, mills and flat ware- 10 houses, and by grain commission merchants and track buyers;

(c) require the person so licensed to keep books in forms approved of by the Board.

- (d) supervise the handling and storage of grain, in and 15 out of elevators, warehouses and cars;
- (e) enforce rules and regulations made under this Act.

Receipt and investigation of complaints.

120. The Board shall also receive and investigate all complaints in writing, under oath,—

(a) of undue dockage, improper weights or grading;

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- (b) of refusal or neglect to furnish cars within a reasonable
- (c) of fraud or oppression by any person, firm or corporation, owning or operating any elevator, warehouse, mill or railroad, or by any grain commission merchant, or track-buyer.

2. The Board shall also apply such remedy as is provided Remedy. by statute, and shall institute prosecutions at the Government

expense whenever it considers a case proper therefor.

The Board shall keep on file for public inspection in Papers to be kept on file. its office, publications showing the market price of grain in the markets of Liverpool, London, Glasgow, Winnipeg, Fort William, Toronto, Montreal, New York, Chicago, Minneapolis and Duluth.

121. In the following sections of this Act, from section Interpreta-122 to section 149, both inclusive, unless the context otherwise tion. requires, and in sections 229 and 236,-

(a) 'terminal elevator' includes a public elevator in the

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Eastern Inspection Division;
(b). 'terminal warehouseman' includes a warehouseman of 20 a public elevator in the Eastern Inspection Division.

#### Terminal and Public Elevators.

122. The proprietor, lessee, or manager of any ter-Licenses for minal elevator shall be required, before transacting any busi-terminal elevators. ness, to procure from the Board a license, permitting such 25 proprietor, lessee or manager to transact business as a public warehouseman under the law.

2. The license shall be issued by the Board upon written Application application, which shall set forth the location and name of such therefor. elevator and the individual name of each person interested as

30 owner or manager thereof, or if the owner or manager of such elevator is a corporation, the name of the corporation and the names of the president, secretary and treasurer of such cor-

3. Such license shall give authority to carry on and conduct what license 35 the business of a terminal elevator in accordance with the law. shall authorize.

4. Such license shall be revocable by the Board upon a sum-Revocable. mary proceeding before the Board upon complaint of any person, in writing, under oath, setting forth the particular violation 40 of law, and upon satisfactory proof in that behalf to be taken in such manner as is directed by the Board.

5. The anual fee for such license shall be two dollars.

123. No person owning, managing, operating or otherwise interested in any public terminal elevator shall buy or sell grain

or be interested in any other form of storage of grain.

2. This section shall not apply to any person who owns, manages, operates or is otherwise interested in any terminal elevator used or operated in connection with any flour mill situate at the same terminal point as such elevator: Provided however, that such elevator shall be subject to such restrictions and regulations as are from time to time imposed by the Board, with the approval of the Governor in Council.

Security by licensee.

**124.** The person receiving a license as herein provided shall file with the Board a bond to His Majesty, with good and sufficient sureties, to be approved by the Board, in the penal sum of not less than ten thousand nor more than fifty thousand dollars, in the discretion of the Board, for each terminal eleva- 15 tor licensed by him, conditioned for the faithful performance of his duties as a terminal warehouseman and his full and unreserved compliance with all laws in relation thereto: Provided that when any person procures a license for more than one elevator, no more than one bond need be given, the amount 20 of which shall not exceed the above maximum.

No discrimination.

What grain received in Western Inspection Division.

Inspection and grading thereof.

Official weighing.

What grain to be by public elevators.

Record to be kept.

125. No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

2. Every terminal elevator warehouseman in the Western Inspection Division shall receive for storage any grain tendered 25 to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

3. Grain so received shall in all cases be inspected and graded by a duly authorized inspector and shall be stored with grain 30

of a similar grade.

4. No grain shall leave a public terminal point without being officially weighed, unless the owner or his agent orders otherwise.

5. Every warehouseman of a public elevator in the Eastern 35 Inspection Division shall receive for storage western grain tendered him through the ordinary channels of transportation, in the usual mauner in which such elevators are accustomed to receive grain in the ordinary and usual course of business, and in such parcels or lots as are shipped.

6. Every warehouseman of a public elevator in the shall keep a true Inspection Division correct record of each parcel or lot of grain received by him, noting the name of the boat and number of the hold from which taken, or the number of the car, the billed weight, 45 the actual weight as weighed in by him and shortage or overage, the number of the bin in which stored, and in case of a transfer in the elevator the number of the bin to which transferred, the date of shipment out of such elevator with the number of car

or name of boat and number of hold; and in all cases where a certificate of grade accompanies a lot or parcel of grain the identity of such certificate with the lot or parcel of grain shall be preserved. He shall keep a correct record of the name of 5 the shipper, the party to be advised of the shipment and the consignee.

7. The identity of each parcel or lot of western grain shipped Preservation to a public elevator in the Eastern Inspection Division shall of grain. be preserved, except that different parcels or lots of the same 10 grades may be binned together when there is not sufficient space

in the elevator to keep the parcels or lots separate.

8. In no case, whether in a terminal elevator in the Western Grades not to Inspection Division or in a public elevator in the Eastern be mixed. Inspection Division shall grain of different grades be mixed 15 together while in store.

9. Every terminal warehouseman in the Western Inspec- Duty to tion Division, shall clean all grain received by him on clean grain. which the inspector has set dockage for cleaning, except all rejected grades, which shall be cleaned only on the request

20 of the owner.

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10. Every terminal warehouseman in the Western Inspec- Allowance for ion Division shall pay or make allowance to the owner screenings. for all domestic grain of a commercial value in screenings on all cars graded by the inspector clean to clean for domestic 25 grain, as set forth in section 104 of this Act, to the quantity assessed by the inspector.

11. Every terminal warehouseman in the Western Inspec-Insurance tion Division shall insure against fire, with companies of grain. satisfactory to the Board, all grain received, handled or stored 30 by him: Provided always that this subsection shall not apply to a warehouseman of a public elevator in the Eastern Inspec-

tion Division.

126. Upon application of the owner or consignee of grain Warehouse 35 stored in a terminal elevator, and the surrender of the original shipping receipt, or bill of lading, or both, as the case may be, properly endorsed, accompanied by evidence that all transportation charges, other than those due, if any, to the owner of such elevator, and all other charges which are a lien 40 upon grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person

his order, which receipt shall state,-

(a) the date of the receipt of the grain in store and also the quantity and inspected grade of the grain;

entitled to receive it a warehouse receipt therefor, subject to

(b) that the grain mentioned in it has been received into store to be stored with grain of the same grade by inspection;

(c) that the grain is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued, and upon payment of proper charges for

storage and transportation, if any due to the owner of the elevator.

Numbering of receipts.

127. All warehouse receipts for grain issued by the same elevator shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same elevator during any one year, except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date and number as the original, and shall be plainly marked on its face *Duplicate*.

What they shall state.

- 2. Warehouse receipts shall state,—
  (a) for grain received from railway cars, the number of each
- (a) for grain received from railway cars, the number of each car and the quantity therein contained;

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- (b) for grain received from barges or other vessels, the name of each craft; and,
- (c) for grain received from team or by other means, the <sup>15</sup> manner of its receipt.

Receipt to state quantity.

128. No terminal warehouse receipt shall be issued for a greater quantity of grain than was contained in the parcel or lot stated to have been received, nor shall any such receipt be issued except upon actual delivery of the grain represented by 20 such receipt into store in the elevator from which the receipt purports to be issued.

Number of receipts.

2. One receipt only shall be issued for the same lot of grain, except in cases where receipt for a part of a lot is desired, and then the total receipts for a particular lot shall cover that lot 25 and no more.

Cancellation of receipts upon delivery of grain. 129. Upon the delivery of grain from store in any terminal elevator upon the receipt surrendered, such receipt shall be plainly marked across its face with the word *Cancelled*, and with the name of the person cancelling it, and shall thereafter 30 be void.

Issue of new receipt when delivery partial. 130. In cases where a part of the grain represented by the receipt is delivered out of store and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the date of its issue and also the date on 35 which the whole quantity was originally received into store, and shall state on its face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered shall be cancelled in the same manner as if the whole quantity of grain mentioned in such receipt had been delivered. 40

Consolidation of receipts. 131. In case the warehouseman consents thereto and it is deemed desirable to divide one receipt into two or more, or to consolidate two or more receipts into one, the original receipt shall be cancelled as if the grain had been delivered from store and each new receipt shall express on its face that it is a part 45 of another receipt or a consolidation of other receipts, as the case may be.

2. No consolidation of receipts of dates differing more than Within 10 days.

en days shall be permitted.

3. All new receipts issued for old ones cancelled, as herein Dates. provided, shall bear the date of their issue, and shall state the 5 date or respective dates of the receipt or receipts originally issued, as nearly as may be, and the numbers thereof.

132. No terminal warehouseman shall insert in any receipt No limiting issued by him any language in anywise limiting or modifying of warehis liabilities or responsibility, except as in this Part men-houseman. 10 tioned, and except in so far as all parties concerned consent thereto.

133. Upon the return of any terminal warehouse receipt by Delivery of the holder thereof, properly endorsed, and the tender of all grain on return of proper charges upon grain represented thereby, such grain shall receipt.

15 be immediately deliverable to the holder of such receipt, and shall be delivered within twenty-four hours after demand has been made, and cars or vessels therefor have been furnished for that purpose, and shall not be subject to any further charges for storage: Provided that if it should happen that, in con- Proviso.

20 sequence of the cars or vessels not being furnished until after the expiration of twenty-four hours as aforesaid, a new storage term shall be entered upon, then the charge for storage shall nevertheless be made, but only on a pro rata basis in respect of the time which shall have elapsed after the expiration of 25 the twenty-four hours as aforesaid, and the time when the

cars or vessels actually arrive.

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134. Every warehouseman liable for the delivery of grain, Liability of who makes default in delivery, shall be liable to the owner of men. the warehouse receipt for damages for such default in the sum 30 of one cent per bushel, and in addition thereto one cent per bushel for each and every day of neglect or refusal to deliver as aforesaid: Provided that no warehouseman shall be held to be in default in delivery if the grain is delivered in the order demanded, and as rapidly as due diligence, care and 35 prudence will justify.

135. The owner, lessee, manager, officer or employee of Statement every terminal elevator shall furnish, at such times and in such done by form and manner as the Board prescribes, a statement, in elevator. writing and verified by the signature and statutory declaration

40 of the owner, lessee, manager, officer or employee,-(a) in the case of a terminal elevator in the Western Inspection Division, as to the condition and management of so much of the business of such owner, lessee, manager, officer or employee as relates to such elevator;

(b) in the case of a public elevator in the Eastern Inspection Division, as to the amount, condition and management of the business done in western grain by the elevator.

Weekly statement of grain in store. 136. The warehouseman of every terminal elevator shall, as directed by the Board, render a weekly statement to the Board of the quantity of each kind and grade of grain in store in his warehouse and of the total amount of fire insurance thereon.

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Statutory declaration.

2. Such statement shall be in the form of a statutory declaration, made by one of the principal owners or operators of such terminal elevator, or by the bookkeeper thereof, having personal knowledge of the facts.

Annual statement of rates for storage.

137. Every warehouseman of a terminal elevator shall 10 be required, during the first week in September of each year, to file with the Board a table or schedule of rates for the storage, cleaning, handling and fire insurance of grain in such elevator during the ensuing year, which rates shall not be increased during the year.

No discrimination as to rates.

2. Such published rates, or any published reduction of them. shall apply to all grain received into such elevator from any person or source.

No discrimination by warehousemen.

138. No discrimination as to rates shall be made, either directly or indirectly by any warehouseman of a terminal 20 elevator for storage, cleaning, handling or fire insurance of grain.

Maximum rates.

139. The charge for storage, cleaning, handling and fire insurance of grain including the cost of receiving and delivering, shall be subject to such regulations or reduction as the Board 25 from time to time deems proper.

Grain of equal quality to be delivered by warehouseman. 140. A terminal warehouseman shall, unless he gives public notice as hereinafter provided that some portion of the grain in his elevator is out of condition, or becoming so, deliver upon all receipts presented grain of quality equal to that received by 30 him.

Proceedings when grain deteriorates. 141. In case a terminal warehouseman in the Western Inspection Division considers that any portion of the grain in his elevator is out of condition, or becoming so, he shall immediately consult the resident official grain inspector, or, in the 35 absence of the inspector, his authorized deputy. The inspector or his deputy shall examine the grain in question, and if he finds it to be out of condition, or becoming so, and if he is of opinion that by re-elevating the grain it can be brought back into condition or its further deterioration can be prevented, 40 he may order the warehouseman to re-elevate it for such purpose. The re-elevation shall be at the expense of the owner of the grain.

To whom notice is to be given.

2. If it is found, after such examination, that the condition of the grain is such that its further deterioration cannot be 45 prevented by re-elevation, or if after re-elevation it is still out of condition, the warehouseman shall immediately give notice

of the facts to the Board and to the owner, if the owner's address is known.

- 3. In case a warehouseman of a public elevator in the eastern To whom inspection division considers that any portion of the western be given. 5 grain in his elevator is out of condition, or becoming so, he shall immediately give notice of the facts both to the shipper Eastern of the grain and the party to be advised, and to any other inter-transfer elevator. ested party indicated upon the bill of lading or railway shipping receipt.
- 4. In both cases the notice shall be given by registered letter How notice and a telegram of advice shall also be sent.
  - 5. In both cases public notice of the facts shall be given in Public the following manner.

(a) by posting the notice in the elevator; and—

(b) by posting the notice in the Grain Exchange at Winni- In grain 15 peg, and, as regards grain in a public elevator in the exchange. Eastern Inspection Division, also in the Grain Exchange at Toronto and the Grain Exchange at Montreal; and

(r) by advertising the notice in each of the following places, Advertise-20 in a daily newspaper printed and published at the place, namely, at-

(i) Winnipeg;

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(ii) the place where the elevator is situated, if there be such a newspaper there;

(iii) and, as regards grain in a public elevator in the Eastern Inspection Division, also in Toronto and in Montreal.

6. The notice by registered letter and the public notice Particulars shall state the following particulars:-

30 (a) the actual condition of the grain as nearly as can be condition. ascertained:

(b) the quantity, kind and grade of the grain;

Quality, etc. Elevator.

(c) the elevator in which the grain is stored;

(d) the outstanding warehouse receipts, if any, upon which Warehouse 35 the grain will be delivered, stating the number and date receipts. of each receipt and, except as to grain previously declared or receipted for as being out of condition, the quantity, kind and grade of the grain covered by each receipt; or

40 (e) if warehouse receipts have not been issued, then-When no (i) the name of the person for whom the grain was receipts.

(ii) the date when the grain was received;

(iii) the identification of the grain, which shall embrace as nearly as may be as great a quantity as is contained in the bin in which the grain is stored;

(iv) as regards grain in a public elevator in the East- Contents of ern Inspection Division, the particulars of the telegram. bills of lading or railway shipping receipts.

7. The telegram of advice shall state at least the particulars mentioned in paragraphs (a), (b) and (c) of subsection 6 of this section, and that a letter has been mailed giving further particulars.

Delivery of deteriorated grain.

142. Upon request of the owner or other person entitled to delivery of the grain so found to be out of condition, and upon the return and cancellation of the warehouse receipts therefor, or the surrender of the original shipping receipts or bills of lading, duly endorsed, and upon payment of charges, the grain shall be delivered to the party entitled thereto.

Proper care by warehouseman. 143. Nothing herein contained shall be held to relieve a terminal warehouseman from exercising proper care and vigilance in preserving the grain after such publication of its condition, but such grain shall be kept separate, and apart from all direct contact with other grain, and shall not be mixed with 15 other grain while in store in such elevator.

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Power to warehouseman to sell deteriorated grain.

144. When the grain so declared out of condition has not been removed from store by the owner thereof within one month from the date of the notice of its being out of condition, if the warehouseman in whose elevator the grain is stored has 20 given public notice as by this section required, such warehouseman may sell the grain at the expense and for the account of the owner.

Owner liable for deficiency of proceeds.

Notice of sale.

2. If the proceeds of such sale are not sufficient to satisfy all charges accrued against the grain, the owner shall be liable 25 to the warehouseman for any such deficiency.

3. Public notice of the intended sale shall be given as follows:

(a) In all cases, by advertisement in a newspaper printed and published at the place where the elevator is situated, 30 if there be such newspaper;

(b) When the elevator is situated in the Western Inspection Division, by advertisement in a newspaper printed and published at Winnipeg, and by posting the notice in the Grain Exchange at Winnipeg; or

(c) When the elevator is a public elevator in the Eastern Inspection Division, by advertisement in newspapers printed and published at Winnipeg, Toronto and Montreal, respectively, and by posting the notice in the Grain Exchange at Toronto and the Grain Exchange at 40 Montreal.

Transfer of grain out of condition to another elevator. 145. The official grain inspector may, if he sees fit, in the interest of the owner and at his expense and risk, order the warehouseman to transfer the grain out of condition, or becoming so, to an elevator at the same terminal point equipped with 45 special machinery for the treatment of unsound grain.

Delivery of special binned grain. both inclusive, nor in sections 149 and 150 of this Act, shall

be so construed as to permit any warehouseman to deliver any grain, stored in a special bin or by itself, to any one but the owner of the lot, or upon his written order.

147. All duly authorized inspectors of grain shall, at all Facilities for 5 times during ordinary business hours, be at full liberty to grain. examine all grain stored in any terminal elevator.

2. All proper facilities shall be extended to such inspectors Idem. by the warehouseman, his agents and servants, for an examination, and all parts of the terminal elevators shall be open 10 to examination and inspection by any authorized inspector of

grain.

148. No proprietor, lessee, or manager of any terminal Contract. elevator, shall enter into any contract, agreement, understand- etc., contrary to ing or combination with any railroad company, or other corpor-direction of 15 ation, or with any person, by which the grain of any person is to be delivered to any elevator or warehouse for storage or for any other purpose, contrary to the arrangements made between the shipper and the carrier.

149. No terminal warehouseman shall be held responsible Limitation 20 for any loss or damage to grain arising from irresistible force, of warethe act of God or the King's enemies, while the grain is in his houseman. custody, provided reasonable care and vigilance is exercised to protect and preserve it.

2. No terminal warehouseman shall be held liable for damage Proper care 25 to grain by heating if it is shown that he has exercised proper by ware-houseman. care in the handling and storing thereof, and that the heating was the result of causes beyond his control.

150. Any warehouseman guilty of any act of neglect, the Warehouseeffect of which is to depreciate property stored in the elevator sible for 30 under his control, shall be held responsible as at common law, neglect. or upon the bond of such warehouseman, and in addition thereto the license of such warehouseman may be revoked.

### COUNTRY ELEVATORS AND LOADING PLATFORMS.

151. 'Country elevator' shall include all elevators and Country warehouses or flat warehouses which receive grain for storage, elevators before such grain has been increased and warehouse and ware-35 before such grain has been inspected under this Act, and which houses are situated on the right of way of a railway or on any siding defined. or spur track connected therewith, depot grounds, or on any lands acquired or reserved by any railway company, to be used in connection with its line of railway at any station or siding, 40 and shall be under the supervision of the Board.

152. Any person desirous of erecting a country elevator Application shall make application to the railway company for a site; for site. and, in case of dispute, such dispute shall be referred to the

Owners to be licensed. 153. Unless the owner or lessee thereof shall have first procured a liceuse therefor from the Board it shall be unlawful to receive, ship, store or handle any grain in any country elevator.

Application for license.

2. A license shall be issued only upon written application 5 under oath or statutory declaration, specifying,—

(a) the location of such elevator;

- (b) the name of the person owning or operating such elevator;
- (c) the names of all the members of the firm, or the names 10 of all the officers of the corporation, owning and operating such elevator.

Expiry and effect of license.

3. The license shall expire on the thirty-first day of August in each year, but while in force, shall confer upon the licensee full authority to operate such elevator in accordance with law 15 and the rules and regulations made under this Act.

Submission to this Act.

4. Every person receiving a license shall be held to have agreed to the provisions of this Part and to have agreed to com-

ply therewith.

5. The annual fee for such license shall be two dollars.

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Revocation of license.

Fee.

154. If any country elevator is operated in violation or in disregard of this Act, its license shall, upon due proof thereof, after proper hearing and notice to the licensee, be revoked by the Board.

Security by licensee.

155. The person receiving a license as herein provided shall 25 file with the Board a bond to His Majesty, with good and sufficient sureties, to be approved by the Board, in a penal sum, in the discretion of the Board, of not less than five thousand nor more than fifteen thousand dollars, in the case of an elevator, and of not less than five hundred nor 30 more than five thousand dollars, in the case of a flat warehouse, conditioned for the faithful performance of his duties as a public warehouseman and his full and unreserved compliance with all laws in relation thereto: Provided that when any person procures a license for more than one elevator or 35 flat warehouse, security may be given by one or more bonds, in such amount or amounts as the Board may require.

Rules and regulations.

156. The Board with the approval of the Governor in Council may, from time to time, before the first of September in each year, make and promulgate all suitable and necessary rules and regulations for the government and control of country elevators, and the receipt, storage, insurance, handling and shipping of grain therein and therefrom, and the maximum rates of charges therefor in cases where handling includes cleaning grain, and also in cases where it does not include such 45 cleaning.

Binding.

2. Such rules and regulations shall be binding and have the force and effect of law.

3. A printed copy of such rules and regulations and a copy To be of the provisions of law as to the classification of the various posted up. grades of grain, shall at all times be posted up in a conspicuous place in each of such country elevators for the free inspection 5 of the public.

157. The person operating any such country elevator Duties of shall.

(a) receive the grades of grain established and described in

Part II of this Act;

(b) upon the request of any person delivering grain for 10 storage or shipment, receive such grain without discrimination as to persons, during reasonable and proper business hours;

(c) insure the grain so received against loss by fire while

15 so stored:

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(d) keep a true and correct account in writing, in proper books, of all grain received, stored and shipped at such country elevator, stating, except as hereinafter provided, the weight, grade, and dockage for dirt or other cause, of each lot of grain received in store, for sale,

storage or shipment; and,

at the time of delivery of any grain at such country Duties of elevator, issue, in the form prescribed by the schedule warehouseto this Act, to the person delivering the grain either a cash purchase ticket, warehouse storage receipt, or storage receipt for special binned grain, dated the day the grain was received, for each individual load lot or parcel of grain delivered at such country elevator.

158. It shall be the duty of the owner, lessee or manager of Duty as to cleaning of 30 every country elevator equipped with grain cleaners to clean grain. the grain before it is weighed, when so requested to do.

2. Persons interested in the weighing of grain at any country Attendance elevator, shall have free access to the scales while such grain parties at is being weighed and shall, if the facilities exist, and if they weighing.

35 so desire, have ample opportunity after the cleaning is done, of personally ascertaining the net weight of the grain cleaned.

3. The net weight of the grain cleaned shall be specified certificate on the face of the certificate given the seller by the purchaser. of weight.

159. The person operating any country elevator shall, upon Warehouse 40 request of any person delivering grain for storage or shipment, deliver to such person thereof a warehouse receipt or receipt, dated the day the grain was received and specifying,-

(a) the gross and net weight of such grain;

(b) the dockage for dirt or other cause;

(c) the grade of such grain when graded conformably to the grade fixed by law and in force at terminal points; and,

(d) that the grain mentioned in such receipt has been received into store.

What to be stated therein.

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Idem.

2. Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring delivering or otherwise handling such grain, which may accrue 5 up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or, if either party so desires, in quantities not less than carload lots, on track at any terminal elevator 10 in the western inspection division, on the line of railway upon which the receiving country elevator is situate, or any line connecting therewith, so soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned.

Delivery at Duluth

3. In the case of a country elevator on the line of railway formerly known as the Northern Pacific and Manitoba Railway, or on any line of railway operated therewith, if either party desires such grain to be shipped to a terminal point, it may be delivered on track at the proper terminal elevator, at 20 or adjacent to Duluth.

4. Nothing herein shall prevent the owner of such grain from, at any time before it is shipped to terminals, requiring it to be shipped to any other terminal than as hereinbefore

provided.

Delivery of return of receipt.

Cars to be

promptly called for.

Saving

**160.** Upon the return or presentation of such receipt properly endorsed by the lawful holder thereof, at the country elevator where the grain represented therein is made deliverable, and upon the payment or tender of payment of all lawful charges, as herein provided, and upon request for shipment 30 made by the holder of such receipt the grain shall be delivered to such holder into cars as soon as furnished by the railway

2. The person operating the country elevator shall in such case promptly call upon the railway company for cars to be 35 supplied in the order of the dates upon which such receipts are surrendered for shipment.

Grain to be shipped within 24 hours after demand.

3. The grain represented by such receipt shall be shipped within twenty-four hours after such demand has been made, and cars and other means of receiving it from the country 40 elevator have been furnished, and shall not be subject to any further charges for storage after request for delivery has been made and cars are provided by the railway company.

4. In every case where grain has been delivered at any country elevator, and a cash purchase ticket issued therefor 45 to the person from whom such grain was received by the warehouseman, and should his paying agent within twentyfour hours after demand by the holder, provided such demand be made during twenty-four hours after the issue of the purchase ticket, neglect or refuse to redeem such cash 50

purchase ticket, the said holder may at once, upon surrender of

Provision for failure to redeem cash purchase ticket.

such cash ticket, demand in exchange therefor a warehouse storage receipt bearing same date and place of issue, and for similar grade and net weight of grain as was shown on the cash purchase ticket aforesaid. Upon return of the said cash pur-5 chase ticket to the warehouseman, he shall at once issue in exchange therefor to the holder a warehouse storage receipt of same grade and quantity of grain as shown on the face of said surrendered cash purchase ticket.

161. On return of the storage receipts, if the shipment Forwarding 10 or delivery of the grain at a terminal point is requested by the of grain to owner thereof, the person receiving the grain shall deliver to elevator. the owner a certificate in evidence of his right to such ship Certificate ment or delivery, stating upon its face,-

(a) the date and place of its issue;

(b) the name of the consignor and consignee;

(c) the place of destination;

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(d) the kind of grain and the grade and net quantity, exclusive of dockage, to which the owner is entitled by his original warehouse receipts, and by official inspection 20 and weighing at the designated terminal point.

2. Such certificate shall be returned in exchange for the Return of railway shipping receipt and certificates of weight and grade.

3. The grain represented by such certificate shall be subject charges. only to such storage, transportation or other lawful charges as 25 would accrue upon such grain from the date of the issue of

the certificate to the date of actual delivery, within the meaning of this Part, at such terminal point.

162. Any person having grain stored or binned in not less Ordering than car lots in any country elevator whether in general or cars to elevator 30 special bin, may order a car or cars to be placed at such elevator for the shipment of such stored grain, and may have the said car or cars loaded at such elevator after he has surrendered to the operator thereof the storage receipt or receipts therefor, properly endorsed, and has paid, or tendered payment of all lawful 35 charges as hereinbefore provided; and the grain shall not be subject to any further charges for storage after demand for such delivery is made and cars are furnished by the railway

company. In the case only of grain in special bin, should the storage 40 receipts and lawful charges against the grain not be delivered or paid at the time of the billing of the car, the elevator opera- Grain in tor may hold the bill of lading until the owner has surrendered special bin. the storage receipts therefor and paid all lawful storage charges due thereon: Provided that it shall be an offence under this Part Proviso.

45 for the elevator operator to sell or dispose of such bill of lading without the consent of the owner of the grain, and the bill of lading shall be made out in all cases in the name of the owner of the grain shipped.

Time limit for shipment.

2. The grain represented by such receipt shall be shipped within twenty-four hours after such demand has been made and cars have been furnished.

Saving.

3. This section shall not be deemed to limit or curtail the right of any applicant, whether he has or has not grain stored or binned as above stated.

Liability of elevator in case of delay.

163. If not delivered upon such demand within twenty-four hours after such car, vessel or other means for receiving the grain has been furnished, the country elevator in default shall be liable to the owner of such receipt for damages for such default 10 in the sum of one per centum per bushel, and in addition thereto one cent per bushel for each day of such neglect or refusal to deliver: Provided that no warehouseman shall be held to be in default in delivering if the grain is delivered in the order demanded by holders of different receipts or terminal orders, and 15 as rapidly as due diligence, care and prudence will justify.

Forwarding of grain to terminal elevator.

164. The operator of any country elevator may at any time forward any grain stored in his elevator to any terminal elevator in the Western Inspection Division on the same line of railway, or on railways connecting therewith, 20 and on so doing shall be liable for the delivery thereof to its owner at such terminal elevator in the same manner and to the same extent in all respects as if such grain had been so forwarded at the request of the owner thereof: Provided that in case of a country elevator on the line of railway formerly 25 and Northern Pacific Manitoba as the way, or on any line of railway operated therewith, such grain may be delivered on track at the proper terminal elevator at or adjacent to Duluth.

Notice of forwarding to owner.

2. Such country elevator operator on so forwarding the grain 30 shall, without delay, notify in writing, the owner of the grain of such forwarding.

Grain delivered subject to freight and other charges.

Delivery in

165. The grain when so delivered at terminals shall be subject to freight, weighing and inspection charges and all other charges, if any, lawful at such terminal point.

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2. The party delivering shall be liable for the delivery of such grain as will, on weighing at the terminal point, conform to the grade according to the certificate of inspection provided by this Act and as nearly as possible to the weight mentioned in the receipt therefor.

Warehouse receipts and certificates.

166. All warehouse receipts issued for grain received and all certificates shall be consecutively numbered, and no two receipts of the same kind or certificates bearing the same number shall be issued during the same year from the same country elevator, except when one is lost or destroyed, in which 45

case the new receipt or certificate, if one is given, shall bear the same date and number as the original and shall be

plainly marked on its face Duplicate.

2. Warehouse receipts or certificates shall not be issued No ware-5 except upon grain which has actually been delivered into except for a country elevator, nor shall such receipts or certi-grain actually ficates be issued for a greater quantity of grain than was con-delivered. tained in the lot or parcel stated to have been received.

3. Except as in this Part mentioned, and in so far as all No modifying of 10 parties concerned consent thereto, no receipt or certificate shall liability of · contain language in any wise limiting or modifying the legal warehouseliability of the person issning the same.

4. Except in the case of accidental damage to, or the acci- Grain to be dental destruction of, any country elevator in which grain for. 15 has been accepted for general storage as herein provided, if the person operating it, when called upon to do so by the owner of the grain, fails to account for the grain in accordance with the terms of the warehouse receipt given under the provisions of this Part or of the further orders of the owners, he Penalty.

20 shall be deemed guilty of an offence under section 355 of The Criminal Code, 1906, and shall be liable to the penalties therein provided and, in addition, to the forfeiture of his license.

167. Whenever the person operating a country elevator Storage in agrees with the owner of any grain to store it in such special bins. 25 a manner as to preserve its identity, it shall be stored in a special bin or bins, and shall be called special binned grain, and in such case only the weights, insurance and preservation of the identity of the grain shall be guaranteed by the said operator, and he shall mark on the storage receipts given there-30 for the words Special bin, and the number or numbers by which such special bin or bins are known in such elevator.

2. In every case where grain is stored in any country Storage elevator in a special bin the warehouseman shall draw special bins. a fair and proper sample, in the presence of the person Samples to be 35 delivering the grain, out of each hopper load as delivered, and such sample shall be properly preserved in a suitable receptacle, which shall be numbered and sealed, until after such special binned grain has been shipped and inspected, and the owner thereof has notified the warehouseman that he 40 is satisfied the identity of the grain has been preserved.

3. The receptacle shall be provided by the warehouseman, Provision and the sample shall be placed therein in the presence of the and custody of receptacle owner. The receptacle shall be secured by a padlock which for sample. the owner of the grain shall provide, and the key of which he 45 shall retain. The warehouseman shall be the custodian of the

receptacle and sample.

4. In case after the shipment has been inspected the owner Use of is of the opinion that the identity of the grain has not been sample ascertain preserved, he shall notify the warehouseman in writing of the identity

50 fact and both parties thereupon shall forward the sample of grain. sealed, charges prepaid, to the chief inspector to be compared

with the shipment. The decision given by the chief inspector in such cases shall be final and binding on both parties.

Insurance in such case.

168. In the case of the allotting of a special bin or bins by the owner or operator of any country elevator to any buyer of grain, the said buyer may, by agreement with such owner or operator, dispense with insurance by the owner or operator of the buyer's grain while in such bins.

Special bin only for time and purpose allowed. 169. Nothing in this Part shall be construed as permitting the owner or operator of any country elevator to any buyer beyond the time allowed by the provisions of this Part, or for 10 purposes other than as stated in the provisions of this Part as to flat warehouses, or shall require the owner of a flat warehouse to insure grain while in his warehouse.

If grain is out of condition.

170. In case any country elevator warehouseman discovers that any portion of the specially binned grain in his elevator 15 is out of condition or becoming so, and it is not in his power to preserve it, he shall immediately given written notice thereof by registered letter to the Board and to the person on whose account the grain was received, if the address of such person is known.

Notice to the Board and owner. 2. Such notice shall when possible state,-

(a) the kind and grade of the grain and the bin in which it is stored:

(b) the receipts outstanding upon which the grain is to be delivered, giving the numbers, amounts and dates of 25 each:

(c) the name of the party for whom the grain was stored;

(d) the amount of grain stored and the date of its receipt.

3. He shall also at once post up a copy of such notice in some conspicuous place in such elevator.

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Notice to be posted up.

Delivery.

4. Such grain shall be delivered upon the return and cancellation of the receipts.

Sale of such grain at public auction. 5. In case the grain out of condition is not removed from store by the owner thereof within ten days from the date of the notice of its being out of condition, the warehouseman 35 where the grain is stored may sell such grain at public auction for the account of the owner after,—

Notice.

(a) giving ten days' notice by advertisement in a newspaper published in the place where such elevator is located, or, if no newspaper is published there. 40 then in the newspaper published nearest to such place:

(b) posting up such notice in a conspicuous place in his elevator for the ten days immediately preceding the sale; and.

(c) ten days from the mailing of notice of the time and 45 place of the sale to the owner by registered letter.

Warehouseman liable for neglect. 6. Any warehouseman guilty of an act of neglect, the effect of which is to depreciate property stored in such elevator

under his control, shall be held responsible personally as well as upon his bond, and in addition thereto, the license of such

elevator may be revoked.

7. Nothing herein contained shall be held to relieve the Proper care 5 warehouseman from exercising proper care and vigilance in of warepreserving the grain before or after such publication of its houseman. condition; but the grain shall be kept separate and apart from all direct contact with other grain and shall not be mixed with other grain while in store in such elevator.

171. An operator of a country elevator who sells, Sale or pledge assigns, mortgages, pledges, hypothecates, or in any manner operator. charges any grain stored in the said elevator in special bin in accordance with the provisions of this Part which is not the sole and absolute property of the said operator, shall be 15 deemed guilty of an offence under section 390 of The Criminal Code, 1906, and shall be liable to the penalties therein provided Penalty. and, in addition to the forfeiture of his license.

172. In case there is a disagreement between the purchase, Sample of cr the person in the immediate charge of receiving the grain fransmitted 20 at such country elevator and the person delivering the to chief inspector. grain to such elevator for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise, except as to condition, on any lot of grain delivered, a fair and proper sample shall be drawn 25 in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain, and shall be accompanied by the request in writing of either or 30 both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection,

173. It shall be the duty of the chief inspector, as soon as Duty of 35 practicable, to examine and inspect such sample or samples inspector. of grain and to adjudge the proper grade and dockage to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection.

174. As soon as the chief inspect r has so examined, in-Finding 40 spected and adjudged the grade and dockage he shall make out inspector. in writing a statement of his judgment and finding and shall transmit a copy thereof by mail to each of the parties to the disagreement, preserving the original together with the sample 45 on file in his office.

2. The judgment and finding of the chief inspector on all Finding conclusive. or any of the said matters shall be conclusive.

Payment to and final with farmer.

3. Where the disagreement as to the grade and dockage arises on the sale of the wheat by a farmer to such country elevator the farmer shall be paid on the basis of grade and dockage offered him by the elevator, but the final settlement shall be made on the basis of grade and dockage given by the chief inspector.

Inquiry by Board into complaints of unfairness or discrimination.

175. Whenever complaint is made, in writing under oath, to the Board by any person aggrieved, that the person operating any country elevator under this Act,-

(a) fails to give just and fair weights or grades; or. (b) is guilty of making unreasonable dockage for dirt or

other cause; or,

(c) fails in any manner to operate such elevator fairly, fairly, justly and properly; or,

(d) is guilty of any discrimination forbidden by this Part, 15 it shall be the duty of the Board to inquire into and investigate such complaint and the charge therein contained.

Power of

2. The Board shall, for such purpose, have full authority to examine and inspect all the books, records and papers pertaining to the business of such elevator and all the scales, 20 machinery and fixtures and appliances used therein, and to take evidence of witnesses under oath, and for that purpose to administer the oath.

Notice to owner.

Board.

3. Upon receipt of such complaint the Board shall notify the owner of the country elevator and furnish him with a copy 25 of the complaint, and the date and place of holding the investigation.

Decision of Board.

Punishment of offender.

176. In case the Board finds the complaint and charge therein contained, or any part thereof, true, it shall give its decision in writing and shall at once serve a copy of such 30 decision upon the person offending and against whom such complaint was made, and also serve a copy upon the owner of such country elevator; and the Board shall direct such owner to make proper redress to the person injured, and may order the discharge of the offending operator, shall not be engaged as manager or assistant in any country elevator for the period of one year from such discharge. Upon the failure of such owner to give such proper redress and discharge such operator the Board shall cancel In case any other 40 the license of the country elevator. an discharged country elevator employs operator so within the said period of one year the Board shall order the dismissal of such operator, and in case of refusal to comply with the request of the Board in this regard the Board shall cancel the license of the said country elevator.

Influencing manager to give unjust weight or

2. Every one who being a grain dealer or a member of a firm dealing in grain or an anthorized agent if any such dealer or firm, influences, or attempts to influence, in any manner,

either by letter, circular or otherwise, any manager of any take unjust country elevator to give unjust weights or to take unjust dockage from any grain being received into such elevator, is guilty of an offence and liable, on summary conviction, to a Penalty. 5 penalty not exceeding five hundred dollars and not less than one hundred dollars.

177. When ordered by the Board, any person operating Statement? a country elevator under this Part shall immediately after the as to grain handled. end of each month in which the elevator shall have been oper-10 ated, furnish in writing to the Board, a return or statement showing,-

(a) the amount of grain on hand in the elevator at the com- Particulars. mencement of such month, and the total amount of warehouse receipts at that time outstanding in respect of the

15 said grain;

(b) the total amount of warehouse receipts issued during such month, the total amount of warehouse receipts surrendered by the holders thereof during such month, and the total amount of warehouse receipts outstanding at the close of such month;

(c) the amount of grain received and stored in such elevator

during such month;

false statement or declaration.

(d) the amount of grain delivered or shipped from such elevator during such month;

(e) the amount of grain on hand in such elevator at the expiration of such month.

2. The foregoing particulars shall, in each case, specify the Idem. kind of grain and grade, and the amounts of each such kind

and grade.

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3. Such statement shall be accompanied by a declaration Declaration of the person operating such elevator, verifying the to accompany correctness of the statement according to the best of his judgment and belief and alleging that the statement is correct according to the books kept by him and that such books 35 have been correctly kept to the best of his judgment and belief and what books have been kept by him during such month.

4. Such statement and declaration in regard to any particular May be elevator shall be open for inspection, in the office of the Board inspected. during business hours, by any person who is the owner of grain

40 stored in such elevator, upon payment of a fee of fifty cents. 5. Any person without reasonable justification making a Penalty false statement or declaration as aforesaid, shall, on conviction statement. upon indictment, be liable to a penalty of not less than fifty dollars, nor more than one thousand dollars, and, in default of 45 payment, to imprisonment for not less than one month, nor more than one year. In every case, the onus of establishing reasonable justification shall be upon the person making such

6. In the case of a firm or corporation operating a country Maker of 50 elevator, the statement and declaration may be made statement to have

knowledge of facts.

by any person purporting to have knowledge of the facts and the declaration shall include an allegation that he has knowledge of the facts and shall state the source of his knowledge.

Failure to make declaration. 7. Any person required by this section to furnish such statement or declaration and failing to do so within three days after receipt of written notice to him from the Board, shall be liable to forfeiture of license.

Inspection by Board.

178. The Board may inspect any country elevator and the business thereof, and the mode of conducting it.

Books, accounts, etc., to be open. 2. The property, books, records, accounts, papers and proceedings, so far as they relate to the condition, operation or management of any such elevator, or the business thereof, shall, at all times during business hours, be subject to the examination and inspection of the Board.

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Forms of warehouse receipts, etc.

179. The forms of cash purchase tickets, warehouse storage receipts, storage receipts for special binned grain, and flat warehouse receipts in the schedule to this Part, and no others, shall be used by the owners of country elevators.

Idem.

2. In the case of country elevators not equipped with clean-20 ing machinery, the word *cleaning* may be omitted from the said forms of storage receipt and storage receipt for special binned grain.

Governor in Council may alter forms. 3. The Board, with the approval of the Governor in Council may at any time make changes in the said forms, or substitute other forms therefor, and may also, in order to meet the case of country elevators on lines of railway, the terminals of which are outside of the Western Inspection Division, vary the said forms for use in the said elevators so as to allow of shipment to such terminals.

Erection of flat warehouse 180. The Board may, on a written application by any person residing within forty miles of the nearest railway shipping point, give permission to such person to erect at such shipping point, under the provisions of this Part, a flat warehouse, covered with metal, with power to enlarge the same if 35 necessary.

Railway to give location.

2. In such case the railway company shall be compelled to give a location with siding on its premises in some place of convenient access, to be approved by the Board, at a rental not greater than that charged to standard elevators, upon which 40 location the flat warehouse shall be erected.

Security.

3. The owner and operator of such warehouse shall give bonds and shall be licensed in the same manner as elevator owners.

Construction of additional warehouses 181. If, in the judgment of the Board, more than one of 45 these warehouses is required at a station, one or more additional warehouses may be authorized by them, and the provisions of this Part in that behalf shall apply to the construction of such additional warehouses.

- 182. Every such warehouse shall contain not less than three Capacity of bins of one thousand bushels capacity each, and each bin shall be numbered by a separate number.
- 183. The owner of every such warehouse shall, on the apolication of any farmer undertaking to ship a carload of grain, allot such farmer a bin in such warehouse as soon as one is available.

2. Applications for bins shall be made in a form to be approved by the Board, and blank forms for such applications application.

10 shall be furnished to applicants by the warehouse operator.

3. The allotment of bins to applicants shall be made in the Allotment order of applications therefor, and without discrimination of in order, any kind.

4. No farmer shall be allowed to hold more than one bin at One bin for each farmer.

15 any one time to the exclusion of other applicants.

184. The owner or operator of any such warehouse shall at Application once on every allotment of a bin apply in writing, on a form approved by the Board, but furnished by such warehouse operator, to the proper railway official to furnish a car to the 20 person to whom the bin is allotted, stating in the application the time when the car will be required, which shall be not later than five days from the allotment of the bin.

185. The shipper shall be allowed for filling such bin and Time allowed for loading on car six clear days exclusive of Sundays, and as loading.

25 much time longer as is necessary to obtain a car and load it from such bin: Provided that the time for loading such car

shall not exceed twenty-four hours.

2. If a carload of grain is not loaded into such bin and If carload of loaded on a car within the time hereinbefore provided, the delivered in 30 warehouse operator may at his option either load on car the shipment of grain then in the bin and ship it for the owner to a terminal grain to elevator subject to freight, inspection and weighing charges at elevator. such terminal, and all charges for use of such flat warehouse, including an additional charge of one-half a cent per bushel Or sale. 35 for loading, or he may sell the grain on account of the owner thereof, and shall then be liable to account to the owner for the proceeds, after deducting all proper charges.

186. The charges for the use of a bin, and the services of Charges. the warehouse operator in weighing the grain as it is loaded 40 into and out of the warehouse by the person to whom the bin is allotted, shall be subject to such regulations or reduction as the Board may from time to time deem proper.

187. No owner or operator of any such warehouse shall be Grain of allowed to store in or ship through such warehouse grain pur- owner of elevator.

45 chased by or for himself.

Erection to be commenced within sixty days. 188. Any person, who under the provisions of this Part has secured from the railway company a site at any shipping point on which to erect a country elevator, shall, after such site has been staked out by the railway company, commence the erection of such elevator within sixty days, and complete it within all reasonable expedition, otherwise the application therefor may be cancelled by the railway company.

Loading platforms.

189. On a written application to the Board by ten farmers resident within twenty miles of the nearest shipping point, and on the approval of the application, the railway company shall, 10 within the time hereinafter mentioned, erect and maintain at such point a loading platform as hereinafter described, suitable for the purpose of loading grain from vehicles direct into cars.

Period for application

2. The period in each year within which the Board may 15 receive such applications shall be between the fifteenth of April and the fifteenth of October, and the company shall not be compelled to build any such loading platforms between the first day of November and the first day of May following.

Company to construct platform within thirty days. 190. The railway company shall construct such loading plat-20 form within thirty days after the application is made to the company by the Board, unless prevented by strikes or other unforseen causes, and shall be liable to a fine of not less than twenty-five dollars for each day's delay beyond that time.

Location and

191. Each loading platform shall be erected within the limit 25 of the station yard, or upon a siding where there is no station, at a siding which the railway company shall provide on its premises in some place convenient of access, to be approved by the Board, and shall be at least eighteen feet wide and fifty-four feet long, and of such height as the Board prescribes; but 30 no loading platform shall be required to be erected at crossing sidings reserved for crossing purposes only.

Frec of charge.

192. All such persons desiring to use such loading platform for the shipment of grain shall be entitled to do so free of charge.

Enlarging of platforms.

193. The Board may at any time betwen the fifteenth day of April and the fifteenth day of October in any year order the railway company to enlarge any platform at any station or siding under the provisions of this Part, or order the company to erect additional platforms at such stations or siding, if, in 40 the judgment of the Board, the loading platform or platforms at such station or siding is or are insufficient to accommodate the public, and the railway company shall enlarge such platforms or erect such additional platforms at such station or siding, as directed by the Board, within thirty days after 45 the receipt of an order of the Board therefor.

194. The railway company shall, upon application, furnish Furnishing cars to applicants for the purpose of being loaded at such load-company.

ing platforms.

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2. When more cars are furnished at any point than can be Surplus cars. 5 accommodated at the platform, the surplus cars shall be placed by the railway company at such applicants' disposal at a convenient place or places, on a siding other than at the platform: Provided that shippers, if they so desire, shall at all times have the option of loading on the siding instead of over the plat-

3. At any point where there is no platform, cars shall be At points furnished to applicants by the railway company at convenient where no platforms. places on a siding, for the purpose of being loaded direct from vehicles.

195. At each station where there is a railway agent, and Order book. where the grain is shipped under such agent, an order book for cars shall be kept for each shipping point under such agent open to the public, in which applicants for cars shall make order.

2. The car-order-book shall be in the form shown in form Car-order-E in the schedule to this Part.

3. In the case of a flag station or siding from which grain is Duties of shipped, the Board may, in its discretion and for such period person at flag or periods as it deems necessary, require the railway company siding. 25 to provide at such flag station or shipping siding a suitable per-

son whose duties shall be,-(a) to keep open for the use of shippers at all times during the day a car-order-book, as provided under this Part, in which orders for cars may be entered in accordance

with the provisions of this Part.

(b) when the loading of cars is completed, to seal such car or

(c) to provide shippers with the regular form of grain ship-

ping bill; and

when such grain shipping bill is properly filled out by the shipper, to hand it to the conductor of the train that picks up such car or cars or place it where such conductor may get it.

4. This section shall not apply to sidings used exclusively Certain sidings.

40 for the passing of trains.

5. Every railway company which fails to comply with any Penalty on requirement made by the Board under subsection 3 of this company section, is guilty of an offence and liable, on summary convic- for non tion, to a penalty not exceding one thousand dollars and not

45 less than five hundred dollars. 6. Every railway company shall supply car-order-books at Car-order-books to be

all stations, flag-stations and sidings where they are to be kept supplied. under this Part.

196. An applicant may order a car or cars acording to his Application for cars. 50 requirements, of any of the standard sizes in use by the railway

company, and in case he requires to order any special standard size of car shall have such size stated by the station agent in the car-order-book, and the railway company shall furnish the size ordered to such applicant in his turn as soon as a car of such specified capacity can be furnished by the railway company at the point on the siding designated by the applicant in the car-order-book. In the event of the railway company furnishing a car or cars at any station and such car or cars not being of the size required by the applicant first entitled thereto, such applicant shall not lose his priority but shall be entitled to the first car of the size designated which can be delivered at such station at such applicant's disposal as aforesaid.

Orders for cars.

197. The applicant or his agent duly appointed in writing shall furnish to the railway agent the name of the applicant and the section, township and range in which the applicant 15 resides, or other sufficient designation of his residence, for insertion in the car-order-book; and each ear order shall be consecutively numbered in the car-order-book by the railway agent, who shall fill in with ink all particulars of the application except the applicant's signature, which shall be signed by the 20 applicant or his agent duly appointed in writing.

Agent of applicant.

2. An agent of the applicant shall be a resident in the vicinity of the shipping point, and if the car order is signed by the agent of the applicant the appointment shall be deposited with the railway agent.

How cars shall be awarded. 198. Cars so ordered shall be awarded to applicants according to the order in time in which such orders appear in the order book, without discrimination between country elevator, loading platform or otherwise: Provided always that a car shall not be deemed to have been awarded to an applicant 30 unless it is in a proper condition to receive grain.

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Proviso.
Applicant to declare his intention and ability to load.

199. Each such applicant or agent, on being informed by the railway agent of the allotment to him of a car, in good order and condition, shall at once declare his intention and ability to load the said car within the next ensuing twenty-four 35 hours.

If he is unable to do so. 2. In the event of such applicant or agent being unable to so declare his intention and ability to load the car allotted to the applicant, the railway agent shall thereupon cancel the order by writing in ink across the face thereof, the word 'Cancelled' 40 and his signature, and shall fill in thereon the date of cancellation, and shall award the car to the next applicant entitled to it.

Cancellation of car order.

3. If the applicant, after declaring his intention and ability as aforesaid, shall not have commenced loading the car within 45 the period of twenty-four hours from the time of the notice to himself or his agent, as herein directed, the railway agent

Failure to load within 24 hours.

Cancellation.

shall thereupon cancel the order in the manner as aforesaid.

4. No cancellation of a car order shall be lawful unless made Procedure imperative. in the manner in this section provided.

200. At the time a car is ordered the railway agent shall Entries in 5 duly enter in ink in the order book,-

ordered.

(a) the date and time when the application is made;

(b) where the car is to be placed; and,

(c) the number of the application in consecutive order.

2. When the car has been furnished, he shall enter in ink When car 10 in the order book,-

(a) the date and time when the car was furnished;

(b) the car number; and,

- (c) when loaded, the date of such loading and the destination of the car.
- 201. The railway agent shall post up daily in a conspicuous Notice of place a written notice signed by him, giving the date of appli- application to be posted. cation and name of each applicant to whom he has on that day awarded cars for the loading of grain, and the car numbers so awarded respectively.

202. An applicant may order the cars awarded to him to be Spotting and spotted or placed by the railway company at any country placing of cars by elevator, or loading platform, or at any siding, or elsewhere company. subject to the provisions of this Act; and the railway company shall so spot or place cars as ordered by 25 applicants.

203. Each person to whom a car has been allotted under the Notice of foregoing provisions shall, before commencing to load it, notify by applicant the railway agent of its proposed destination. the railway agent of its proposed destination.

agent.

204. A car shall not be considered to be furnished or sup- When car is plied until it is placed for loading as directed in the application furnished. in the car order book.

205. If there is a failure at any shipping point to fill all car Order of orders as aforesaid, the following provisions shall apply to the in case of 35 application for and distribution of cars:-

fill car order.

(a) beginning at the top of the list in the order book and proceeding downwards to the last name entered on the list, each applicant shall receive one car as quickly as cars can be supplied;

40 (b) When an applicant has loaded or cancelled a car allotted to him he may, if he requires another car, become eligible therefor by placing his name, together with the section, township and range in which he resides, or other sufficient designation of his residence at the bottom of the 45 list; and when the second car has been allotted to him and he has loaded or cancelled it, he may again write

his name, together with such designation of his requireat the bottom of the list; and so on, until his requirements have been filled;

(c) No applicant shall have more than one unfilled order on the order book at any one time.

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Equitable distribution of cars during car shortage.

206. The Board shall have power in its discretion during a car shortage to direct the railroads to make an equitable distribution of empty grain cars to all stations in proportion to the amount of grain available for shipment from such stations.

Special powers to Board to order supply of cars.

207. The Board shall have power in its discretion to order cars to be supplied, contrary to the provisions of this Part, to elevators that are in danger of collapse, or in case where the operator of any country elevator reports in writing under oath that some portion of the grain in such elevator 15 is heated, and that in order to preserve the same it is necessary to ship such heated grain to the terminal elevator for treatment: Provided, however, that no relief shall be granted in such last mentioned cases as long as the warehouseman has plenty of room in his building for the rehandling of such 20 grain.

Powers.

Conditions respecting carloads to eastern points.

208. Grain in carloads offered for shipment to points in Canada east of Winnipeg may be consigned 'to be held at Winnipeg for orders' en route to its destination on the direct line of transit on the following conditions:-

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(1) The shipper shall pay to the agent of the transportation company at the point of shipment the sum of three dollars per

(2) The shipper shall endorse upon the consignment note and shipping receipt 'This car to be held at Winnipeg for 30 orders,' with the name and address of some company, firm, or person resident in Winnipeg, who will accept advice from the carrier of its arrival in Winnipeg and who will give to the carrier instructions on behalf of the owner for its disposal

(3) Twenty-four hours free time after such advice of 35 arrival shall be allowed the advisee in which to dispose of the

property.

(4) If the carrier, within twenty-four hours free time referred to in paragraph (3), receives written directions for delivery within its Winnipeg-St. Boniface terminals, such 40 delivery shall be made to team tracks or industrial spurs or sidings within its own terminals upon payment of the current grain rate in effect to Winnipeg or St. Boniface at the time of shipment, and surrender of the bill of lading.

(5) The carrier may, in the absence of written instructions 45 from the advisee for the disposal of the grain within the free time mentioned in paragraph (3), forward the grain to its

destination as consigned.

(6) Grain shipped to be 'held at Winnipeg for orders' delivered in Winnipeg or St. Boniface, as provided for in paragraph (4), may be sent forward to any point in Canada east of Winnipeg within six months of its receipt at Winnipeg or St. 5 Boniface at the balance of the through rate from the initial point to destination, as provided in the carrier's authorized tariff in force on the date of the initial shipment, plus one cent per hundred pounds terminal charges, less the \$3.00 per car mentioned in paragraph (1).

(7) The detention of grain at Winnipeg-St. Boniface, under this section, shall not affect the application of the provisions

of Part II of this Act with respect to such grain.

(8) In case of the congestion of traffic caused by the operation of this section, the Board of Railway Commissioners may 15 make an order suspending the operation of this section for the period mentioned in such order.

(9) The provisions of this section shall have effect only from the fifteenth of December in any year to the first day of

September in the following year.

20 209. Nothing in this Part shall be construed to relieve any Liabilities railway company from any liability imposed by The Railway Railway Act Act, or to deprive any person of any right of action against a preserved. railway company conferred by that Act.

#### COMMISSION MERCHANTS.

210. Any person desiring to carry on the business of grain Application for license 25 commission merchant in the Western Inspection Division to deal on shall make application in writing to the Board for a license commission. to sell grain on commission, stating the locality where he intends to carry on such business, and the probable amount of business he will do monthly.

- 211. On receiving such application the Board shall fix Bond. the amount of a bond to be given to His Majesty with sufficient surety, for the benefit of persons entrusting such commission merchants with consignments of grain to be sold on commission.
- 35 212. If such commission merchant receives grain for sale Condition on commission, the said bond shall be conditioned that he faith- of bond. fully account and report to all persons entrusting him with grain for sale on commission, and pay to such persons the proceeds of the consignments of grain received by him, less the 40 commission earned on account of the making of such sale, and necessary and actual disbursements.

2. If he does not receive grain for sale on commission the Idem. bond shall be conditioned for the faithful performance of his

duties as such commission merchant.

Q-8

License fee

213. Upon the execution of such bond to the satisfaction of the Poard, and upon payment of the license fee of two dollars, the Board shall issue a license to the applicant to carry on the business of grain commission merchant until the expiration of the current license year: Provided that if the amount of business done exceeds that provided for in the bond, the Board may at any time require such additional bond as they deem necessary.

Additional bond.

Statements exclusively for Board.

214. All statements made under the provisions of this Part shall be for the exclusive information of the Board, and 10 no other person shall be permitted to see or examine the said statements unless they are required for use in court, and in such case the Board shall produce all statements and documents referring to the case.

License to be a condition precedent. 215. No person shall engage in the business of selling grain 15 on commission, or receive or solicit consignments of grain for sale on commission, in the Western Inspection Division, without first obtaining such annual license from the Board.

Report and statement of sale by commission merchant. 216. Whenever any grain commission merchant sells all or a portion of any grain consigned to him to be sold on commission, he shall within twenty-four hours of such sale report such sale to the consignor, and shall render to the consignor a true statement of such sale showing,—

(a) what portion of the consignment has been sold;

(b) the price received therefor:

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(c) the date when each sale was made;(d) the name or names of the purchaser;

(e) the grade;

(f) the amount of advance;

(g) the terms and delivery of sale.

Form.

2. The said report and statement shall be in the form F in the schedule to this Part, and shall be signed by the grain commission merchant or by his duly appointed agent, and there shall be attached thereto vouchers for all charges and expenses paid or incurred.

Complaint in writing by consignor to Board.

217. Whenever any consignor who has consigned grain to any commission merchant, after having made demand therefor, 35 as aforesaid, receives no remittance, or report of the sale, or if in any case after report is made the consignor is dissatisfied with the report of sale thereof, he may make a complaint in writing, verified by affidavit or statutory declaration, to the Board, who shall thereupon investigate the sale complained of. 40

Powers of Board. 2. The Board may compel the commission merchant to produce his books and records and other memoranda of such sale and give all information in his possession regarding the report or sale so complained of, including the names of persons to whom the grain is sold or disposed of.

3. Immediately after the investigation the Board shall Board's render to the complainant a written report of the investigation, report of investigawhich shall be prima facie evidence of the matter therein con-tion. tained.

#### TRACK BUYERS.

5 218. Unless already licensed and bonded sufficiently in the License and opinion of the Board to carry on the business of a track buyer, track buyers. no person shall carry on the business of a track buyer without first having obtained a license so to do from the Board and entered into a bond, with sufficient sureties, for such 10 amount and in such form as is approved by the Board.

2. The annual fee for such license shall be two dollars.

3. This section shall not apply to any person who, at or Cash before the time of the receipt of the grain, pays to the vendor purchases of the full purchase price thereof.

219. Every person licensed as a track buyer shall on demand Payment of 15 within twenty-four hours after the receipt of the expense bill the purchase and certificates of weight and grade, account to and pay over to the vendor the full balance of the purchase money then unpaid, and shall, upon demand, by, or on behalf of the vendor, 20 furnish duplicate certificates of weight and grade, with car

number and date and place of shipment. 2. Every person who buys grain on track in carload lots, Duties of

shall keep true and correct account in writing in proper books of all grain bought by him in such carload lots, and shall de-25 liver to the vendor of each such carload lot of grain, a grain purchase note, retaining himself a duplicate thereof; which note shall bear on its face the license season, the license number of such track buyer's license, the date and place of purchase, the name and address of such track buyer; the name and 30 address of the vendor, the initial letter and number of the car purchased, the approximate number of bushels and kind of grain contained therein, and the purchase price per bushel in store at Fort William, Port Arthur or other destination; such grain

purchase note shall also express upon its face an acknowledg-35 ment of the receipt of the bill of lading issued by the railway company for such carload shipment, the amount of cash paid to the vendor in advance as part payment on account of such car lot purchase, also that the full value of the purchase money shall be paid to the vendor immediately the purchaser shall 40 have received the grade and weight certificates and the railway

expense bill. Every such grain purchase note shall be signed by the track buyer or his duly appointed agent, and the vendor shall endorse his acceptance of the terms of the sale thereon as well as his receipt for payment of the money advanced him

45 on account of such carload lot sale.

Application of Act to licenses.

220. All provisions of this Part relating to commission merchants shall, so far as applicable, apply to licenses issued to track buyers.

### General Provisions.

Pooling of country prohibited.

**221.** No person or corporation, or their agent, operating a country elevator, shall enter into any contract, agreement, understanding or combination with any other such person, cor- 5 poration, or their agent, for the pooling or division of earnings or receipts of such country elevators, or divide with any other such person or corporation, or their agent, the gross or net earnings or receipts of such country elevators or any portion thereof.

Penalty.

2. The contravention of any provision of this section shall be an offence against this Part punishable, on summary conviction, by a fine not exceeding one thousand dollars and not less than five hundred dollars, for each offence.

10

Uniform charges.

222. The rate that may be charged for the cleaning or 15 storing of grain in any country elevator shall be the same in all the elevators operated by any one person or company: Provided, however, that if it is shown to the satisfaction of the Board that a lower rate than that charged for cleaning or storing grain in the elevators of any person or company is necessary at 20 any point in order to meet competition, the Board may give written permission to charge such lower rates at that point as are in its opinion necessary to meet such competition, and at the same time authorize the ordinary rates at all other elevators belonging to such person or company.

Time for loading car.

223. Twenty-four hours shall be allowed for loading a car direct from vehicles or at a flat warehouse, which twenty-four hours shall be reckoned from the time when the car is placed at the shipper's disposal on siding.

Daily statement for nearest

224. Every operator of a country elevator shall, at the 30 close of every day that such an elevator is open for business, station agent. furnish to the nearest station agent of the railway, upon the line of which such elevator is situate, a statement of the total quantity of grain that day taken into such elevator and of the total quantity of grain in store in such elevator at the end of 35 the day.

Warehouses or elevators doing business on 6th July, 1900

225. Any country elevator which was on the sixth day of July, one thousand nine hundred, doing business in the storing or shipping of grain at any point on the line of any railway in the Western Inspection Division, shall be allowed to con- 40 tinue to do business at that point, and shall not, without the consent of the owner, except for non-compliance with the law,

be removed, or refused cars for the shipping of grain, although elevators of greater or other capacity are erected at such point.

226. All moneys collected under the provisions of this Part How moneys shall be paid to the Board for deposit to the Consolidated shall be dealt with 5 Revenue Fund of Canada as provided in Section 61 of this Act.

227. Nothing in this Act shall be construed to require the Grain not receipt of any kind of grain into any elevator in which there required to be received is not sufficient room to accommodate or store it properly, or if no room in cases where the elevator is necessarily closed.

228. The Chief Inspector and any inspector, deputies or Inspectors to officials serving under him, before opening the doors of any car examine condition of containing grain upon its arrival at any place designated by grain cars. law as an inspection point, for the purpose of inspecting such grain, shall,-

(a) ascertain the condition of such car and determine 15 whether any leakages have occurred while the car was in transit; and,

(b) make a record of any leakages found, stating the facts connected therewith.

2. Such inspector, deputy or official shall forthwith report the Report. defective condition of such car to the proper, railway official, and to the Board.

229. For the purpose of preserving the identity of grain in Identity of transit from Winnipeg to points of consumption in eastern grain.

25 Canada or to ports of export shipment on the seaboard, the Board may grant to any shipper permission to lease for such term as is approved by him special bins in such terminal elevators as are necessarily used in the transportation of grain eastward from Winnipeg for the special binning of

30 grain in transit. The bin capacity which may be so leased in any terminal elevator shall be as the Board shall approve, but shall not be less than sixteen thousand bushels in any such elevator. The term of the several leases shall be as approved by the Board.

2. The shipper receiving such permission may, subject to its terms, enter into an agreement for the lease of special bins in terminal elevators necessary to the transportation of grain

from Winnipeg to the point of destination.

3. The rates to be paid for the lease of such special bins 40 shall be such as are agreed upon: Provided that on payment of the regular rate for the full capacity leased for the full term of the lease the shipper acting under the permission of the Board as in this section provided, shall be given a lease of the bin capacity to which he thereby becomes entitled.

4. Upon the shipper who has secured such permission producing to the Board satisfactory evidence that he holds leases of such special bins in the several terminal elevators necessary to the transportation of grain from Winnipeg to the point of destination as will enable him to 5 preserve the identity of the grain during its transportation from Winnipeg to the point of destination in not less than 16,000 Winnipeg to the point of destination in lots of not less than sixteen thousand bushels each, and that such leases are in accordance with the permission already granted, the Board 10 may authorize such shipper to take such means as are necessary or possible within the provisions of this Act to preserve the identity of grain which he desires to ship through the elevators in which he holds leases of special bins.

5. The Board shall issue such instructions and regulations 15 within the provisions of this Act as are practicable and necessary for the preservation of the identity of grain which is being shipped by the shipper to whom permission has been given as provided in this section, using the bins specially leased in the several elevators as above provided for the storage and transcent of such grain: Provided always that nothing in this section or in such instructions or regulations shall be construed to authorize the placing of grain of different grades in the same

special bin in any terminal elevator.

6. An infraction of any of the instructions or regulations 25 issued by the Board under this section shall be deemed to be an infraction of the provisions of this Act.

7. The provisions of Part II of this Act shall apply to grain specially binned in transit under the provisions of this section.

8. The provisions of this section shall have effect only from 30 the fifteenth day of December in any year to the first day of September in the following year.

Rules and regulations. posted up.

230. The rules and regulations made under the authority of this Act shall be posted up by the Board in a conspicuous place in every licensed elevator.

Certain regulations to be posted up by owner of elevator, 231. Such of the said rules and regulations as refer to deal ings between producers, buyers, shippers and elevators, together with such portions of this Act as the Board deems proper, shall be printed in reasonably large type by the Board and posted in a conspicuous place in every licensed elevator by 40 the owner thereof.

Kind of sieves to be used.

232. When testing sieves are used for the purpose of dockage, the wire cloth used in their construction shall have ten meshes to the inch each way and be of number twenty-eight standard gauge hard tinned steel wire, and every such sieve 45 shall be verified by the Board.

2. No damaged or defective sieves shall be used.

233. Any person in charge of scales at any elevator under Defective this Act who finds that such scales are defective shall report the scales to be reported. fact to the inspector of weights and measures, and to the owner of such elevator.

2. No new elevator shall be operated until the scales are Inspection inspected and approved by the proper weights and measures of scales. officials.

234. Where in any elevator grain is cleaned before As to weight of cleaned being weighed the provisions of this Act requiring statement grain. 10 of gross weights shall not apply to such grain.

235. The Board may, within one year from the time of Board may any license being revoked, refuse to renew the license or to renew license. grant a new one to the person whose license has been revoked.

#### OFFENCES AND PENALTIES.

236. Except as to the delivery of grain previously stored Penalty on unlicensed 15 in a terminal elevator, every person who transacts the business warehouseof a terminal warehouseman, without first procuring a man. license as herein provided, or who continues to transact such business after such license has been revoked, shall, on conviction upon indictment, be liable to a penalty of not less than 20 fifty dollars nor more than two hundred and fifty dollars for each and every day he so transacts or continues to transactsuch business.

237. Every person who, by himself or by his agent or Interfering with weight employee, refuses or prevents a weighmaster or any of his masters. 25 assistants from having access to his scales, in the regular performance of his or their duties in supervising the weighing of grain in accordance with this Act, shall, upon summary conviction, be liable to a penalty not exceeding one hundred dol- Penalty.

lars for each offence.

238. Every person who,-(a) operates a country elevator without first procuring a Operating license as herein provided; or

(b) after his license in that behalf has been revoked con- license. tinues to transact any business connected with the operation of a country elevator, other than the delivery of grain previously to such revocation stored therein; shall on conviction, upon indictment, be liable to a penalty of Penalty.

not less than ten dollars and not more than fifty dollars for

cach and every day he so operates such clevator or continues 40 to transact such business.

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239. Every person who uses any form other than those in Using any the schedule to this Part or authorized by the Board with the than those approval of the Governor in Council shall in case any of such in schedule.

forms is applicable, be guilty of an offence under this Act, and shall be liable to a fine or forfeiture of license.

Penalty. Falsification or misstatement of weight. **240.** Every person who wilfully falsifies or misstates the weight of grain as weighed, or who uses concealed or other weights in such a way as to falsify or change the apparent weights of grain being weighed, shall be guilty of an offence punishable with fine or forfeiture of license, or both.

Penalty.
Manipulation of grain with intent to deceive.

241. Every person offering for sale or storage grain the different qualities of which have been wilfully manipulated with intent to deceive the person to whom it is so offered for 10 sale, or the person receiving it for warehousing, as to the true quality of such grain, shall be guilty of an offence.

Penalty for certain offences as respects terminal elevators. 242. Every person is guilty of an offence and liable on suntmary conviction to a penalty of not less than five thousand dollars and costs and not exceeding twenty thousand dollars 15 and costs and to imprisonment for any term not exceeding two years, who—

Owner, etc., who deals, etc., etc., in grain.

(a) while owning, operating or being otherwise interested in any terminal elevator buys or sells or is a shareholder in a company which buys or sells grain in Canada or else-20 where or who is individually or as a shareholder in a company interested in the storage of grain otherwise than in a terminal elevator: Provided, however, that no person shall be deemed to be interested in a terminal elevator in consequence of his being a shareholder or otherwise in-25 terested in any railway company owning or operating a terminal elevator;

Proviso.

(b) mixes different grades of grain while such grain is stored in any terminal elevator;

Mixing grades.

stored in any terminal elevator;
(c) makes any untrue statement (with respect to anything 30)

Untrue statements.

c) makes any untrue statement (with respect to anything required by this Act) as to the receipts or shipments into or out of any terminal elevator or as to the quantity, kind or grade of grain in store in a terminal elevator.

Personal liability of officers, etc. of corporations.

2. If any corporation is emonvicted of an offence under this section, every officer of such corporation and every person 35 interested in or employed by the said corporation who had any part or share in the commission of such offence, shall also be personally liable to the said penalties.

Suspension of license.

3. Any terminal elevator in respect of which or in which any offence mentioned in this section has been committed shall 40 not be licensed or operated for a period not exceeding one year in the discretion of the Board after the conviction of the person committing the offence.

Person violating this Act.

243. Every person guilty of an infraction of, or failing to comply with the requirements of this Act, for which a penalty is 40 not in this Act provided, or of any rule or regulation made

pursuant to this Act, shall, upon summary conviction, in addition to any other punishment prescribed by law, be liable to a penalty of not less than ten dollars, nor more than one thousand Penalty. dollars, and, in default of payment, to imprisonment for not 5 less than one month nor more than one year.

244. Every corporation guilty of an infraction of, or fail- corporation ing to comply with the provisions of this Act, for which a violating this Act. penalty is not in this Act provided, or of any rule or regulation made pursuant to this Act, shall, upon summary conviction, in 10 addition to any other punishment prescribed by law, be liable to a penalty of not less than ten dollars nor more than one Additional thousand dollars.

penalty.

245. Every one who,-

(a) transfers or sells his right to any car allotted to him for connection with shipping grain, or to be allotted to him for shipping grain applications for cars.

(b) purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for ship-

ping grain; or,

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(c) loads any such car which has not been allotted to him by the station agent, or out of his turn loads such car; or,

(d) not being the agent, duly authorized in writing, of an applicant for a car for shipping grain, obtains the placing of a name on the car-order-book as the name of an applicant for a car for shipping grain;

is guilty of an offence and liable, on summary conviction, to a Penalty. penalty not exceeding one hundred and fifty dollars and not less

than twenty-five dollars.

2. One-half of any penalty imposed under this section, with Disposal of full costs, shall be paid to the person who informed and pro-penalty. secuted for the same.

#### REPEAL.

246. The following enactments are hereby repealed, on Repeal. and after the date upon which the Board of Grain Commis-Date. \* 35 sioners for Canada is appointed by the Governor in Council as provided by section 3 of this Act:-

The Manitoba Grain Act, chapter 83 of The Revised R.S., c. 83.

Statutes of Canada, 1906.

The Manitoba Grain Inspection Act, 1908, chapter 45 of 1908, c. 45. 40 the statutes of 1908.

Part II of The Inspection and Sale Act, chapter 85 of The R.S., c. 85.

Revised Statutes of Canada, 1906.

The Inspection and Sale of Grain Amendment Act, 1908, 1908, c. 36. chapter 36 of the statutes of 1908.

#### SCHEDULE.

#### A.

#### CASH TICKET.

No

Station. (Date) Purchased from Net bushels pounds grade. Kind of grain (net weight in words). Price. Price per bushel \$ total cash payable \$ Total price (in words) gross weight bushels pounds. Dockage Net weight

By

Agent.

B.

#### STORAGE RECEIPT.

No.

## Elevator (or warehouse)

191

Received into store from bushels pounds grade kind of grain (weight and grade guaranteed by this warehouse) to be stored and insured against loss by fire under the following conditions:

The charge for receiving, cleaning, insuring against loss by fire, handling, storing fifteen days and shipping grain is cents per bushel. (It is provided by law that this charge shall not exceed per bushel.)

Each succeeding 30 days or part thereof is of a cent per bushel including insurance against loss by fire. (It is provided by law that this charge shall not exceed of a cent per bushel.)

Upon the return of this receipt and tender or payment of above named charges accruing up to the time of the return of this receipt, the above quantity, grade and kind of grain will be delivered, within the time prescribed by law, to the person above named or his order, either from this elevator or warehouse, or, if either party desires, in quantities of not less than carload lots at any terminal elevator in the Western Inspection Division, on same line of railway or any railway connecting therewith, as soon as the transportation company delivers the grain at the said terminal, and certificates of grade and weight are returned, subject to freight, weighing and inspection charges at such terminal point, the grade and weight of such grain to be delivered to be such as will conform to the grade, and, as nearly as possible, to the weight first above mentioned, on Government inspection and weighing thereof at such terminal point.

Weight gross
Dockage
Weight net

Bush.

"
"
"
"
"
"

(net weight in words)

By

Agents.

C.

STORAGE RECEIPT FOR SPECIAL BINNED GRAIN.

No.

Elevator (or warehouse)

, 191

Received into store from bushels pounds kind of grain Bin No. (weight and identity of grain guaranteed by this warehouse) to be stored and insured against loss by fire under the following conditions:

The charge for receiving, cleaning, insuring against loss by fire, handling, storing 15 days and shipping grain is cents per bushel. (It is provided by law that this charge shall

not exceed cents per bushel.)

Each succeeding 30 days or part thereof is of a cent per bushel, including insurance against loss by fire. (It is provided by law that this charge shall not exceed

of a cent per bushel.)

Upon return of this receipt and tender or payment of above named charge, accruing up to the time of the return of this receipt the identical grain so received into store will be delivered within the time prescribed by law to the person above named or his order, either from this elevator or warehouse, or, if either party so desires, in quantities of not less than carload lots at any terminal elevator in the Western Inspection Division, on same line of railway or any railway connecting therewith, as soon as the transportation company delivers the grain at said terminal, and certificates of grade and weight are returned. subject to freight, weighing and inspection charges at such terminal point. It is guaranteed that the weight of such grain

to be delivered will conform as nearly as possible to the weight first above mentioned, on Government weighing thereof at terminal point.

Weight gross	bushels	pounds.
Dockage net	"	besself" of
Weight net	Messa etta (	Herain as pa
(net weight in words)		

D.

#### FLAT WAREHOUSE RECEIPT.

No.

Flat warehouse.

, 191 .

Received into bin No.

of this warehouse

from

bushels pounds. kind of grain (weight and identity

guaranteed by this warehouse) under the following conditions: The charge for use of such bin for six days (inclusive of one

day for loading on car but exclusive of Sunday) and for weighing in and out is of a cent per bushel. (The maximum charge allowed by law therefor being of a cent per bushel.) This warehouse does not insure grain.

Upon return of this receipt and payment or tender of above charges, the owner of said grain will be entitled to have it weighed for him while it is being taken out by him for shipping on car.

Such bin is furnished and such grain received on the understanding that the owner will within six days from the time such bin was furnished to him place therein and have ready for shipping and load on car, one carload of such grain: Provided, that if the owner is not furnished with car by the end of the fifth day of such period of six days, such period shall extend to twenty-four hours after car is furnished.

If a carload of grain is not delivered in said bin and loaded on car within the time above provided, the grain then in said bin will be loaded on car by this warehouseman at an additional charge of one-half of one cent per bushel and shipped to the terminal elevator for the owner, subject to freight and weighing and inspection charges and all charges of this warehouse, including such additional half-cent per bushel for loading on car, or this warehouseman may sell such grain on account of the owner thereof and then shall be liable to account to the owner for the proceeds after deducting all proper charges.

Ву

Agent.

## E.

## CAR-ORDER BOOK.

	Ranway Company		hanway company		
ORIGINAL	CAR ORDER.	RECEIPT.	CAR ORDER.		
	Date		Date		
	Time		Time		
Order No		Order No			
.volect.it	Station.		Station.		
To be place	ed at	To be placed	To be placed at		
Capacity o	of car	Capacity of c	Capacity of car		
Destination	n	Destination.	Destination		
Date when	supplied	Date when su	Date when supplied		
Date when	cancelled	Date when ca	Date when cancelled		
Date when	loaded	Date when lo	Date when loaded		
No. car su	pplied	No. car suppl	No. car supplied		
agent appointed	eclare by myself or ed in writing that at g this order I am the f a car lot of grain for	I hereby a this order.	acknowledge receipt of		
Applica	nt's signature	(Station	agent's signature)		
Applica	nt's residence				
(Agent's	s signature)				
(Agent's	s residence)	P PT C			

F.

REPORT	OF SAL	Е ВҮ	COMM	ISSION	MER	CHANT.
				No		
				License ye	ar 191	-191
				Licer	ase No.	
I	ICENSED O	RAIN C	OMMISSI	ON MERCH	ANTS.	-
To(Name of	t consignor.)				(Date.)	191
		(Address	of consign	nor.)		
We advise	e the follow				account	to-day.
Sold to	Quantity.	Grade.	Price.	Amount of Advances.	Terms.	Delivery.
		er colette	31.70		e manufacture	dentity
						TO SERVICE OF
						nale de Salabas ante la prais aron la antes
	1	1			7-7-8-1	coA.
		Yo	ours trul	y,		

G.

# TRACK BUYER'S PURCHASE NOTE.

License No
ABL C Insufapping And
I have this day brought frominitial letter car Nocontainingbushels(more or less) at cents per bushel basis
Receipt of bill of lading for same property endorsed by the consignee is hereby acknowledged.  I have made an advance to Mr
The spread between grades is to be governed by that existing on day of inspection, and this rule shall also apply to commercial grades.
Remarks
Buyer.
Accepted, also received payment of advance, \$
Seller.

THE SENATE OF CANADA.

BILL

Q

An Act respecting Grain.

Received and read a first time

Tuesday, 7th February, 1911.

Second reading

Tuesday, 14th February, 1911.

The Right Honourable
SIR RICHARD CARTWRIGHT, K.C.M.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### CANADA SENATE OF

## BILL R.

An Act to amend the Chinese Immigration Act.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The Chinese Immigration Amend-Short title. 5 ment Act, 1911.
  - 2. In this Act the expression "the principal Act" means The Interpreta-Chinese Immigration Act, chapter 95 of the Revised Statutes, R.S., c. 95. 1906.
  - 3. Section 4 of the principal Act is hereby repealed. repealed. Explanatory Note.—The present section defining the term "merchant" has not, in recent years, been found sufficient. The definition will be further restricted by the Governor in Council under clause 4, sub-clause 5(a). See explanatory note thereto.
- 4. Subsections 1 and 2 of section 7 of the principal Act, and S. 7 repealed. sections 2, 3 and 4 of chapter 14 of the statutes of 1908, are 1908, c. 14, repealed, and the following is enacted as section 7 of the principal repealed.
- "7. Every person of Chinese origin, irrespective of allegiance, R.S., c. 95, new s. 7. 15 shall pay into the Consolidated Revenue Fund of Canada, on Tax payable entering Canada, at the port or place of entry, or at such other by Chinese place as is hereinafter provided, a tax of five hundred dollars, Exemptions except the following persons who shall be exempt from such from payment, that is to say:—

of tax. "(a) Members of the diplomatic corps and other representing Diplomats, 20 tatives of the Government of China, their suites and their etc.

"(b) Consuls general, consuls and consular agents, their Consuls, etc. suites and their servants:

payment

"(c) The wives and children of the persons mentioned in para- Wives and 25 children of graphs (a) and (b) of this subsection; foregoing.

Explanatory Note.—Paragraphs (a). (b) and (c) are unchanged, except that the suites and servants of consuls and consular agents are added to the exempt Merchants.

Certificate of identity. "(d) Merchants and tourists, who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, and also, if so required by the controller, shall produce certificates of identity or other similar documents issued by the Government or by a recog- 5 nized official or representative of the Government whose subjects they are, specifying their occupation and their object in coming into Canada. Every such certificate or other document shall be in the English or French language, and shall be examined and endorsed (visé) by a British 10 Consul or Chargé d'Affaires or other accredited representative of His Majesty at the place where it is granted or at the port or place of departure;

Explanatory Note.—There is a slight restriction added in paragraph (d). At present the status has to be proved either to the satisfaction of the controller or else Chinese must bear the certificates referred to; in either case they are free. Under the new provision their status must be proven to the satisfaction of the controller at the port of entry in any event.

Merchants sons in certain cases. "(e) Any person who being over twenty-one but under thirty years of age and the son of a merchant, comes to Canada 15 for the purpose of becoming an active partner in his father's business, or of taking charge of that business if his father

Explanatory Note.—This is a new provision. The argument has been advanced that Chinese merchants, either being too old to carry on their business or dying in Canada, could not leave such business to be carried on by a minor son. Minor sons of merchants only are free. This clause will permit a son between the ages mentioned to come into Canada free for the purpose stated.

Clergymen. Savants.

"(f) Clergymen of the Christian religion;

"(q) Men of science;

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Explanatory Note.—Paragraphs (j) and (g) are unchanged, except that clergymen heretofore have not been limited to the Christian religion. This is a further restriction.

Students.

"(h) Any person who-

(i) in or under the control or direction of any educational body of good standing in China, such as a university, an educational guild, a board of education, high school, a mission college, or the like, pursues a regular course 25 of study in some one, or more, of the higher branches of learning as recognized in Canada;

(ii) has pursued studies qualifying him for entrance to, or otherwise required in the practice of, some profession, or to some calling in which special mental training, 30 whether scientific, technical or otherwise, is necessary;

(iii) having had a liberal education, is studying some special subject, such as art, science, literature, manners, customs, institutions, politics, history, or the like;

and who arrives in Canada and claims exemption on any of 35

the grounds mentioned in this paragraph.

Refund in certain cases to students.

If such person is not able to establish his right thereto, and pays the tax of five hundred dollars or any part thereof, he shall be entitled to a refund of the amount paid if, within two years and six months from the date of his arrival, he produces 40

to the chief controller such evidence as is required by regulations made under this Act that he has been for at least two years, and that he is at the time of the application for the refund, a bona fide student in attendance at some university, college, 5 school or other educational institution in Canada; and any such regulation may define the universities, colleges, schools and other educational institutions to which the provision for refund shall apply:

Explanatory Note.—Under paragraph (h) Chinese students possessing an advanced education, are to be exempt from the capitation tax. At present they are required to pay the tax, and may obtain a refund after one year at a university in Canada.

sity in Canada.

Under paragraph (h) Chinese students unable to prove their status may obtain a refund after attending the ordinary schools for a period of two years. Under the present law they are not entitled to any refund.

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(i) Any person qualified according to Chinese law or custom Chinese as a teacher of any sort of Chinese learning, if he is to be employed as such teacher continuously in any university, college, school or other educational institution within a reasonable time after his arrival in Canada;

Explanatory Note.—This paragraph is especially intended to exempt Chinese teachers for the Chinese schools on the Pacific coast.

(j) Any person born in Canada of parents of Chinese origin Persons born and returning to Canada after having left it for educational in Canada. 15 purposes, or for such other purposes as are defined in regulations made under this Act;"

Explanatory Note.—At present, minor children only are permitted to return. This paragraph will permit Chinese born in Canada to return free, even though they may be over 21 years of age.

"(k) The wife of any person exempt under paragraphs (d) to Wives.

(j), both inclusive, of this subsection;

Explanatory Note.—This paragraph adds to the exempt classes the wives of tourists, clergymen of the Christian religion, men of science, teachers and persons born in Canada.

(1) Children, under twenty-one years of age, of any person Children. 20 exempt under paragraphs (d) to (k), both inclusive, of this subsection;

Explanatory Note.—The additional exemption accorded under this paragraph is to the minor children of tourists, clergymen of the Christian religion, men of science, teachers, and persons born in Canada.

"2. The exemption granted by subsection 1 of this section Conditions of shall, except as regards the persons mentioned in paragraphs

25 (a), (b) and (c) thereof, be subject to the following conditions: "(a) That there is produced to the controller at the port of entry such evidence of identity, age, status, occupation or other qualification for exemption of the person claiming the

purpose by the Governor in Council; and,

"(b) That the authority or officer who under such regulations is to decide finally the sufficiency of such evidence, is satisfied that it is sufficient; and,

exemption, as may be required by regulations made for the

(c) That all other requirements of such regulations have

been complied with.

exemptions.

Payment of tax at destination instead of at port of entry

"3. Notwithstanding anything in this Act, but subject to any regulation made thereunder, any Chinese immigrant whose destination in Canada is other than the port or place at which he enters Canada, may proceed to his destination without paying at the port or place of entry the tax hereinbefore provided 5 for, if he proves to the controller at the port or place of entry that the amount of the tax has been paid by or for such immigrant to the Collector of Customs at such destination, or, if there be no Collector of Customs there, then to the Collector of Customs at the port nearest thereto.

Explanatory Note. - Subsections 2 and 3 are unchanged.

Burden of proof of right to exemption.

"4. Whenever any person claims exemption under this section the burden of proof of his right thereto shall rest upon the person claiming such right.

Explanatory No. - This is a new provision. The burden of proof of the right to free entry into Canada is now placed on the person of Chinese origin making such claim.

Regulations defining classes and evidence.

"5. The Governor in Council may make regulations further defining-

"(a) the persons comprised in the various classes entitled to exemption from payment of the tax payable under this

"(b) the nature, kind, form and sufficiency of evidence to be furnished in order to establish the right of any such person 20 to such exemption."

Explanatory Note.—Under the above sub-clause the Governor in Council may further define those who shall be exempt from the payment of the tax. The absence of such definition in the past has lead to extensive frauds in the case of alleged merchants.

Section added.

Burden of proof of

right to be in Canada

5. The following section is inserted immediately after section

14 of the principal Act:—

"14A. Whenever the question of the right to be in Canada is raised in the case of any person of Chinese origin who has been 25 arrested or apprehended, or is believed to have been smuggled into Canada or to have entered Canada without having complied with the requirements of the law respecting such a person, the burden of proof of such right shall rest upon such person."

Explanatory Note.—Clause 5 is a new provision. By it the burden of proof of the right to be in Canada is placed upon any Chinese person whose status is questioned, and who claims that he has entered Canada legally. At times the inability of the Crown to convict Chinese who have been smuggled into Canada has been a source of continual trouble, notwithstanding the fact that circumstantial evidence strongly pointed to their guilt.

R.S., c. 95, new s. 21.

Refund of tax to registered Chinese persons.

6. Section 21 of the principal Act is repealed and the follow-30 ing is substituted therefor:

"21. The person so registered shall be entitled to free entry on his return to Canada, or, if on his return to Canada he has paid the tax or any part thereof, to receive from the controller the amount so paid if,-35

"(a) his return is within twelve months of his registration

under section 20 of this Act: or,

"(b) when his return has been delayed by illness, his return is within eighteen months of such registration;

"Provided that in either of the above cases his identity shall be proved to the satisfaction of the controller, otherwise he shall 5 be subject to payment of the tax as in the case of a first arrival.

Explanatory Note.—The new section merely permits to Chinese six months' grace upon returning to Canada after twelve months' leave of absence, provided the return within 12 months is prevented by illness alone. For years past Chinese have been permitted leave of absence for one year, during which time they could return to Canada without the payment of the tax.

"2. On any question arising under this section the decision of Chief Controller shall be final."

R-2

BILL

R

An Act to amend The Chinese Immigration Act.

Received and read a first time

Friday, 10th February, 1911.

Second reading

Wednesday, 15th February, 1911.

The Right Honourable SIR RICHARD CARTWRIGHT, G.C.M.G.

OTTAWA
Printed by C. H. PARMELER
1 rinter to the King's most Excellent Majesty
1910-11

## BILL S.

An Act to incorporate The Albert and Moncton Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—

1. Frederick Vernon Wedderburn, barrister, and Thomas Incorpora-Maynard Robinson, accountant, both of the city of St. John, in the province of New Brunswick; James W. Domville, manufacturer, W. S. Gardner, civil engineer, and Edward

- 10 Domville, clerk, all of the city of Montreal, in the province of Quebec, Joseph D. Mackenzie, consulting engineer, Joseph C. D. Mackenzie, consulting engineer, J. Ernest Hawkins, capitalist, and John King, capitalist, all of the city of London, England, the Honourable Peter McSweeney, of the city of Moncton, in the
- 15 province of New Brunswick, senator, and the Honourable James Domville, of Rothesay, in the province of New Brunswick, senator, together with such persons as become shareholders in the company are hereby incorporated under the name of "The Corporate Albert and Moncton Railway Company" hereinafter called "the 20 Company".

2. The undertaking of the Company is hereby declared to be Declaration. a work for the general advantage of Canada.

- 3. The persons named in section 1 of this Act are hereby Provisional constituted provisional directors of the Company.
- 25 4. The capital stock of the Company shall be two hundred and Capital stock. fifty thousand dollars. No one call thereon shall exceed ten per Calls. cent. on the shares subscribed.
  - 5. The head office of the Company shall be at the Albert Head office. Mines, in the parish of Hillsborough, in the province of New Bruns-

wick, or at such other place as the Company may from time to time designate.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the second Wednesday in September.

Directors

7. The number of directors shall not be less than five nor 5 more than nine, one or more of whom may be paid directors.

Line of railway authorized.

8. The Company may lay out, construct, and operate a railway of the gauge of four feet, eight and one half inches from a point at or near Hillsboro, in the parish of Hillsborough, in the county of Albert, in the province of New Brunswick, to the 10 Albert Mines in the said parish of Hillsborough, and from thence by the most feasible route, to the city of Moneton, in the county of Westmoreland, in the province of New Brunswick.

Vessels.

9. The Company may, for the purposes of its undertaking, construct, acquire, charter and dispose of steam and other 15 vessels, of every kind and description, for the conveyance of trains, cars, passengers, goods and merchandise, and navigate them to and from the terminal points of its line of railway from and to ports in Canada and elsewhere; and may construct, Wharves and acquire, lease and dispose of wharves, docks, elevators, ware-20 houses, terminal facilities, and other structures to be used to facilitate the carrying on of the business of the Company in connection therewith; and may carry on the business of wharfingers and general warehousemen.

Wharfinger

buildings.

business Issue of securities.

10. The Company may issue securities with respect to its rail-25 way, exclusive of the railway upon the bridge mentioned in section 11 of this Act, to an amount not exceeding thirty thousand dellars per mile of single track, with an additional amount of fifteen thousand dollars per mile of double track; and such securities may be issued only in proportion to the length of 30 railway constructed or under contract to be constructed.

Bridge across Peticodiac River.

11. The Company may lay out, construct, operate, maintain and use a bridge across the Peticodiac River, at the city of Moncton, for foot passengers, vehicular and general traffic, street railway and railway purposes.

Tolls.

2. If the Company constructs the said bridge for the use of foot passengers, vehicular and general traffic, and street railway traffic, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers, carriages and all classes of vehicles and street cars shall, before being imposed, 40 first be submitted to and approved of, and may be amended and

Approval.

Proviso.

modified from time to time, by the Board of Railway Commissioners for Canada: Provided, however, that the Company may at any time reduce the same; and a notice showing the tolls Notice. authorized to be charged shall at all times be posted up in a

conspicuous place on the said bridge.

3. The Company shall not commence the said bridge until it Approval 5 has submitted to the Governor in Council plans of the said of plans. bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit, for the public good and the right of navigation, to impose 10 touching the said bridge and works, have been complied with.

12. The Company may issue bonds, debentures, or other Issue of securities to the extent of five hundred thousand dollars in aid securities on bridge. of the construction of the bridge mentioned in section 11 of this Act, and such securities may be secured by a deed of mortgage

15 describing the property charged as security for such bonds or debentures, and such deed of mortgage may contain provisions Mortgage that all tolls or revenue derived from the use of said bridge by deed other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that

20 the Company shall pay to the trustees of such mortgage rates and tolls similar to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds; and such deed of mortgage may also stipulate that the said bonds, debentures, or other securities 25 issued in respect of the said bridge shall also be secured by the whole undertaking of the Company.

13. The Company may, subject to the provisions of *The Rail*-Telegraph way Act, construct and operate telegraph and telephone lines and telephone lines. upon its railway, and establish offices for and undertake the R.S., c. 37.

30 transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the

35 lines of, or may lease its own lines to, any such companies. 2. No toll or charge shall be demanded or taken for the trans- Tolls or mission of any message or for leasing or using the telegraphs or charges. telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also

40 revise such tolls and charges from time to time. 3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. as are inconsistent with this Act or with The Railway Act, shall apply to the telegraphic business of the Company.

14. Subject to the provisions of sections 361, 362 and 363 of 45 The Railway Act the Company may enter into agreements for any of the purposes specified in the said section 361 with The General Oil Shales Company of Canada, Limited.

BILL

S

An Act to incorporate The Albert a Moncton Railway Company.

Received and read a first time,

Tuesday, 14th February, 1911.

Second reading,

Thursday, 16th February, 1911.

Honourable Mr. McSweeney.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majest;
1910-11

## BILL T.

## An Act for the relief of Matilda Emo.

THEREAS Dame Matilda Emo, presently residing at the city Preamble. of Montreal, in the province of Quebec, wife of Peter Henry Hibbard, presently of the city of Quebec, in the province of Quebec, machinist, has by her petition alleged, in effect, that 5 they were lawfully married on the eighth day of January, A.D. 1896, at the said city of Montreal, she then being the widow of John Frederick Lisle, in his lifetime of the said city of Montreal; that the legal domicile of the said Peter Henry Hibbard was then and is now in Canada; that at the city of Quebec, in the 10 province of Quebec, on or about the twenty-seventh day of April, A.D. 1910, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; 15 and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore 20 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:--

- 1. The said marriage between Dame Matilda Emo and Peter Marriage Henry Hibbard her husband, is hereby dissolved, and shall be dissolved. henceforth null and void to all intents and purposes whatsoever.
- 25 2. The said Dame Matilda Emo may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again marriage with the said Peter Henry Hibbard had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

T

An Act for the relief of Matilda Emo. .

Received and read a first time

Wednesday, 15th February, 1911.

Second reading

Friday, 17th February, 1911.

Honourable Mr. Owens.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

# BILL U.

An Act to incorporate Revillon Frères Trading Company, Limited.

WHEREAS a petition has been presented praying that it be Preamble. enacted as herein set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Com-5 mons of Canada, enacts as follows:—

1. Victor Revillon and Albert Revillon, merchants, both of Incorporation the city of Paris, France; Thierry Mallet, merchant, of the city and district of Montreal; Gordon Walters MacDougall, King's Counsel, and Lawrence Macfarlane, advocate, both of 10 the city and district of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of "Revillon Frères Trading Company, Limited," Corporate hereinafter called "the Company".

- 2. The persons named in section 1 of this Act are hereby Provisional 15 constituted the first or provisional directors of the Company.
  - 3. The capital stock of the Company shall be one million Capital stock. dollars, divided into shares of one hundred dollars each, and may be issued and allotted by the directors from time to time as Calls. they deem necessary.
- 20 4. The head office of the Company shall be in the city of Head office. Montreal, in the province of Quebec, or at such place in Canada as is from time to time determined by by-law of the Company.

5. The Company may—

(a) manufacture, buy, sell, trade and deal in furs, skins, Manufacture 25 leathers and other commercial articles and merchandise of every and sale of description, and carry on all other detail branches of business furs, etc. usual or conveniently connected with any such businesses as aforesaid:

(b) purchase or otherwise acquire, hold, lease or otherwise Acquisition 30 dispose of any real or personal property, rights or privileges

which may be necessary or useful for the carrying on of the

business of the Company;

Vessels. buildings, etc.

(c) construct, acquire, own, manage, charter, operate, hire, or lease all kinds of steam and sailing vessels, boats, tugs, and barges, and other vessels, wharves, docks, elevators, warehouses, freight sheds and other buildings necessary or convenient

for the purposes of the Company;

Acquisition of business or property of similar companies.

(d) purchase or otherwise acquire or undertake all or any part of the business, property, assets or liabilities of any partnership or company carrying on business with objects similar 10 in whole or in part to those of the Company, or possessed of property suitable and proper for the purposes of the Company;

Issue of paid up securities for above purposes.

(e) issue paid up shares, bonds, debentures or other securities for the payment either in whole or in part of any property real or personal, rights, claims, privileges, concessions or other 15 advantages which the Company may lawfully acquire; and also issue such fully paid shares, bonds, debentures or other securities in payment, part payment or exchange for the shares, bonds, debentures, or other securities of any other company doing business similar in whole or in part or incidental to the 20 business of the Company;

(f) purchase, acquire, hold and own the capital stock, bonds or other securities of any other company, corporation or individual carrying on or engaged in any business which the Company is empowered to carry on or engage in; and acquire, hold, 25 pledge or otherwise dispose of such shares, bonds or other securities notwithstanding the provisions of section 168 of

(g) raise and assist in raising money for, and aid by way

of bonus, loan, promise, endorsement, guarantee of bonds, 30

required in such manner as may from time to time be deter- 35

debentures or otherwise, any other company or corporation, and guarantee the performance of contracts by any persons or cor-

porations with whom the Company may have business relations (h) invest the moneys of the Company not immediately

Part II of The Companies Act;

R.S., e. 79, s. 168.

Acquisition,

securities of similar

companies,

Money aid to other corporations.

Guarantee of contracts.

Investment of moneys of Company.

Distribution of assets.

mined; (i) distribute among the shareholders of the Company in kind any property or assets of the Company, provided that the paid-up capital of the Company is not thereby impaired;

(j) amalgamate with any other company or companies having 40

objects similar to those herein enumerated;

Disposal of Company's

Amalgama-

and other

authorities.

Arrangements

(k) sell, lease, exchange, or otherwise dispose of, in whole or in part, the property, rights or undertakings of the Com pay for such consideration as may be agreed upon, and, in particular, property, etc. for shares, debentures or securities of any other company having 45 objects similar altogether or in part to those of the Company;

(l) enter into any arrangements with any governments or governments authorities, supreme, municipal, local or otherwise that may seem conducive to the Company's objects or any of them; and

obtain from any such government or authority any rights, privileges and concessions which it may be desirable to obtain; and carry out, exercise and comply with, or sell and dispose of

and carry out, exercise and comply with, or any such arrangements, rights, privileges and concessions;

(m) do all other acts and things which are incidental or Powers

(m) do all other acts and things which are incidental to prove the content of conducive to the attainment of the above objects or any of the above them, and carry on any business germane to the purposes and purposes. objects set forth and which may seem to the Company capable of being conveniently carried on or calculated directly or in-10 directly to enhance the value of or to render profitable any of the Company's properties or rights.

6. The Company shall be and is hereby vested with all and Property, every the property and assets, moveable and immoveable, rights, etc., of Revillon claims, privileges and choses in action situated in any place Brothers, Limited, 15 throughout Canada belonging to or the property of Revillon vested in this Brothers Limited, as chartered by Letters Patent of Canada Company. dated June 2nd, 1904, and shall be and is responsible for all the liabilities of the said Revillon Brothers Limited.

7. From and after the coming into force of the present Act Cancellation 20 the said Letters Patent of June 2nd, 1904, shall be cancelled and of Letters annulled, and the following rights, powers and privileges origin-incorporating Revillon Brothers Limited by chapter 154 of the Brothers, statutes of 1906 and as hereinafter modified and declared, shall Limited. be extended to and shall be used and enjoyed by the Company Powers under 1906, c. 154 incorporated by this Act, to wit: 25 incorporated by this Act, to wit:--

(a) The Company may make contracts with any government, Company corporation or person for the carriage of the mails in any portion incorporated by this Act. of the territory in which its fur and trading posts are now or Carriage of

hereafter may be established.

(b) The Company may buy, construct, lease, own and operate vessels. 30 ships and vessels for the carriage of passengers and of merchandise, and may carry on the business of wharfingers and warehouse- Wharfinger business.

(c) For the purposes of its undertaking and subject to Telegraph 35 the provisions of The Railway Act, the Company may con- and telephone

of its posts or settlements, as may be authorized by order in council; and for the purposes of operating such lines or exchanging and transmitting messages, may enter into contracts with any 40 companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies;

The Company may transmit messages for the public and Rates and collect rates or charges therefor, but no rate or charge shall be charges. demanded or taken for the transmission of any message or for

45 leasing or using the telegraphs or telephones of the Company until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time;

struct and operate telegraph and telephone lines between any R.S., c. 37.

R.S., c 126.

The Telegraph: Act shall apply to the telegraph business of the

Company:

Consent of municipalities as to telegraph or telephone highways.

Nothing in this section contained shall authorize the Company to construct or operate any telegraph or telephone lines upon, along or across any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality.

Timber limits.

(d) The Company may buy, lease, develope and sell timber limits and rights, and in connection therewith build, erect, 10 establish, own and operate saw mills and their accessories and sell and manufacture the product thereof, and also, in connection therewith or otherwise, purchase, lease, develope and sell water-powers and their accessories.

Saw mills.

(e) The Company may buy, lease, own, sell and operate mines 15 and the products thereof and deal in mining claims of every

Waterpowers. Mining.

description.

Land for colonization.

(f) The Company may buy, lease, sell, own and develope land for the purposes of colonization and of settlement.

Fishing and hunting.

(q) The Company may buy, sell, lease and dispose of fishing 20

and hunting rights and privileges.

Money forwarding.

(h) The Company may carry on the business of a money forwarder by post, telegraph or other means, in such portions of the territories and provinces of Canada as may be authorized by order in council in which its fur and trading posts are now or 25 are hereafter established.

Deposits of money by employees.

(i) The Company may receive money on deposit from its employees and servants upon such terms as to interest, security or otherwise as are agreed upon.

Powers to borrow money, issue bonds, etc.

(i) If authorized by by-law, sanctioned by a vote of not less 30 than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time-

(a) borrow money upon the credit of the Company;

(b) limit or increase the amount to be borrowed;

35 (c) issue bonds, debentures, or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient: Provided that such bonds, debentures or other securities may be for sums not less than 40 twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency.

(d) hypothecate mortgage or pledge the real or personal 45 property of the Company, or both, to secure any such bonds, debentures, or other securities, and any money

borrowed for the purposes of the Company

Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

8. The property and assets of Revillon Brothers, Limited, Description to be vested in the company incorporated by this Act shall be of property and assets deemed to be and consist of the properties specified in the transferred. Schedule to this Act; but nothing in this Act shall affect the rights of any creditors of the said Revillon Brothers, Limited.

9. The shares of the Company may be issued and allotted as Authority for fully paid to Revillon Fréres, a company duly incorporated issue of shares to under the laws of the Republic of France, or to its nominees, Revillon on a valuation of the assets hereby vested in the company as fully paid, incorporated by this Act, such valuation to be accepted and on certain conditions 15 approved by the directors and shareholders of the Company at conditions. meetings to be called for that purpose.

10. The majority of the directors of the Company need not Qualification be residents of Canada nor subjects of His Majesty, provided, R.S., c. 79, however, that at least two of such directors shall have these s. 127. 20 qualifications, and the directors may vote by proxy at meetings of directors.

11. Sections 127, 136, 137, 141 and 168 of part II of The As to application of R.S., c. 79. Companies Act shall not apply to the Company.

#### SCHEDULE.

Real estate, buildings, plant and accessories, including stock in trade, furs, merchandise, office fixtures, open accounts, bills receivable, cash on hand and in bank, and generally all rights, claims, privileges and choses in action the property of the Company situated at:-

Missanabie, province of Ontario.

Nepigon Ombabika 66 Long Lake " Fort Hope Matheson Cochrane

Pointe Bleue, province of Quebec.

Sept Iles " Bersimis Piastre Bay " Montreal "

North West River, Labrador. Red Bay " Ungava. Wakeham Bay, Hudson Straits. Port Harrison, Hudson Bay. Fort Georges, James Bay. Rupert " Moose Albany Strutton Akimiski Attawapiskat East Main " English River " Edmonton, Alberta. Arthabaska Landing, Alberta. Lesser Slave Lake " Sturgeon Lake " White Fish Lake
Peace River Crossing " Spirit River " Grand Prairie Fort St. Johns " Hay River " Fort Vermilion « Wabiscaw Trout Lake Calling Lake Prince Albert, Saskatchewan. Green Lake, Isle a la Grosse Buffalo River Portage La Loche Clear Lake The Dipper Montreal Lake Lake la Ronge Stanley Souris River Cumberland House " Pelican Narrows " Pukitawagan Lake du Brochet Also the following steamers:--Steamer "Ombabika," 30 tons, on Nepigon Lake, Ontario. Steamer "Minawa," 150 tons, on Nepigon Lake, Ontario. Steamer "Emilia," 130 tons, in James Bay.

And Schooner "Annie Geele," 30 tons, in James Bay.

Joining metal pieces, and but properties to the secretic in the secretic for the secretic properties of the 18 said petition. Therefore this bis case, we need so to the advise and repent of the coops and blanco at the coops of Caracks. between the territy of the person force for deep of the person for the person for the person for the person force for deep of the person force for the person force force force for the person force forc

BILL

U

An Act to incorporate Revillon Frère: Trading Company, Limited.

Received and read a first time
Wednesday, 15th February, 1911.

Second reading

Friday, 17th February, 1911.

Honourable Mr. BÉIQUE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majes
1910-11

## SENATE OF CANADA.

## BILL V.

An Act respecting a patent of the Goldschmidt Thermit Company.

WHEREAS the Goldschmidt Thermit Company, a body Preamble. politic and corporate, having its principal office in the city and state of New York, and a branch office and place of business in the city of Toronto, in the province of Ontario, has 5 by its petition represented that it is the owner of patent number 86085, dated 22nd March, 1904, issued under the seal of the Patent Office, for new and useful improvements in a process for joining metal pieces, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the 10 said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Notwithstanding anything in The Patent Act, or in the Extension of patent mentioned in the preamble, the Commissioner of Patents time for 15 may receive from the holder of the said patent an application of fees. for a certificate of payment of further fees and the usual fees for R.S., c. 69, the second and third terms for the said patent; and may grant s. 23. and issue to such holder the certificates of payment of further fees, provided for by The Patent Act, and extensions of the term Power for of duration of the said patent, in as full and ample a manner as issue of extension if the application therefor had been duly made within the first of patent. sixty years from the date of the issue of the said patent.

2. If any person other than any licensee has, in the period Saving between the expiry of six years from the date of the said patent, of rights acquired. 25 and the third day of January, 1911, commenced to manufacture, use or sell, in Canada, the invention covered by the said patent, such person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to Proviso. 30 any person who, without the consent of the holders of the said patent, has commenced to employ or manufacture the said invention before the expiry of the said patent.

BILL

V

An Act respecting a patent of the Goldschmidt Thermit Company.

Received and read a first time

Thursday, 16th February, 1911.

Second reading

Tuesday, 21st February, 1911.

Honourable Mr. GILLMOR.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

## BILL W.

An Act to correct a clerical error in the title of the French Version of chapter 142 of the statutes of 1910.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as 1910, c. 142. follows:—

1. The French version of chapter 142 of the statutes of 1910, French title 5 the title of the English version whereof is An Act to incorporate made to correspond the Ottawa and Montreal Transmission Company, Limited, is with English hereby amended by striking out from the title of the French version the words "Power and."

# BILL

# W

An Act to correct a clerical error in th French Version of chapter 142 of th statutes of 1910.

Received and read a first time

Friday, 17th February, 1911.

Second reading

Wednesday, 22nd February, 1911.

Honourable Mr. BÉIQUE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### BILL X.

An Act respecting The Manitoba Radial Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1907 c. 105.
grant the prayer of the said petition; Therefore His Majesty, 1909 c. 103.
by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

1. The Manitoba Radial Railway Company may, within two Time for years after the passing of this Act, commence the construction 1907, c. 105, of its railway and expend fifteen per cent of the amount of its s. 8. capital stock thereon, and may, within five years after the 1909, c. 103, 10 passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not made, or if the said railway is not finished and put in operation, the powers of construction conferred upon the said company by 15 Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 103 of the statutes of 1909 is hereby repealed.

Former time limit repealed.

# BILL

# X

An Act respecting The Manitoba Radia! Railway Company.

Received and read a first time

Tuesday, 21st February, 1911.

Second reading

Thursday, 23rd February, 1911.

Honourable Mr. Young.

OTTAWA
Printed by C. H. PARMELEN
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

## BILL Y.

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1906, c. 106;
grant the prayer of the said petition: Therefore His Majesty, 1910, c. 108.
by and with the advice and consent of the Senate and House
5 of Commons of Canada, enacts as follows:—

1. Of the authorized capital stock of The Hamilton, Waterloo Power and Guelph Railway Company, an amount not exceeding one preference million five hundred thousand dollars may be created prefer-stock. ence stock by a by-law to be passed in that behalf by the direc-1906, c. 106, 10 tors and sanctioned and approved by not less than two-thirds s. 4. 1910, c. 108, of the shareholders of the company, and such by-law may prosent vide for cumulative dividends at a rate not exceeding six per cent per annum accruing from such date as may be fixed therefor.

## BILL

# Y

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

Received and read a first time

Tuesday, 21st February, 1911.

Second reading

Thursday, 23rd February, 1911.

Honourable Mr. Gibson.

OTTAWA

Printed by C. H. PARMELEE Printer to the King's most Excellent Majesty 1910-11

### BILL Z.

An Act to incorporate The Canadian Surety Company.

WHEREAS the persons hereinafter named have by their Preamble. petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: therefore, His Majesty, by and with the advice and consent of 5 the Senate and House of Commons of Canada, enacts as follows:—

1. George Burn, bank manager, Arthur B. Brodrick, bank Incorporamanager, Charles E. Read, lumberman, Thomas Mackarell, tion. lumberman, Wilson Southam, publisher, James W. Woods, manufacturer, Harry S. Southam, publisher, William Louis 10 Scott, barrister, George David Kelley, barrister, all of the city of Ottawa, in the county of Carleton, together with such persons

as become shareholders in the Company are incorporated under Corporate the name of "The Canadian Surety Company", hereinafter name. called "the Company".

- 15 2. The persons named in section 1 of this Act shall be the Provisional provisional directors of the Company.
  - 3. The capital stock of the Company shall be one million Capital dollars.
- 4. The amount to be subscribed before the general meeting Subscription 20 for the election of directors is called, shall be one hundred and fifty thousand dollars.

  Subscription the general meeting subscription are general meeting.
  - 5. The head office of the Company shall be in the city of Head office. Ottawa in the province of Ontario.

6. The Company may carry on the business of:

(a) guarantee insurance as defined in *The Insurance Act*, 1910; authorized.

(b) plate glass insurance, including incurance against the least 1910, c. 32.

(b) plate glass insurance, including insurance against the loss or damage by breakage or otherwise of plate or other glass, either local or in transit;

(c) burglary insurance as defined in The Insurance Act, 1910.

Subscription and payment before commencing

7. The Company shall not commence the business of guarantee, plate glass and burglary insurance authorized by this Act, until two hundred and twenty-five thousand dollars of the capital stock have been subscribed and one hundred thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act.

2. The Company may commence the business of guarantee insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and sixty thousand dollars 10 have been paid in cash into the funds of the Company to be so

appropriated.

3. The Company may commence the business of guarantee insurance and plate glass insurance when one hundred and seventy-five thousand dollars of the capital stock have been sub- 15 scribed and seventy thousand dollars have been paid in cash into the funds of the Company to be so appropriated.

4. The Company may commence the business of guarantee and burglary insurance when two hundred thousand dollars of the capital stock have been subscribed and ninety thousand dollars 20 have been paid in cash into the funds of the Company to be so appropriated.

8. The Insurance Act, 1910, shall apply to the Company.

Second reading, Received and read a first time Wednesday, 8th March, 1911. Thursday, 23rd February, 1911.

Act to incorporate The Canadian

Surety Company.

Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

Honourable Mr. Scott.

## BILL A1.

An Act to incorporate The Restigouche Riparian Association.

WHEREAS an unincorporated association consisting of Preamble. corporations, private associations and individuals in the provinces of Quebec and New Brunswick, owning, leasing or interested in riparian rights and fishing privileges upon and 5 appertaining to the Restigouche and Matapedia rivers and their tributaries in the provinces of Quebec and New Brunswick, has been in existence for some time for purposes similar to those hereinafter set forth; and whereas the said association desires to become incorporated with power to secure in the provinces of 10 New Brunswick and Quebec the perpetuation of the Restigouche and Matapedia rivers and their tributaries as salmon streams; and to encourage and promote the propagation, both natural and artificial, of the Atlantic salmon; and upon their invitation to support the public authorities of the Dominion and Pro-15 vincial Governments in the proper development of salmon fishing as an industry; and to secure in the provinces of New Brunswick and Quebec a strict and impartial enforcement of the fish and game laws; and to provide a medium of mutual co-operation throughout the Dominion of Canada between 20 owners and lessees of riparian rights and fishing privileges, and any others interested therein, whereby such action or proceedings may be taken as may be necessary to protect fish and game and otherwise to induce or to secure obedience to and respect for such laws and their enforcement; and for such other objects 25 and purposes within the jurisdiction of the parliament of Canada as may be necessary and useful for any of the above purposes; and whereas the following persons, who are individual members of the said association or represent private associations and corporations who are members thereof, namely: Harry Stikeman, 30 banker; William Molson Macpherson, banker; Sir Hugh Montagu Allan, C.V.O., steamship owner; Charles Meredith, broker; Isaac Henry Stearns, treasurer of the Chamberlain Shoals Fish and Game Club; Henry Vincent Meredith, banker; Richard Bladworth Angus, gentleman; James Ross, gentleman;

all of the city of Montreal in the province of Quebec, Canada; and George G. de Witt, secretary of the Ristigouche Salmon Club; John Howard Wainwright, secretary of the Matamajaw Salmon Club; Dean Sage, lawyer; William P. Clyde, steamship owner; Frank S. Hall, lawyer; Charles G. Peters, retired 5 banker; Samuel Bettle, engineer; Howard Willets, merchant; Jules S. Ehrich, merchant; all of New York in the state of New York, one of the United States of America; have by their petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said peti- 10 tion: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. The persons mentioned in the preamble to this Act and all other members of the said present unincorporated association, 15 together with such other persons and private associations and corporations as become members of the corporation hereby created, are hereby constituted a corporation under the name of "The Restigouche Riparian Association," hereinafter called "the Association," for the purposes and objects set forth in the 20 preamble to this Act and in the schedule thereto as from time to time amended in accordance with this Act.

Corporate name.

Constitution.

Changes

2. The Association shall be governed as provided by its constitution which is set forth in the schedule to this Act, which constitution may from time to time be amended by the Associa-25 tion in any manner not inconsistent with the provisions of this Act or otherwise contrary to law.

Rules and by-laws.

3. The Association may from time to time make, alter or repeal as it may see fit, rules and by-laws for:-

Management.

(a) The administration, management and control of the 30 property, business and other affairs of the Association;

Membership.

(b) The qualification, classification and other conditions of membership and of representation in the Association, the admission and explusion of members, and the fees, dues and Dues. assessments that it may be deemed advisable to impose 30

from time to time;

Officers.

(c) The election and appointment of officers, and the duties and remuneration of all officers, agents and servants of the Association:

Committees.

(d) The appointment of an executive committee and of other 35 committees and their duties;

Meetings.

(e) The calling of meetings, regular or special, of the Association or of committees;

Quorum.

(f) The fixing of the necessary quorum and procedure in all things at such meetings; 40 (g) The establishment of the procedure necessary for amend- Procedure

ing the constitution of the Association;

(h) Generally, for the carrying out of the objects and purposes Seal. of the Association and the regulating of every matter and General. thing proper and useful to be done for the good of the

Association.

4. The head office of the Association shall be in the village Head office. of Matapedia in the county of Bonaventure in the province of Quebec.

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5. Subject to provincial laws, the Association may,—

(a) acquire and hold by gift, purchase or lease such real hold and deal property, not exceeding in the aggregate the value of one hundred property. thousand dollars, as may be required for its actual use and occupation and for the carrying out of its objects, and may sell, 15 lease, mortgage or otherwise dispose of and deal with the same;

and,

(b) have and enjoy all such other powers as may be necessary Powers for or useful for the carrying out of the purposes and objects pro- purposes of vided for in this Act.

20

6. The Association shall have power upon a vote of not less Borrowing than two-thirds of its members to,-

(a) borrow money upon the credit of the Association;

(b) limit or increase the amount to be borrowed;

(c) issue bonds, debentures or other securities of the Associa-25 tion for sums not less than one hundred dollars each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(d) hypothecate, mortgage or pledge the real or personal property of the Association, or both, to secure any such bonds, 30 debentures or other securities and any money borrowed for the

purposes of the Association.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the Association on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on 35 behalf of the Association.

7. Within six months from the passing of this Act the secre-Register of tary of the Association shall enter and shall certify under his constitution] signature in a register to be kept for that purpose the constitu-by-laws. tion of the Association and the then existing rules and by-laws 40 of the Association, and thereafter shall enter and shall so certify · in such register all changes in such constitution and all rules, by-laws and amendments thereof which may be made; and a

copy, certified by the signature of the secretary, of any such

Evidence.

entry in the said register shall, in all matters within the legislative authority of the Parliament of Canada, be *prima facie* evidence of the tenor thereof in all courts of law and equity in Canada.

#### SCHEDULE.

# THE RIPARIAN ASSOCIATION OF THE RISTIGOUCHE RIVER.

#### NAME.

The association organized by these articles is the Riparian Association of the Ristigouche river.

#### OBJECTS.

The objects for which the association is organized are: First: To secure the perpetuation of the Ristigouche and Matapedia rivers and their tributaries as sa mon fishing streams; Second: To encourage and promote the propagation both natural and artificial of the Atlantic salmon and, upon their invitation to support the public authorities in the proper development of salmon fishing as an industry; Third: To secure a strict and impartial enforcement of the fish and game laws and to provide a medium of mutual co-operation whereby action or proceedings may be taken as may be necessary to protect fish and game or otherwise in the interests of its members individually or collectively.

### MEMBERS.

The members of this association are owners and lessees of riparian rights and fishing privileges situated upon and pertaining to the Ristigouche and Matapedia rivers and their tributaries in the provinces of Quebec and New Brunswick, Dominion of Canada.

#### REPRESENTATION.

The representation of its members in the affairs of this association is based as follows: If an incorporated club, upon the number of its members; otherwise upon the number of rods for which the water owned or controlled by a member will provide fishing.

#### OFFICERS.

The officers of the association are a president, a secretary and a treasurer, whose duties are those usually pertaining to their respective offices. The offices of secretary and treasurer may be held by one person.

#### MANAGEMENT.

The affairs of this association are managed and controlled by an executive committee consisting of the president, secretary and three other persons elected from among its members. The officers and executive committee are elected at the annual meeting of the association and hold office for one year or until their success ors are elected.

#### MEETINGS.

The annual meeting of this association is held during the month of January at such time and place as may be determined by the executive committee. Other meetings are called by the president of the executive committee when deemed necessary.

#### EXPENSES.

The expenses of the association are provided for by as essments levied upon the members in proportion to their representation, the amount of such assessments being determined by the executive committee.

# BILL

# Aı

An Act to incorporate The Restigoue Riparian Association.

Received and read a first time

Thursday, 23rd February, 1911.

Second reading

Wednesday, 8th March, 1911.

Honourable Mr. Casgrain.

### OTTAWA

Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# FIRST REPRINT.

REPRINTED IN ACCORDANCE WITH THE DIRECTIONS GIVEN ON 23rd MARCH BY THE SENATE COMMITTEE ON RAILWAYS, TELEGRAPHS AND HARBOURS.

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

## BILL A1.

An Act to incorporate The Restigouche Riparian Association.

WHEREAS an unincorporated Association consisting of Preamble. corporations, private associations and individuals in the provinces of Quebec and New Brunswick, owning, leasing or interested in riparian rights and fishing privileges upon and 5 appertaining to the Restigouche and Matapedia rivers and their tributaries in the provinces of Quebec and New Brunswick, has been in existence for some time; and whereas the said association desires to become incorporated for the purposes hereinafter set forth; and whereas the following persons, who are individual mem-10 bers of the said Association or represent private associations and corporations which are members thereof, namely: Harry Stikeman, banker; William Molson Macpherson, banker; Sir Hugh Montagu Allan, C.V.O., steamship owner; Charles Meredith, broker; Isaac Henry Stearns, treasurer of the Chamberlain 15 Shoals Fish and Game Club: Henry Vincent Meredith, banker; Richard Bladworth Angus, gentleman; James Ross, gentleman; all of the city of Montreal in the province of Quebec, Canada; and George G. de Witt, secretary of the Ristigouche Salmon Club; John Howard Wainwright, secretary of the Matamajaw

20 Salmon Club; Dean Sage, lawyer; William P. Clyde, steamship owner; Frank S. Hall, lawyer; Charles G. Peters, retired banker; Samuel Bettle, engineer; Howard Willets, merchant; Jules S. Ehrich, merchant; all of New York in the state of New York, one of the United States of America; have by their

25 petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said peti-

tion: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorpora-

1. The persons mentioned by name in the preamble to this Act, and all persons, other than corporations, who are at the date 5 of the passing of this Act members of the unincorporated Association referred to in the preamble to this Act, and all such persons as thereafter, under the provisions of this Act, become members of the corporation hereby constituted, are hereby constituted a corporation under the name of "The Restigouche 10 Riparian Association", hereinafter called "the Association".

Corporate name.

- Corporate purposes.
- 2. The purposes of the Association shall be to promote and assist—

(a) the perpetuation of the Restigouche and Matapedia Rivers as salmon streams;

(b) the propagation by both natural and artificial means, of Atlantic Salmon in those waters; and, if so deemed expedient by the Association, in any other waters in Canada;

(c) the strict and impartial enforcement of the fishery laws of Canada, and of the fish and game laws of the provinces of 20 Quebec and New Brunswick;

(d) efforts made anywhere in Canada by owners or lessees of riparian rights or fishing privileges, or by any other persons interested, to induce obedience to and respect for the laws mentioned in paragraph (c) of this section.

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Constitution.

3. The constitution of the said unincorporated Association, which constitution is set forth in the schedule to this Act, shall, except in so far as it is inconsistent with this Act, be the constitution of the Association.

Power of amendment.

2. The Association may, from time to time, amend its constitution in any manner not inconsistent with this Act or otherwise contrary to law.

Rules and by-laws.

4. The Association may from time to time make by-laws, not contrary to law or to the provisions of this Act, for—

Management.

(a) The administration, management and control of the 30 property, business and other affairs of the Association;

Membership.

(b) The qualification, classification and other conditions of membership and of representation in the Association, the admission and explusion of members, and the fees, dues and assessments that it may be deemed advisable to impose 35 from time to time; but no corporate body shall be a member

of the Association;

Dues.

(c) The election and appointment of officers, and the duties and remuneration of all officers, agents and servants of the Association:

Officers.

(d) The appointment of an executive committee and of other Committees. committees and their duties;

(e) The calling of meetings, regular or special, of the Associa- Meetings.

tion or of committees;

(f) The fixing of the necessary quorum and procedure in all Quorum. things at such meetings;

(g) The establishment of the procedure necessary for amend- Procedure ing the constitution of the Association;

(h) Generally, for the carrying out of the purposes of the Seal. 10 Association and the regulating of every matter and thing General. proper and useful to be done for the good of the Association.

5. The head office of the Association shall be in the village Head office. of Matapedia in the county of Bonaventure in the province of Quebec.

15 6. Subject to provincial laws, the Association may acquire Power to by gift, purchase or lease such real property, not exceeding in hold and deal with real the aggregate the value of one hundred thousand dollars, as property. may be required for its actual use and occupation and for the carrying out its purposes, and may hold, use, manage, sell, lease, 20 mortgage or otherwise dispose of the same.

7. The Association shall have power upon a vote of not less Borrowing than two-thirds of its members to,-

(a) borrow money upon the credit of the Association;

(b) limit or increase the amount to be borrowed;

(c) issue bonds, debentures or other securities of the Association for sums not less than one hundred dollars each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

(d) hypothecate, mortgage or pledge the real or personal 30 property of the Association, or both, to secure any such bonds, debentures or other securities and any money borrowed for the

purposes of the Association.

2. Nothing in this section contained shall limit or restrict the borrowing of money by the Association on bills of exchange or 35 promissory notes made, drawn, accepted or endorsed by or on behalf of the Association.

8. Within six months after the passing of this Act the Register of Association shall cause to be entered in a register to be kept for constitution, by-laws and that purpose at the head office of the Association, and to be members of 40 certified therein by the signature of the secretary of the Associa- Association. tion, the then existing constitution and by-laws of the Association, and a list of the members of the Association, giving the full name, occupation, and post office address of each member.

2. Thereafter the Association shall cause to be entered in Entry of 45 the said register and to be so certified forthwith, all changes changes.

made in the constitution or in the by-laws, all new by-laws made, and all changes in the list of members or in the details thereof

hereinabove required.

Deposit of copy with Dominion and Provincial authories.

3. When the register is first made the Association shall forthwith deposit a certified copy thereof in the offices of the 5 Secretary of State of Canada, the Provincial Secretary of the Province of Quebec and the Provincial Secretary of the Province of New Brunswick, respectively. These copies shall be certified under the seal of the Corporation and the signature of the presiding officer or of the secretary of the Association.

Deposit of copy showing changes. 4. On or before the first day of March in every year, the Association shall deposit in each of the said offices a copy so certified of the said register containing all such changes as are mentioned in subsection 2 of this section which have been made up to the thirty-first day of December next preceding.

Penalty.

5. For any failure or neglect to comply with the foregoing requirements of this section the Association shall be liable, on summary conviction thereof, to a fine not exceeding fifty dollars.

Existing rights saved.

9. Nothing contained in this Act shall be construed as intended to take away, or impair in any manner whatsoever, any 20 right, duty, power, privilege, obligation or liability of any authority or person, with regard to the rivers Restigouche and Matapedia or any waters tributary to either of those rivers.

### SCHEDULE.

# THE RIPARIAN ASSOCIATION OF THE RISTIGOUCHE RIVER.

### NAME.

The association organized by these articles is the Riparian Association of the Ristigouche river.

#### OBJECTS.

The objects for which the association is organized are: First: To secure the perpetuation of the Ristigouche and Matapedia rivers and their tributaries as sa mon fishing streams; Second: To encourage and promote the propagation both natural and artificial of the Atlantic salmon and, upon their invitation to support the public authorities in the proper development of salmon fishing as an industry; Third: To secure a strict and impartial enforcement of the fish and game laws and to provide a medium of mutual co-operation whereby action or proceedings may be taken as may be necessary to protect fish and game or otherwise in the interests of its members individually or collectively.

#### MEMBERS.

The members of this association are owners and lessees of riparian rights and fishing privileges situated upon and pertaining to the Ristigouche and Matapedia rivers and their tributaries in the provinces of Quebec and New Brunswick, Dominion of Canada.

#### REPRESENTATION.

The representation of its members in the affairs of this association is based as follows: If an incorporated club, upon the number of its members; otherwise upon the number of rods for which the water owned or controlled by a member will provide fishing.

#### OFFICERS.

The officers of the association are a president, a secretary and a treasurer, whose duties are those usually pertaining to their respective offices. The offices of secretary and treasurer may be held by one person.

#### MANAGEMENT.

The affairs of this association are m naged and controlled by an executive committee consisting of the president, secretary and three other persons elected from among its members. The officers and executive committee are elected at the annual meeting of the association and hold office for one year or until their success ors are elected.

#### MEETINGS.

The annual meeting of this association is held during the month of January at such time and place as may be determined by the executive committee. Other meetings are called by the president of the executive committee when deemed necessary.

#### EXPENSES.

The expenses of the association are provided for by as essments levied upon the members in proportion to their representation, the amount of such assessments being determined by the executive committee.

### FIRST REPRINT.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

A

An Act to incorporate The Restigouche Riparian Association.

REPRINTED IN ACCORDANCE WITH THE DIRECTIONS GIVEN ON 23rd MARCH BY THE SENATE COMMITTEE ON BANKING AND COMMERCE.

Honourable Mr. Casgrain.

OTTAWA

Printed by C. H. PARMELES
Printer to the King's most Excellent Majesty
1910-11

### BILL B1.

An Act for the relief of Maggie Florence Sadler.

WHEREAS Maggie Florence Saddler, presently residing at Preamble. the city of Toronto, in the province of Ontario, wife of Walter Alan Sadler, formerly of the said city of Toronto, has by her petition alleged, in effect, that they were lawfully married 5 on the tenth day of November, A.D. 1905, at the said city of Toronto, she then being Maggie Florence Baird, spinster; that the legal domicile of the said Walter Alan Sadler was then and is now in Canada; that at the city of Toronto, in the province of Ontario, and at the city of Detroit, in the state of Michigan, 10 one of the United States of America, on divers occasions in the year A.D. 1910, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has 15 prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and 20 consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Maggie Florence Baird and Marriage Walter Alan Sadler, her husband, is hereby dissolved, and shall dissolved be henceforth null and void to all intents and purposes whatso-25 ever.
  - 2. The said Maggie Florence Baird may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Walter Alan Sadler had not been solemnized

3rd Session, 11th Parliament, 1 George V., 1910-

## THE SENATE OF CANADA

# BILL

 $B_1$ 

An Act for the relief of Maggie Florenc Sadler.

Received and read a first time Friday, 24th February, 1911.

Second reading

Thursday, 9th March, 1911.

Honourable Mr. Davis.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

## BILL C1.

An Act for the relief of Gertrude Maud Grant.

WHEREAS Gertrude Maud Grant, presently residing at the Preamble. city of Winnipeg, in the province of Manitoba, wife of Arthur Grant, of the said city of Winnipeg, cabinet maker, has by her petition alleged, in effect, that they were lawfully married on 5 the thirty-first day of August, A.D. 1905, at the city of Birmingham, England, she then being Gertrude Maud Griffin, spinster; that the legal domicile of the said Arthur Grant was then in England and is now in Canada: that at the city of Winnipeg, in the province of Manitoba, in the months of July and September, 10 A.D. 1910, he frequented houses of ill-fame, and on the sixth day of September, A.D. 1910, at the said city of Winnipeg, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between 15 him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer 20 of her petition be granted: Therefore His Majesty, by and with

20 of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Gertrude Maud Griffin and Marriage Arthur Grant her husband, is hereby dissolved, and shall be dissolved. 25 henceforth null and void to all intents and purposes whatsoever.

2. The said Gertrude Maud Griffin may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Arthur Grant had not been solemnized.

# BILL

 $C_1$ 

An Act for the relief of Gertrude Maud Grant.

Received and read a first time
Friday, 24th February, 1911.

Second reading

Thursday; 9th March, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

### BILL D1.

An Act for the relief of George Addison Brown.

WHEREAS George Addison Brown of the town of Port Hope, Preamble. in the province of Ontario, gentleman, has by his petition alleged, in effect, that on the eleventh day of April, A.D. 1905, at the city of Toronto, in the province of Ontario, he was law-5 fully married to Margaret Eastwood; that she was then of Hall's Bridge, in the county of Peterborough, in the said province, a spinster; that his legal domicile was then and is now in Canada; that at the city of Toronto, in the said province, on or about the thirtieth day of April, A.D. 1910, she committed adultery; that 10 he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording 15 him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of

20 1. The said marriage betweed George Addison Brown and Marriage Margaret Eastwood, his wife, is hereby dissolved, and shall be dissolved. henceforth null and void to all intents and purposes whatsoever.

Canada, enacts as follows:--

2. The said George Addison Brown may at any time hereafter Right to 25 marry any woman he might lawfully marry if the said marriage marry again. with the said Margaret Eastwood had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-

THE SENATE OF CANADA.

BILL

 $D_1$ 

An Act for the relief of George Addiso Brown.

Received and read a first time Friday, 24th February, 1911.

Second reading

Thursday, 9th March, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by C. H. PARMALES
Printer to the King's most Excellent Majesty
1910-11

### BILL E1.

An Act for the relief of Mary Hamilton Johnston.

WHEREAS Mary Hamilton Johnston, presently residing at Preamble. the city of Toronto, in the province of Ontario, wife of Gilbert Garfield Johnston, of the city of Montreal, in the province of Quebec, salesman, has by her petition alleged, in effect, that 5 they were lawfully married on the twenty-third day of August, A.D. 1901, at the said city of Montreal, she then being Mary Hamilton Bowen, spinster; that the legal domicile of the said Gilbert Garfield Johnston was then and is now in Canada; that at the city of Toronto, in the province of Ontario, in or about 10 the month of June, A.D. 1902, on divers occasions he frequented a house of ill-fame and there committed adultery; that at divers times in the latter part of the year A.D. 1902 and the first part of the year A.D. 1903, he committed adultery with one Ethel Stone; that in the latter part of the year A.D. 1906, he committed 15 adultery at a house of ill-fame in the city of Hamilton, in the province of Ontario; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of 20 an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate 25 and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Mary Hamilton Bowen and Marriage Gilbert Garfield Johnston, her husband, is hereby dissolved, and dissolved shall be henceforth null and void to all intents and purposes whatsoever.
- 30 2. The said Mary Hamilton Bowen may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Gilbert Garfield Johnston had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910

THE SENATE OF CANADA.

BILL

 $E_1$ 

An Act for the relief of Mary Hamilt Johnston.

Received and read a first time
Friday, 24th February, 1911.

Second reading

Thursday, 9th March, 1911.

Honourable Mr. DERBYSHIRE

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majest;
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

### BILL F1.

An Act for the relief of Dalton Mabel Stapleton.

WHEREAS Dalton Mabel Stapleton, presently residing at Preamble. the city of Toronto, in the province of Ontario, wife of Henry Conger Stapleton, of the city of Peterborough, in the province of Ontario, stableman, has by her petition alleged, in 5 effect, that they were lawfully married on the twenty-third day of November, A.D. 1882, at the village of Lakefield, in the province of Ontario, she then being Dalton Mabel Ullyot, spinster; that the legal domicile of the said Henry Conger Stapleton was then and is now in Canada; that at various times 10 from the year A.D. 1890 to the year A.D. 1896, at the said city of Peterborough, he committed adultery with divers women whose names are unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings 15 for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: 20 Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Dalton Mabel Ullyot and Henry Marriage Conger Stapleton, her husband, is hereby dissolved, and shall dissolved. 25 be henceforth null and void to all intents and purposes whatsoever.
- 2. The said Dalton Mabel Ullyot may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again marriage with the said Henry Conger Stapleton had not been 30 solemnized.

BILL

 $F_1$ 

An Act for the relief of Dalton Make Stapleton.

Received and read a first time,
Friday, 24th February, 1911.
Second reading,
Thursday, 9th March, 1911.

Honourable Mr. Derbyshiri

OTTAWA
Printed by C. H. PARMELER
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1910-11

#### SENATE CANADA. THE OF

### BILL G1.

An Act for the relief of Lorne Forbes Robertson.

WHEREAS Lorne Forbes Robertson, of the city of Stratford, Preamble. in the province of Ontario, physician, has by his petition alleged, in effect, that on the twenty eighth day of May, A.D. 1907, at the city of London, England, he was lawfully married 5 to Elizabeth Louise Wilcox; that she was then of the said city of London, a spinster; that his legal domicile was then and is now in Canada; that at the city of London, England, between the thirteenth and the twentieth days of March, A.D. 1910, she committed adultery with one Paul Prado; that he has not 10 connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other 15 relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The said marriage between Lorne Forbes Robertson and Marriage Elizabeth Louise Wilcox, his wife, is hereby dissolved, and shall dissolved. be henceforth null and void to all intents and purposes what-

2. The said Lorne Forbes Robertson may at any time here- Right to 25 after marry any woman he might lawfully marry if the said marry again. marriage with the said Elizabeth Louise Wilcox had not been solemnized.

## BILL

 $G_1$ 

An Act for the relief of Lorne Forbes Robertson.

Received and read a first time
Friday, 24th February, 1911.

Second reading

Thursday, 9th March, 1911.

Honourable Mr. Watson.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

## THE SENATE OF CANADA.

## BILL H1.

An Act for the relief of Cecil Ernest Freeman.

WHEREAS Cecil Ernest Freeman, of the town of Eglinton, Preamble. in the province of Ontario, coachman, has by his petition

alleged, in effect, that on the thirtieth day of July, A.D. 1907, at the city of Toronto, province of Ontario, he was lawfully married to 5 Rose Mary Barker; that she was then of the city of Montreal, province of Quebec, a spinster; that his legal domicile was then and is now in Canada; that, shortly after their said marriage, in the year A.D. 1907, she deserted him at the said city of Toronto and went to live in the said city as wife with husband with one

10 George Titus and since then has so lived and is now so living with the said George Titus and has committed adultery with the said George Titus; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce;

- 15 and whereas by his petition he has prayed for the passing of an Act dissolving the said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore
- 20 His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
  - 1. The said marriage between Cecil Ernest Freeman and Marriage Rose Mary Barker, his wife, is hereby dissolved, and shall be dissolved, henceforth null and void to all intents and purposes whatsoever.
- 25 2. The said Cecil Ernest Freeman may at any time hereafter Right to marry any woman he might lawfully marry if the said marriage marry again. with the said Rose Mary Barker had not been solemnized.

## BILL

# $H_1$

An Act for the relief of Cecil Ernest Freeman.

Received and read a first time Friday, 24th February, 1911.

Second reading

Thursday, 9th March, 1911.

Honourable Mr. CAMPBELL.

OTTAWA

Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

### BILL I1.

An Act respecting The Baptist Convention of Ontario and Quebec.

WHEREAS The Baptist Convention of Ontario and Quebec Preamble.

has by its petition prayed that it may be enacted as 1889, c. 105.

hereinafter set forth, 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 Senate and House of Commons of Canada, enacts as follows:—

1. Section 2 of chapter 105 of the statutes of 1889 is hereby 1889, c. 105, amended by adding thereto the following sub-section:—

"2. The said convention may from time to time make rules Power to 10 or by-laws providing that such officers of the convention and of make by-laws for the boards thereof and such other persons as are named in such appointment, rules or by-laws shall be ex officio members of the convention ex-officio with such powers, privileges and duties as are conferred upon members. them by such rules or by-laws."

2. Section 5 of the said chapter is hereby amended by adding S. 5 thereto the following paragraphs:—

(f) A board for the raising of money for and the prosecution Appointment of mission work in the western provinces of Canada, to be new boards. called "The Western Mission Board of the Baptist Con-

"(g) A board for promoting study of the Bible and the extension of Sunday-school work, to be called "The Sunday-school Board of the Baptist Convention";

"(h) Any other boards which the Convention may from time to time decide to appoint for the carrying on of any Christian work."

20

3. Section 7 of the said chapter is hereby amended by s. 7 striking out the words "Manitoba and North-West Convention" amended. in the fifth line thereof, and inserting in lieu thereof the words of member of Publication Board.

8.8 amended.

By-laws as to election of members of boards.

4. Section 8 of the said chapter is hereby amended by adding

thereto the following sub-section:-

"2. The convention may from time to time make rules or by-laws providing that the various Baptist associations within the Province of Ontario and Quebec may each elect a member of each of the boards of the convention or of such of the said boards as provided by such rules or by-laws, and fixing the times for which the members so elected by the said associations are to hold office,"

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA

An Act respecting The Baptist Convention of Ontario and Quebec.

Received and read a first time

Second reading Thursday, 9th March, 1911. Friday, 24th February, 1911

Honourable Mr. Derbyshire.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

# SENATE OF CANADA.

## BILL J1.

An Act to incorporate The Canadian Baptist Foreign Mission Board.

WHEREAS, by an Act of the Legislature of Nova Scotia Preamble. passed in A.D. 1865, The Foreign Missionary Board of the N.S., 1865. Baptist Convention of Nova Scotia, New Brunswick and Prince c. 60. Edward Island was incorporated for the purpose of carrying on 5 foreign mission work; and whereas the name of the said Board N.S. 1890. was subsequently, by an Act of the said Legislature passed in c. 121. A.D. 1890, changed to "The Foreign Mission Board of the Baptist Convention of the Maritime Provinces"; and whereas the members of the said Board are appointed by the Baptist Con-

10 vention of the Maritime Provinces; and whereas by an Act of N.B., 1890. the Legislature of New Brunswick passed in A.D. 1890, the said Board by its changed name was granted perpetual succession and given all the powers, rights and privileges made incident to a corporation by the law of the province of New

15 Brunswick: and whereas, by chapter 105 of the Statutes of Can., 1889. Canada of 1889, entitled "An Act respecting the Baptist Convention of Ontario and Quebec", the said Convention appoints the members of "The Foreign Mission Board of the Baptist Convention", a corporate body, constituted under the said

20 chapter, for the prosecution of mission work outside of Canada; and whereas the Baptist churches of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia are represented in the Baptist Union of Western Canada which controls the foreign mission work of the Baptist churches of the said pro-

25 vinces; and whereas it is deemed advisable by the said Conventions and by the said Union and also by the said Boards, that all the mission work of the said Boards and of the said Union should be under the management of one corporate board, the members of which should be appointed by the said Con-

30 ventions and Union, and that after the organization of such boards the present Boards should cease to exist: therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

Incorporation.

Members of various

1. The following persons, namely: W. H. White, J. W. Spurden, W. E. McIntyre, D.D., A. A. Wilson, K.C., D. Hutchinson, D.D., W. Camp, S. H. White, B. H. Nobles, W. C. Cross, James Patterson, A. H. Chipman, E. M. Sipprell, F. S. Porter, J. McLeod, D.D., and Robert C. Elkin, being the members of 5 boards incorporated, the Foreign Mission Board of the Baptist Convention of the Maritime Provinces, and J. N. Shenstone, S. S. Bates, D.D., A. A. Ayer, H. Ryrie, J. G. Scott, K.C., S. J. Moore, E. T. Fox, John Firstbrook, J. H. Farmer, LL.D., R. R. McKay, J. A. Gordon, D.D., William Craig and Charles H. Schutt, B.D., 10 being the members of the Foreign Mission Board of the Baptist Convention of Ontario and Quebec, and H. Hilton, William Findlay, C. K. Morse, A. M. Macdonald, G. F. Stephens, W. E. Matthews, W. A. McIntyre, C. E. Stockdill, J. P. Frith, S. B. Blackhall, A. A. Shaw, John Stovel, W. E. Lugsdin, J. H. 15 Bulmer, and J. N. MacLean, being the Executive Board of the Baptist Union of Western Canada, and their successors, are hereby incorporated under the name of "The Canadian Baptist Foreign Mission Board", hereinafter called "the Board"; and the persons hereby incorporated shall hold office as members of the 20 Board until the appointment of their successors by the said Conventions and Union as hereinafter provided; and thereafter the persons so appointed and their successors shall compose the Board.

Corporate name.

First members.

Subsequent members.

By whom appointment to be made.

Number of members.

Proviso.

2. The subsequent members of the Board shall be appointed 25 as follows:-

The Baptist Convention of Ontario and Quebec shall appoint twelve members, and the Baptist Convention of the Maritime Provinces and the Baptist Union of Western Canada shall respectively appoint a number of members, to be deter-30 mined from year to year, proportionately to the number appointed by the Baptist Convention of Ontario and Quebec on the basis of the aggregate membership of the associated churches belonging to each: Provided that a fraction greater than one half of the unit of representation shall give the right to appoint 35 an additional member.

Time of appointment.

Term of office of first members appointed.

Vacancies. Proviso.

3. The said members shall be appointed at the annual meetings of the said appointing bodies. The said respective bodies when making the first appointment shall severally appoint the full number to which they are entitled, and shall 40 determine who shall serve for a three, two or one year period. Such bodies shall subsequently, at the said meetings, appoint a third, as nearly as may be, of the members to which they are respectively entitled, and in addition shall fill any vacancy that may have occurred in their representation: Provided that 45 the Board may provide for temporarily filling any vacancy.

The person temporarily appointed to hold office until the next annual meeting of the appointing body.

- 4. The term of office of each member shall be three years, Term of unless where a member is appointed to fill a vacancy, when office. 5 such appointment shall be for the remainder of his predecessor's term: Provided that where a member of the Board removes permanently from Canada, the Board may declare his office
- 5. By a vote of two-thirds of the members present at the Alterations 10 annual meetings of each of the appointed bodies, upon notice in members given at the previous annual meeting, the said bodies may alter appointed. the number of the members to be appointed by the several bodies, or the proportions to be appointed by them respectively.
- 6. The object of the Board shall be to manage the foreign Objects of 15 missionary work, which the bodies appointing it have now in the Board. hand or may hereafter undertake.
- 7. The Board and its successors shall be a corporate body, Real and and shall be capable of taking by devise, gift or purchase, any personal property. real or personal property, lands or tenements, and of alienating 20 the same at pleasure: Provided, however, that such devise of Proviso as to real estate shall be subject to the laws respecting devises of real provincial laws. estate to religious corporations in force at the time of such devise in the province in which such real estate is situate, so far as the same apply to the said corporation.
- 8. The headquarters of the Board shall be at the city of Head-Toronto.
- 9. The first meeting of the Board shall be held at the city of First Toronto at such time and place as may be appointed by the meeting. chairman of the Foreign Mission Board of The Baptist Con-30 vention of Ontario and Quebec, and notice of such meeting shall Notice. be sent by registered mail to the usual address of each member of the Board and shall be mailed at least fourteen days before the day appointed for such meeting.
- 10. The Board shall not be dissolved by the failure of the Provision 35 Conventions or Union in any year to appoint members of the for failure Board, but the persons theretofore appointed shall continue to appointing constitute the Board until their successors are appointed; and body to appoint in any case, for any reason, the annual meeting of a Convention members. or Union is not held, the person last elected president of that 40 Convention or Union, or any three members of the Board, may, by public notice, published for at least three weeks in The

Canadian Baptist, or other denominational publication or publi-

cations previously named by the Convention or Union for that purpose, call a meeting of the Convention or Union: and such niceting shall have the same authority as a regular annual meeting.

Transfer to Board of property of The Foreign Mission Board of The Baptist Convention and Quebec.

11. The Foreign Mission Board of The Baptist Convention of Ontario and Quebec may by declaration or conveyance in that behalf, transfer all moneys, funds and other property held by it to the Board: and upon such transfer being made The Foreign Mission Board of The Baptist Convention of Ontario and Quebec shall cease to exist. The Board may receive transfers from the 10 Foreign Mission Board of The Baptist Convention of the Maritime Provinces of any moneys, funds and property held by the latter, and may receive from the said Union transfers of any moneys, funds and property held by it for Foreign Mission purposes. The Board shall hold all moneys, funds and property so 15 transferred to it subject to any trusts to which the same may be subject at the time of the transfer.

Trusts

1889, c. 105 s. 5, para. (b) repealed. Foreign Board of the Bentist Convention abolished. continued.

- **12.** Paragraph (b) of section 5 of chapter 105 of the statutes of 1889 respecting The Baptist Convention of Ontario and Quebec is hereby repealed on and after the last day of the session 20 of Parliament next following the passing of this Act.
- **13.** The Board shall be governed by the rules and regulations Existing rules set out in the schedule to this Act, until the said rules and regulations are altered as therein provided.

Grants. new Board.

14. Where in any deed, will or other instrument which has 25 bequests, etc., not gone into operation before the passing of this Act whether heretofore or hereafter executed, any grant, devise, gift or bequest is made to The Foreign Mission Board of the Baptist Convention of the Maritime Provinces, or to The Foreign Mission Board of the Baptist Convention of Ontario and Quebec, the 30 same shall vest in The Canadian Foreign Mission Board hereby. incorporated, subject to the same terms and conditions, if any, as it would have been held by the said respective Foreign Mission Boards if they had continued to exist.

### SCHEDULE.

RULES AND REGULATIONS OF THE CANADIAN BAPTIST FOREIGN MISSION BOARD.

Officers.

1. The officers of the Board shall be a chairman, three vicechairmen, a treasurer, general secretary, recording secretary, and such other secretaries as may from time to time be found necessary. These officers shall be appointed at the time of the annual meeting of the Board.

2. The general secretary shall, under the direction of the Board General conduct its official correspondence. He shall from time to time secretary. visit such parts of the home territory as shall be deemed advisable and perform such other duties as the Board may assign him.

3. The Board shall meet annually. A special meeting may Meetings. be called at any time by the chairman on the requisition of the

executive or any nine members of the Board.

4. The Board shall, at its annual meeting appoint an executive Executive committee composed of twelve members, as follows:-

(a) The chairman, and three vice-chairmen; (b) Six chosen from the members of the Board who represent the convention in which the headquarters of the Board are located; (c) One from each of the other two sections of the Board.

The executive committee shall appoint a sub-committee of its Sub-commitmembers to deal with matters of urgency that may arise between tee for matters of its sessions.

5. The executive committee shall meet at least once in three Meetings of months, and a copy of the minutes of each meeting shall be sent executive committee. to each member of the Board. Six shall form a quorum.

6. The members appointed respectively by the Conventions sections of and Union shall constitute a section of the Board for the territory Board. of the body appointing them. These sections shall be known as the Eastern, Central and Western Sections of The Canadian Baptist Foreign Mission Board.

7. In the case of the resignation, death or removal from Temporary Canada of a member between the annual sessions of the body replacement of member. appointing him it shall be the duty of the section of the Board in which a vacancy occurs to fill the same until the next annual meeting of the said body.

8. Each section of the Board shall have a chairman, recording officers secretary, and, if necessary, a treasurer. The vice-chairman of of sections. the Board shall be the chairman of the several sections respectively.

9. It shall be the duty of each section of the Board:—

(a) To supervise the general campaign on behalf of Foreign sections. Missions along the line of the policy approved by the body appointing it and to stimulate the church as to their highest missionary efficiency;

(b) To bring to the notice of the Board all facts and recommendations which they believe will be for the furtherance of the

work as a whole.

10. The property, moneys and securities belonging to or Management vested in the Board shall from time to time be managed by the of property, etc., of the several sections of the Board, as follows:—

(a) The Eastern Section shall manage the property and the Eastern investment of moneys and proceeds of securities transferred by section. the Foreign Mission Board of the Baptist Convention of the Maritime Provinces;

Central section.

(b) The Central Section shall manage the property and the investment of moneys and proceeds of securities transferred by the Foreign Mission Board of the Baptist Convention of Ontario and Quebec;

Western section. (c) The Western Section shall manage the property and the investment of moneys and proceeds of securities transferred by the Baptist Union of Western Canada;

As to certain trust funds. Management by eastern section.

(d) All funds and property held in trust by the Foreign Mission Board of the Baptist Convention of the Maritime Provinces for other than foreign mission work, and so transferred, shall be held, managed and controlled by the Eastern Section for the uses and trusts for which they may be held at the time of such transfer;

As to other property.

(e) Any other moneys, securities or property coming to the hands of the Board shall be dealt with as the Board may direct; and in case it is desired to invest any part thereof the same shall be invested by such of the sections as the Board or as the executive committee, in the absence of a direction of the Board, may deem desirable, unless the donors shall have designated one of the sections for that purpose, in which case the same shall be invested by that section.

Alteration of regulations.

Noti.e.

11. The foregoing regulations, or any substituted therefor may be repealed, altered or amended at any meeting of the Board by a unanimous vote, or by a vote of the majority of the members of the Board present: Provided in the latter case that two months' notice has been given to the recording secretary of the proposed amendment, and a copy of the said notice has been duly mailed by him to the post office address of each member, at least one month before such meeting. No such repeal, alteration or amendment shall remain in force more than one year, unless it has in the meantime been ratified by the various bodies by whom the Board is appointed.

Ratification by constituent bodies.

Right to attend meetings of section.

12. The secretaries of the various associations of the denomination in Ontario and Quebec shall be entitled to attend the meetings of the Central Section, to aid in its deliberations, and to discuss the matters brought before it; and the Convention of the Maritime Provinces and the Union for Western Canada may provide for the like attendance, at the meetings of their sections, of local officers or representatives, for similar purposes.

Honourable Mr. DERBYSHIRE
OTTAWA
Printed by C. H. PARMELEE

Printer to the King's most Excellent Majestv

Received and read a first time
Friday, 24th February, 1911.
Second reading
Thursday, 9th March, 1911.

Act to incorporate The Canadian Baptist Foreign Mission Board.

An

THE SENATE OF CANADA

3rd Session, 11th Parliament, 1 George V., 1910-11

## BILL L1.

An Act to change the name of The Manitoulin and North Shore Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1900, c. 64; grant the prayer of the said petition: Therefore His Majesty, 1902, c. 72; by and with the advice and consent of the Senate and House 1903, c. 123; of Commons of Canada, enacts as follows:—

1906, c. 123; 1907, c. 123; 5 of Commons of Canada, enacts as follows:-

1910, c. 122.

1. The name of The Manitoulin and North Shore Railway Company's Company, is changed to "The Algoma Eastern Railway Com-changed." pany;" but such change in name shall not in any way impair, 1900, c. 64, s. 10 alter or affect any right, obligation or liability of the Company, 1. nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company; and any such suit, proceeding or judgment may be prosecuted, continued, completed or enforced, notwithstanding 15 such change of name, as if this Act had not been passed.

3rd Session, 11th Parliament, 1 George V., 1910-1

### THE SENATE OF CANADA.

## BILL

# L

An Act to change the name of The Mani toulin and North Shore Railway Company.

Received and read a first time

Wednesday, 8th March, 1911.

Second reading,

Friday, 10th March, 1911.

Honourable SIR GEORGE W. Ross.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

## BILL M1.

An Act to incorporate Lloyds Casualty Company of Canada.

WHEREAS the persons hereinafter named have by their Preamble.
petition prayed that it be enacted as hereinafter set forth,
and it is expedient to grant the prayer of the said petition:
Therefore His Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as follows:-

1. Arthur Lionel Eastmure, insurance broker, Allen E. Ren-Incorporafrew, merchant, Elliott W. Langley, merchant, George W.
Monk, capitalist, and Ruliff Grass, gentleman, all of the city of
Toronto, in the province of Ontario, together with such persons
10 as become shareholders in the company, are hereby incorporated
under the name of "Lloyds Casualty Company of Canada," Corporate
hereinafter called "the Company."

- 2. The persons named in section 1 of this Act shall be the Provisional directors of the Company.
- 3. The capital stock of the Company shall be two hundred Capital. and fifty thousand dollars, divided into ten thousand shares of twenty-five dollars each, which may be increased to five hun-Increase. dred thousand dollars.
- 4. The amount to be subscribed before the general meeting Subscription 20 for the election of directors is called shall be one hundred and fifty thousand dollars.

  Subscription before general meeting.
  - 5. The head office of the Company shall be in the city of Head office. Toronto, in the province of Ontario.
- 6. The Company may carry on the following classes of Classes of business as defined by *The Insurance Act*, 1910, namely, accident, sickness, plate glass, steam boiler, automobile, guarantee and burglary insurance.

Subscription of, and . payments on capital before commencing various kinds of business.

7. The Company shall not commence the business of accident and sickness insurance as provided for by this Act until one hundred and fifty thousand dollars of the capital stock have been subscribed and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided that the 5 Company may commence the business of burglary insurance or the business of plate glass insurance when twenty-five thousand dollars more of the capital stock have been subscribed and fifteen thousand dollars more have been paid in cash into the funds of the Company; or may commence the businesses of 10 both burglary and plate glass insurance when fifty thousand dollars more of capital stock have been subscribed and thirty thousand dollars more have been paid in cash into the funds of the Company: Provided further that the Company may commence the business of guarantee insurance when seventy-five 15 thousand dollars more of the capital stock have been subscribed and forty-five thousand dollars more have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up the Company may commence the business of burglary 20 insurance or the business of plate glass insurance when fifty thousand dollars of the capital stock have been subscribed and twenty-five thousand dollars have been paid in cash into the funds of the Company; or the Company may commence the business of guarantee insurance when one hundred and seventy- 25 five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company.

1910, c. 32. S. The Insurance Act, 1910, shall apply to the Company.

Received and read a first time
Wednesday, 8th March, 1911.
Second reading

Friday, 10th March, 1911.

An Act to incorporate Lloyds Casual Company of Canada.

IE SENATE OF CANADA

3rd Session, 11th Parliament, 1 George V., 1910

OTTAWA

Printed by C. H. Parmers

Printer to the King's most Excellent Majesty
1910-11

Honourable Mr. McHugh.

## BILL N1.

An Act to incorporate The Pacific and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition, therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. William Denham Verschoyle, mining engineer, John Frank Incorpora-Bledsoe, mining engineer, Samuel Rae MacClinton, civil engineer, Wilfrid Francis Brougham, solicitor, Thomas John Lewis Peake, broker, and George Dudley Eaton, esquire, all of the city of 10 Vancouver in the province of British Columbia, together with such persons as become shareholders in the Company, are incorporated under the name of "The Pacific and Hudson Bay Corporate Railway Company" hereinafter called "the Company".
- 2. The persons named in section 1 of this Act are hereby Provisional 15 constituted provisional directors of the Company.
  - 3. The capital stock of the Company shall be five million Capital stock. dollars. No one call thereon shall exceed ten per cent on the Calls thereon. shares subscribed.
- 4. The Company, if previously authorized by a resolution Issue of preference 20 passed by the ordinary shareholders at any annual meeting, stock. or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present or represented by proxy, may issue any Limit.

  25 portion of its capital stock, not exceeding fifty per cent thereof, as preference stock; and preference stock so issued shall have Priority. such preference and priority, as respects dividends and other-

wise, over ordinary stock as is declared by the resolution.

2. Holders of such preference stock shall be deemed to be Status of 30 shareholders within the meaning of this Act and of The Railway holders.

R.S., c. 37. Act, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

5. The head office of the Company shall be at the city of Vancouver in the province of British Columbia.

5

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Wednesday in September.

Directors.

7. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a line 10 of railway, of the gauge of four feet eight and one-half inches, from a point near Kimsquit at the Head of Dean Channel; thence north-easterly following the Dean River, Sigutla Lake, Kwalchola Lake, the Entiaco River and the upper Nechaco River, to Fort Fraser; thence north-easterly to Fort James on Stuart 15 Lake; thence in the same direction to Fort McLeod; thence continuing in the same direction, crossing the Parsnip River, through the Pine River Valley to Coal Brook; thence northeasterly to Dunvegan continuing along the Peace River to Peace River Landing; thence easterly, passing the head waters of the 20 Bear River, to the Athabaska River and Fort McMurray; thence, crossing the Athabaska River and following the Clear Water River and the Churchill River, to a point on the Hudson Bay railway south of Washaiowaka Lake; and thence to Churchill or Nelson on Hudson Bay.

Consent of municipalities.

**9.** The Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such 30 municipality.

Use of railway bridges by foot passengers and vehicles. Tolls.

Approval.

Notice.

10. The Company may, subject to the provisions of *The Railway Act* and subject also to the orders of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and vehicles; 35 and in such cases the tolls to be charged for the passage of foot passengers and vehicles shall, before being imposed, be first submitted to and approved of, and may from time to time be revised, by the said Board; but the Company may, at any time, reduce such tolls, and a notice showing the tolls authorized to be 40 charged on any such bridge shall, at all times, be posted up in a conspicuous place on the bridge.

11. For the purposes of its undertaking, the Company may Transportaconstruct, acquire, charter, and navigate steam and other vessels water. for the conveyance of passengers, goods and merchandise, and construct, acquire, lease, and dispose of wharves, docks, elevat-5 ors, warehouses, offices and other structures, to be used to facilitate the carrying on of business in connection therewith.

12. The Company may, for the comfort and accommodation of Hotels, etc. travellers, construct, acquire, maintain or otherwise utilize hotels, restaurants and other buildings, and carry on in con-10 nection therewith all business necessary for such purposes.

13. For the purposes of its undertaking, and subject to the Transmission provisions of section 247 of *The Railway Act*, the Company may and delivery of power and acquire, but not by expropriation, and develope water, electric or electricity.

15 other power and energy; and may erect lines for the transmission of such power, and transmit or deliver it to any place in the cities or municipalities through which the works of the Company are authorized to be built; and may receive, transform, transmit,

distribute and supply such power or energy in any form, and may 20 dispose of the surplus thereof and collect rates and charges Rates to be therefor; but no such rate or charge shall be demanded or taken approved by until it has been approved of by the Board of Railway Commiss-Commission. ioners for Canada, which may also revise such rates and charges from time to time: Provided, however, that the Company shall Municipal

25 not erect for any such purpose, any poles or lines upon, along, consent or across any highway, street or other public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, nor carry on a lighting or power business within any

30 municipality without first obtaining the consent, expressed by by-law, of such municipality and upon terms to be agreed upon with such municipality.

14. The Company may, subject to the provisions of The Telegraph Railway Act, construct and operate telegraph and telephone lines. 35 lines upon its railway, and establish offices for and undertake the R.S., c. 37. transmission of messages for the public and collect tolls for such messages; and, for the purposes of operating such lines or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any com- Contracts

40 panies having telegraph or telephone powers, and may connect with other companies. its own lines with the lines of, or may lease its own lines to any such companies.

2. No toll or charge shall be demanded or taken for the Tolls or transmission of any message, or for leasing or using the telegraphs charges. 45 or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may

revise such tolls and charges from time to time.

Application of R.S., c. 126.

3. Part II of The Telegraphs Act, except such portions thereof as are inconsistent with this Act or with The Railway Act, shall apply to the telegraphic business of the Company.

Issue of railway.

15. The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be 5 issued only in proportion to the length of railway constructed or under contract to be constructed.

Issue oi securities for purposes other than building railway R.S., c. 37.

16. In addition to the securities authorized by section 15 of this Act, the directors, if previously authorized as prescribed by section 136 of The Railway Act, may, from time to time, borrow 10 moneys for the acquisition, construction, extension, or development of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, 15 perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets, or works, in respect whereof the issue is made.

Limit of amount.

> 17. Subject to the provisions of sections 361, 362 and 363 of 20 The Railway Act the Company may enter into agreements with all or any of the companies hereinafter named for any of the purposes specified in the said section 361, such companies being The Canadian Northern Railway Company, The Grand Trunk Pacific Railway Company, and The Hudson's Bay Railway 25 Company.

Agreements with other companies. R.S., c. 37.

> Second reading Wednesday, 8th March, 1911

Friday, 10th March, 1911.

Honourable Mr. Bostock

Received and

read a first time

An Act to incorporate The Pacific Hudson Bay Railway Company.

THE SENATE OF CANADA.

3rd

Session,

11th Parliament, 1 George V., 191

Printer to the King's most Excellent Majest Printed by C. H. PARMELES

OTTAWA

## BILL O1.

An Act to amend and consolidate the Acts relating to the Harbour of Toronto.

WHEREAS the corporation of the city of Toronto has peti- Preamble. tioned for an Act revising, amending and consolidating the Acts relating to the harbour of Toronto, and for additional powers to the Harbour Commissioners thereof; and whereas it 5 is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. This Act may be cited as The Toronto Harbour Commis- short title. sioners' Act. 1911.
- 2. The Acts mentioned in the Schedule to this Act are hereby Repeal of repealed to the extent mentioned in the said Schedule, and the existing Acts. provisions of this Act are substituted for the provisions of the Acts so repealed.
- 3. Upon the passing of this Act, and upon the appointment Dissolution 15 of commissioners as herein provided, the corporation of "The of existing corporation." Commissioners of the Harbour of Toronto" shall cease and the commissioners so appointed, together with all such per- New sons as hereafter become members thereof, shall become and constituted. continue to be a corporation to be known as "The Commis-Name. 20 sioners of the Harbour of Toronto," who shall be a body cor-

porate under that name, and shall, by that name, have and exercise the powers vested in bodies corporate under The Interpretation Act, and all such powers as may be necessary for carrying this Act into effect, according to its true intent 25 and meaning, and such powers may be exercised by any three Quorum.

of the said commissioners as effectually as by all of them; and, if any three of them shall execute any deed and affix the corporate seal of the Commissioners to the same, it shall be held to be the deed of the Commissioners.

#### INTERPRETATION.

Designation.

- 4. The said corporation is hereinafter referred to as "the Corporation." The members thereof are referred to as "commissioners."
  - 2. In this Act, the following words have the meaning assigned, to them in this section, unless the context requires other-5

By-law.

(a) The word "by-law" means any by-law, rule, order or regulation made by the Corporation under the authority of this Act;

Vessel.

(b) The expression "vessel" includes every kind of ship, 10 boat, barge, dredge, elevator, scow, or floating craft propelled by steam, or otherwise;

Goods.

(c) The word "goods" means any movables other than vessels:

Rates.

(d) The word "rates" means any rate, toll, or duty what-15 soever imposed by this Act.

Port of Toronto defined.

5. For the purposes of this Act, the port of Toronto shall be held to comprehend all that portion of the Liberties of the city of Toronto lying between the margin of the water on the north side of the bay in front of the said city, and the margin 20 of the water on the north side of the marsh and bay east of the river Don, and the southern limits of the said Liberties, including the peninsula and island.

Harbour of Toronto defined. 6. For the purposes of this Act, the harbour of Toronto shall be deemed to include all territory comprised within the 25 port of Toronto as herein defined, together with the area known as Ashbridge's bay, along with the dock property and water lots within the city limits, also the docks, shores and beaches of the island and peninsula.

Land marks.

7. The Corporation may erect land marks to indicate 30 the said boundaries of the port of Toronto and of the harbour of Toronto, which land marks shall be held to determine the said boundaries.

### COMPOSITION OF CORPORATION.

Commissioners. S. The Corporation shall consist of five commissioners, three of whom shall be appointed by the council of the city of 35 Toronto, one by the Governor in Council, and one by the Governor in Council upon the recommendation of the Board of Trade of the city of Toronto.

Term of office.

2. Each commissioner so appointed shall hold office for a term of three years subject to removal, and until his successor 40 is appointed, and shall be eligible for re-appointment

- 9. Any commissioner may resign his office by notifying his Resignations. resignation in writing to the body or person by which he was appointed, and by notifying the Corporation thereof in writing.
- 5 whether by expiration of term of office, or otherwise, the body vacancies. by which the commissioner so retiring was nominated or appointed, shall nominate or appoint his successor within thirty days, and, in default of such nomination or appointment being made within the said period, the Governor in Council may 10 appoint a person to fill such vacancy, and the person so appointed shall hold office in all respects as the commissioner in whose place he is appointed would have held it.
- 11. Before any commissioner enters upon the execution Oath of of his duties as commissioner, he shall take and subscribe an office.

  15 oath that he will truly and impartially to the best of his skill and understanding execute the powers vested in him as a member of the Corporation, which oath shall be filed of record in the office of the Corporation.

### CHAIRMAN AND QUORUM.

12. The Corporation shall, from time to time, elect its own 20 chairman, and three commissioners shall be a quorum for the transaction of all business within the jurisdiction of the Corporation.

### OFFICERS AND EMPLOYEES.

13. The Corporation may appoint all such officers, assistants, Officers, etc. engineers, clerks and servants as it deems necessary to carry 25 out the objects and provisions of this Act, and may allow them such compensation or salaries as it deems fitting, and Salaries. require and take from them such security for the due and faith-security. ful performance of their respective duties as it deems necessary.

### GENERAL POWERS.

- 14. The Corporation shall, for the purposes of and as pro-Territorial 30 vided in this Act, have jurisdiction within the limits of the limits of port and harbour of Toronto.
- 15. All property now held or controlled by the Commis-Vesting of sioners of the Harbour of Toronto, and vested in them for the former purposes of the harbour, shall become vested in the Corpora-35 tion constituted by this Act.
  - 2. All the land lying within the limits of the harbour of Crown land Toronto, as defined by this Act, and heretofore vested in His corporation.

Majesty in right of the Dominion of Canada, shall be deemed to be vested in and held by the Corporation for the purposes of this Act.

Suits and actions.

3. The Corporation may institute and defend all suits, actions and proceedings in any court of justice in respect of the 5 said property and the land comprised within the harbour, and may sue and be sued under its corporate name in any matter or thing arising under the provisions of this Act.

Powers to hold and administer certain property for City of Toronto.

16. The Corporation may hold, take, develop and administer on behalf of the city of Toronto the area known as Ash-10 bridge's Bay, together with the dock property and water lots owned by the city of Toronto in the harbour as defined by this Act, upon such terms and conditions as may be imposed thereon by the council of the city of Toronto, and all other property which may be placed under the jurisdiction of the Corporation. 15

Powers as to property required for harbour.

2. The Corporation shall have power to acquire, expropriate, hold, sell, lease and otherwise dispose of such real estate, building or other property as it may deem necessary or desirable for the development, improvement, maintenance and protection of the harbour as in this Act defined, or for the manage- 20 ment, development and control of such property, or for any of the other purposes of this Act, and to re-invest the proceeds arising therefrom in their discretion.

Use and development of water front.

3. The Corporation shall have power to regulate and control the use and development of all land and property on the 25 water front within the limits of the City, and all docks, wharves, channels, buildings and equipment erected or used in connection therewith, and for these purposes may pass by-laws as hereinafter defined.

Docks, etc.

4. The Corporation shall have power to construct and main-30 tracks, ware- tain docks, channels, railway tracks, warehouses, cranes or houses, plant, other buildings, equipment and appliances for use in the carrying on of harbour or transportation business, with power to Proviso, as to sell, lease, or operate the same; but nothing in this section shall be deemed to constitute the Corporation a railway company 35 within the meaning of The Railway Act and its amendments.

operation of R.S., c. 37.

5. The Corporation may—

Powers. Railway tracks.

(a) acquire railway tracks by purchase, lease or otherwise, and build, maintain and operate the same within the harbour as defined in this Act;

Agreements maintenance and operation of railway tracks.

(b) enter into an agreement with any railway company for the maintenance by such company of the Corporation's tracks and lines and the operation thereof by any motive power, and so as at all times to afford all other railway companies whose lines reach the harbour the same facilities for traffic 45 as those enjoyed by such company;

Agreements.

(c) make agreements with railway companies and navigation companies for facilitating traffic to, from and in the harbour, or for making connections between the companies' lines or vessels and those of the Corporation.

6. The Corporation may own and operate by any motive Plant and power all kinds of appliances, plant and machinery for the machinery. 5 purpose of increasing the usefulness of the harbour or facili-

tating the traffic therein.

7. Any work undertaken by the Corporation affecting the R.S., c. 115 the use of any navigable waters shall be subject to the provition apply to sions of *The Navigable Waters' Protection Act*.

10 17. After providing for the cost of management of all the Profits of property which the Corporation may own, control, or manage operation, if under the preceding section and after providing for the cost of belong to works or improvements under way or in contemplation, and for Toronto. the performance of the other duties imposed upon the Corpora-

15 tion, and for capital charges and interest upon money borrowed by the Corporation for improvements, and for a sinking fund to pay off any indebtedness incurred by the Corporation, any surplus profits shall be the property of the city of Toronto, and shall be paid over by the Corporation to the city treasurer.

20 18. All books, documents and papers in reference to the Books, etc., management and development of all property under the control to be open to of the Corporation shall at all times be open for inspection by the by city.

Audit Department of the city of Toronto; and the Corporation Annual shall report annually all its proceedings in connection therewith report to city.

25 to the council of the city.

19. If His Majesty and the Corporation so agree, the Govern-Lighthouses, ment lighthouses, storm signals, fog signals, buoys, beacons, agreement, be life-saving stations and other appliances within the harbour, or maintained used in connection therewith, may, by order of the Governor in tion.

30 Council, be taken over, placed and maintained by the Corporation.

### EXPROPRIATION OF LANDS.

20. Whenever the Corporation desires to acquire any land Expropriator immovable property for the improvement or extension of tion of land, the harbour or for the accommodation thereof, it shall cause to

35 be prepared a plan thereof in triplicate, one triplicate whereof Plan. shall be deposited in the office of the clerk of the peace of the city of Toronto, another triplicate thereof in the office of the Deposit. Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works; and such plan shall be submitted

40 to the Governor in Council for approval; and, upon the plan Approval. being duly approved, if an amicable arrangement with the proprietor of such lands as to compensation therefor or for damages arising from the taking thereof, is not made, the Corporation

R.S., c. 37.

shall have the right to acquire the same without the consent of the proprietor thereof, and the provisions of The Railway Act as to the taking of lands by railway companies shall apply to the acquisition of such lands and immovable property for the purposes aforesaid to the same extent and in the same manner as 5 to railway companies under the said Act.

Notice, how given.

2. Notice of taking of such lands may be given by inserting such notice three times in the course of one month in one newspaper published in the city of Toronto.

### BORROWING POWERS.

Borrowing powers.

21. For the purpose of defraying the expenses of construct- 10 ing, extending and improving the wharves, structures and other accommodations in the harbour of Toronto in such manner as the Corporation deems best calculated to facilitate trade and increase the convenience and utility of the said harbour, the Corporation may borrow money in Canada or elsewhere, and at 15 such rates of interest as it finds expedient, and may for the said purposes issue debentures, for sums not less than one hundred dollars or twenty pounds sterling, payable in not more than forty years, which debentures shall be secured upon the real property vested in or controlled by the Corporation, and may 20 be guaranteed by the corporation of the city of Toronto, or by the Government of Canada, or by the Government of the pro-

Security. Guarantee.

Term.

Debentures.

vince of Ontario. 2. The principal and interest of the sums of money which

Charge upon

revenue.

may be borrowed under this section shall be a charge on the 25 revenue arising from the rental and income out of the management of all property under the jurisdiction of the Corporation and from the rates and penalties imposed by or under this Act Other charges for, or on account of the said harbour, and other lawful charges upon the said revenue shall be as follows:-30

Collection.

(a) The payment of all expenses incurred in the collection of the same, and other necessary charges;

Repairs.

(b) The defraying the expenses of keeping the harbour clean and of keeping the wharves and other works therein in a thorough state of repair;

35

Interest.

(c) The payment of interest due on all sums of money borrowed under this Act;

Sinking fund.

(d) Providing a sinking fund for paying off the principal of all sums borrowed by or assumed by the Corporation;

Dredging, operating, (e) The cost of keeping the harbour dredged, operating docks 40 and wharves, and otherwise carrying out the objects of this

#### BY-LAWS.

22. The Corporation may from time to time make by-laws By-laws. not contrary to law, nor to the provisions of this Act, for the following purposes:—

(a) To regulate and control navigation and all works and Navigation. 5 operations within the harbour, and to appoint constables and other officials to enforce the same, or to enforce the provisions

of any statutes or marine regulations relating to the harbour;

(b) To regulate, control or prohibit any building operations Building within or upon the harbour, excavations, removal or deposit operations and other 10 of material, or any other action which would affect in any way actions the docks, wharves, or channels of the harbour and water front harbour. or the bed of the harbour or the lands adjacent thereto;

(c) To construct, regulate, operate and maintain railways, Construction, elevators, pipes, conduits, or other works or appliances upon etc., of works, on docks, etc. 15 the docks, wharves or channels or any part thereof; and to

control and regulate or prohibit the erection of towers or poles, Poles, wires, or the stringing of wires or use of any machinery which might machinery, etc. affect property or business owned, controlled or operated by the Corporation;

(d) To prevent injuries to or encroachments upon any of the Encroachchannels, harbours, wharves or waters generally within the ments.

limits of the harbour;

(e) To regulate and control the landing and shipping of Explosives.

explosives or inflammable substances;

(f) To maintain order and regularity and prevent theft and Order, depredations:

(g) For the imposition and collection of all rates, tolls and Rates, tolls penalties imposed by law or under any by-law under the au- and penalties.

thority of this Act;

30 (h) For regulating and controlling the operation and use Control of of all canoes, sailing boats, row boats, motor boats and other boats, etc. kind of craft within the limits of the area over which the Cor-

poration has jurisdiction;

(i) To impose penalties upon persons infringing any of the Penalties for 35 provisions of this Act or the by-laws of the Corporation; such infringing Act or bypenalties not to exceed fifty dollars or thirty days' imprison-laws. ment, and in default of payment of such pecuniary penalty and the costs of conviction, the period of imprisonment to be fixed by by-law not to exceed sixty days, nor to continue after such

40 payment is made; (j) For the government of all parties using the harbour Government and of all vessels coming into or using the same, and by such by-of harbour. laws to impose tolls to be paid upon such vessels and upon goods Tolls for use landed from or shipped on board of the same as they think fit,

45 according to the use which may be made of such harbour and works aforesaid:

Execution of duties and generally. Copies, when evidence.

(k) For the doing of everything necessary for the effectual execution of the duties and powers vested in the Corporation.

2. Copies of any such by-law certified by the secretary under the seal of the Corporation shall be admitted as full and sufficient evidence of the same in all courts in Canada.

5

Existing by-laws, etc., continued till altered

23. All by-laws, rules, regulations or orders of the Commissioners of the Harbour of Toronto now in force shall remain in force until repealed, altered or amended by the Corporation under this Act.

### HARBOUR RATES.

Valuation of goods.

apply.

24. The valuation of goods on which ad valorem rates are 10 imposed shall be made according to the provisions of The R.S., c. 48 to Customs Act, or any Act in amendment thereof, as far as applicable; and the said provisions shall, for the purposes of such valuation, be held to form part of this Act as if actually embodied herein. 15

Recovery of rates.

25. The rates upon the cargoes of all vessels shall be paid by the master or person in charge of the vessel, saving to him such recourse as he may have by law against any other person for the recovery of the sums so paid; but the Corporation may demand and recover the said rates from the owners or consignees 20 or agents or shippers of such cargoes, if it sees fit to do so.

Commutation of rates.

**26.** The Corporation may commute any rates authorized by this Act to be levied on such terms and conditions, and for such sum or sums of money as the Corporation deems expedient.

Seizure of vessels.

27. The Corporation may, in the following cases, seize and 25 detain any vessel at any place within the limits of the Province of Ontario:

(a) Whenever any sum is due in respect of a vessel for rates or for commutation of rates, and is unpaid.

(b) Whenever the master, owner, or person in charge of the 30 vessel, has infringed any provision of this Act, or any by-law in force under this Act, and has thereby rendered himself liable to a penalty.

Seizure of goods.

28. The Corporation may seize and detain any goods in the following cases:-35

(a) Whenever any sum is due for rates in respect of such

goods, and is unpaid:

(b) Whenever any provision of this Act, or any by-law in force under this Act, has been infringed in respect of such goods, and a penalty has been incurred thereby.

29. Every seizure and detention made under this Act shall Seizure and be at the risk, cost and charges of the owner of the vessel or be at owners goods seized, until all the sums due, and penalties incurred, risk. together with all costs and charges incurred in the seizure and Duration. 5 detention, and the costs of any conviction obtained for the infringement of any provision of this Act, or of any by-law in

force under this Act, have been paid in full. 2. The seizure and detention may take place either at the May be made commencement of any suit, action or proceeding for the recovery without suit. 10 of any sums of money due, penalties or damages, or pending such suit, action or proceeding, or as incident thereto, or without the institution of any action or proceeding whatsoever.

3. The seizure and detention may be effected upon the order Order for

15 (a) any judge;

(b) any magistrate having the power of two justices of the

(c) the collector of Customs at the port of Toronto.

Application

4. The said order may be made on the application of the for order. 20 Corporation, or its authorized agent, or its solicitor, and may be executed by any constable, bailiff or other person whom the Execution of Corporation entrusts with the execution thereof; and the said order. constable, bailiff or other person, is empowered to take all necessary means and demand all necessary aid to enable him to Aid. 25 execute the same.

# MISCELLANEOUS POWERS.

30. The Corporation shall not have any transactions of any Pecuniary pecuniary nature, either in buying or selling, with any members transactions forbidden. thereof directly or indirectly.

31. Whenever any person is required by or in pursuance of Administration Act to take any coth any commissioner the secretary of tion of oaths. 30 this Act to take any oath, any commissioner, the secretary of the Corporation, the harbour master of Toronto, or any justice of the peace, may administer such oath.

32. The Governor in Council may waive or remit all duties Power to of customs on any articles or merchandise whatsoever imported Council to 35 by the Corporation for the purposes of this Act, but not for remit Customs private use or profit, on application being made to him to the duties. said effect by the Corporation.

### ACCOUNTING FOR MONEYS.

33. The Corporation shall keep separate accounts of all Accounts. moneys borrowed, received and expended by it under the author-01 - 2

Annual report to Governor in Council.

ity of this Act; and shall account for the same annually to the Governor in Council in such manner and form as he sees fit to direct.

### LIMITATION OF SUMMARY PROCEEDINGS.

Prescription of of prosecutions for violation of Act or by-laws.

34. In the case of any violation of this Act, or of any by-law in force under this Act, no complaint or information shall be 5 made or laid after two years from the time that the matter of complaint or information arose.

## SCHEDULE.

Year and Chapter.	Title of Act.	Extent of Repeal
er to enderg	Act of the former Province of Upper Canada.	
4 William IV, c. 23	An Act to extend the limits of the Town of York, to erect the said Town into a City, and to incorporate it under the name of the City of Toronto.	Section XIII.
	.Act of the former Province of Canada.	
13-14 Victoria, c. 80	An Act to provide for the future management of the Toronto Harbour.	The whole,

Honourable Mr. Jaffray.

Received and read a first time Wednesday, 8th March, 1911.

Second reading

Friday, 10th March, 1911.

An Act to amend and consolidate the Acrelating to the Harbour of Toronto.

THE SENATE OF CANADA.

3rd Session, 11th Parliament, 1 George V., 1910

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

# THE SENATE OF CANADA.

# BILL P1.

An Act to incorporate The Western Canal Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

1. In this Act, unless the context otherwise requires,—

(a) "canal" includes lift locks, channels, canals, approaches, "canal."

or other channels, excavated, erected or made by the Company;

(b) "land" includes land covered or partly covered with "land."

10 water;

(c) "vessel" means and includes any vessel, ship, barge, boat, "vessel." scow or raft navigating or passing through any of the canals or channels authorized by this Act;

(d) "power" means and includes such steam, hydraulic or "power."
15 electrical power or power obtained by compressed air or other pressure or energy, as may be used by the Company or made available by the works of the Company.

2. George Alexander Graham, vessel-owner, John Thomas Incorpora-Horne, merchant, both of the town of Fort William, David Croal

20 McKenzie, mayor of the town of Fort Frances, physician, George Archibald Stethen, president of the Board of Trade, Rainy River District, hardware merchant, Herbert Williams, gentleman, and Octave Jalbert, merchant, all of the town of Fort Frances in the province of Ontario, together with such persons

25 as become shareholders in the Company, are hereby incorporated Corporate

as become shareholders in the Company, are neredy incorporated Corporate under the name of "The Western Canal Company" hereinafter name. called "the Company".

- 3. The persons named in Section 2 of this Act shall be the Provisional provisional directors of the Company.
- 30 4. The capital stock of the Company shall be seven hundred Capital and fifty thousand dollars, divided into shares of one hundred stock.

dollars each, and may be called up from time to time by the directors as they deem necessary.

Head office.

5. The head office of the Company shall be in the town of Fort Frances in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determine.

Annual meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in July.

Number of directors.

7. The number of directors shall not be less than five nor more than nine, one or more of whom may be paid directors.

10

Powers. Canal and connecting between certain

points.

S. The Company may: (a) construct, maintain and operate a ship canal and navigable connecting channels from a point five miles east of Fort Frances on Rainy Lake, by way of the Rainy River, to a point five miles west of the foot of the Long Sault Rapids on the said

15

Works for operation and maintenance thereof.

river;

(b) construct, maintain and operate all channels, locks, dams, diversions, works and connections necessary for the efficient operation of a ship canal and for the maintenance of a navigable channel between the said points;

Ditto. Works for supply of

(c) construct, maintain and operate all locks, dams, reservoirs, 20 channels and works necessary in connection with the supply and regulation of water in the said canal and channels;

water. Passages canals, etc.

(d) construct, maintain and operate any passage over, under or through the said canal and channels, or over, under or through any river, watercourse, water or land, when necessary 25 for the purposes of the undertaking;

Terminals.

(e) construct, maintain and operate, use or lease or otherwise

dispose of, terminals, wharves, and harbour works;

Development electrical power.

(f) create hydraulic and electrical power from or by water hydraulic and brought into or contained in any canal, dam, lock or channel, 30 and use the same for lighting and operating the canals, locks, gates, channels, shops, and other works of the Company; and also, subject to the approval of the Governor in Council as to rates and conditions, use, sell, lease, or otherwise dispose of any hydraulic, electrical or other kind of power developed by or 35 made available by or in connection with the canal system of the Company, when and to the extent the same may not be required for the purposes of navigation or for the works of the Company.

Vessels.

power.

Rates, etc.

Disposal of

(g) build or acquire, and use or dispose of, steamers, tugs, boats, barges and other vessels, for the purposes of the said 40 canal; and propel vessels of all kinds in and through the said canal by any kind of power or force; and, for such purposes, construct, erect, maintain and operate such structures, machinery, and appliances as are necessary to produce or operate the said force or power;

Structures, machinery,

45

- (h) manufacture and produce any commodity for affording traffic on the said canal and channels.
- 9. The Company may open, cut, excavate and erect such Basins, ponds and basins for the laying up and turning of vessels, boats docks, etc. 5 or craft using the said canal as it deems expedient; and at such portions thereof as it deems expedient; and may also build and erect dry docks and slips and all necessary machinery connected therewith for the operation of such dry docks and slips, and for building and repairing vessels, and may lease or 10 hire the same on such terms as it deems expedient, or may operate them by its servants or agents.

10. The Company shall, at each and every place where the crossing said canal or any of the said channels crosses any highway or highways.

- public road (unless exempted from the provisions of this section, 15 so far as any highway or public road is in use, by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of the Governor in Council, bridges, tunnels, ferries or other means of passage over or under the said canal or channels, so that the public thorough-
- 20 fare may be as little impeded as reasonably necessary; and the Company shall not, in making the said canal or channels, cut through or interrupt the passage on any highway or public road until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects
- 25 to comply with the requirements of this section, the Company shall incur a penalty of one hundred dollars.
- 11. The land, ground or property to be taken or used, without Breadth of the consent of the proprietors, for the said canal, channels, and land to be taken on works, and for the ditches, drains, diversions, dams, reservoirs each side 30 and other works, shall not exceed such lands as may be necessary for the proper construction, operation and maintenance of the said canal, channels and works incidental thereto, including lands and lands covered or partly covered by water, or water areas necessary at places where dams, intakes, outlets or basins 35 or other works are required to be cut or made as necessary parts of the canal and channels as shown on the plans to be approved as hereinafter provided.
- 12. The Company shall not break ground or commence the Plan of construction of the said canal or of any of the channels or other works to be 40 works incidental or necessary to the carrying out of the Com-Governor in pany's undertaking authorized by this Act, unless and until the Council. plans, locations, dimensions and all necessary particulars of such canal, channels and other works, so authorized, have been submitted to and have received the approval of The Waterways' 45 Commission and have also been submitted to the Minister of

Railways and Canals, and have received the approval of the Governor in Council.

Issue of bonds.
R.S., c. 37, s. 136 et seq.

13. The Company may issue and pledge or dispose of bonds, debentures or other securities in the manner provided in *The Railway Act*, to the extent of two million dollars.

5

Tolls may be charged.

14. The Company may ask, demand, take and recover for all vessels, passengers and goods transported upon the said canal, or vessels using them, or other service rendered by the Company, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description shall be levied or 10 taken by the Company until they have been approved of by the Governor in Council.

Approval of Governor in Council.

Tolls to be charged equally.

2. All tolls shall, under the same circumstances, be charged equally to all persons for all goods and services of a like character and no reduction or advance on any such tolls shall be 15 made, either directly or indirectly, in favour of or against any particular person or Company using the canal, channels or works of the Company.

Time for construction limited.

15. If the construction of the canal, channels or other works hereby authorized to be constructed, or some of them, is 20 not commenced within five years and completed within ten years after the passing of this Act, or if the said canal, channels or other works, or any of them, are not finished within twelve years after the passing of this Act, then the powers granted by this Act shall cease and be null and void, as respects so much 25 of the said canal, channels and other works, hereby authorized, as then remains uncompleted.

Government mprovement.

16. Nothing in this Act shall be construed to prevent the Government of Canada from improving the said river, or shall give the Company any claim for damages by reason of any such 30 improvement being made.

Agreements with other companies. R.S., c. 37.

17. Subject to the provisions of this Act and of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements, for any of the purposes specified in the said section 361, with any company or companies having powers similar to 35 those of the Company.

Application of . R.S., c. 37. 18. The Railway Act shall, so far as applicable and when not inconsistent with this Act, apply to the Company and to its undertaking, and the Company shall have and may exercise all the powers conferred by The Railway Act, in so far as the said 40 Act is applicable to the Company.

Interpretation. "railway."

2. Wherever in *The Railway Act*, the expression "railway" occurs, it shall, unless the context otherwise requires, in so far

as it applies to this Act or to the Company, mean any canal,

channel, dam or other work by this Act authorized.

3. Wherever in *The Railway Act* the expression "land" occurs, "land." it shall, in its application to this Act and to the Company 5 include land covered or partly covered by water, and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining the works authorized by this Act under, over or along any land or water, without the necessity of obtaining a title in fee sim-10 ple thereto.

19. Part II of The Companies Act shall not apply to the R.S., c. 79 not to apply.

20. His Majesty, His heirs and successors, may at any time works may assume the possession of, and the property in, the said canal be taken 15 and works, and of and in all the rights, privileges and advantages Government. of the Company, on giving to the Company one week's notice of intention to do so; and thereupon all property in the said canal, works, rights, privileges and advantages shall become and thenceforward shall be, vested in His Majesty, His heirs 20 and successors, and by way of compensation His Majesty shall pay to the Company the value of the work actually done by the Company up to the time of the giving of such notice in surveying, and in the making of plans, and otherwise upon the undertaking, together with the value of all tangible property of the Company 25 of which possession may be so taken, such values to be fixed by three valuators, or the majority of them, one valuator to be chosen by His Majesty, another by the Company, and the third by the two so chosen.

P1-2

THE SENATE OF CANADA.

BILL

Pi

An Act to incorporate The Western Canal Company.

Received and read a first time
Wednesday, 8th March, 1911.

Second reading

Friday, 10th March, 1911.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by C. H. PARMELEB
Printer to the King's most Excellent Majesty
1910-11

# THE SENATE OF CANADA.

# BILL Q1.

An Act to amend The Inspection and Sale Act, as regards the weights of a bushel and a bag of certain articles.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:—

1. Section 337 of *The Inspection and Sale Act*, chapter 85 of R.S.C. 85, 5 *The Revised Statutes*, 1906, is hereby repealed and the following amended. section is substituted therefor:—

"337. A bushel of any article mentioned in this subsection Bushel of shall mean, unless a bushel by measure is specially agreed upon, articles. that number of Dominion standard pounds of such article which 10 is shown in this subsection opposite the name of such article.

	Description of article.	Weight in Dominio standard pounds.
	Artichokes	56
	Beans	60
20	Beets	
	Bituminous coal	70
	Blue grass seed	
	Carrots	
	Castor beans	40
	Clover seed	60
	Hemp seed	
	Lime	
	Malt	
	Onions	
	Parsnips	
	Potatoes	20
	Timothy seed	
	Turnips	

"2. A bag of any article mentioned in this subsection shall Bag of 30 mean, unless a bag by measure is specially agreed upon, that articles.

number of Dominion standard pounds of such article which is shown in this subsection opposite the name of such article.

Description of article.	Weight in Dominion standard pounds.
Artichokes	75 5
Beets	
Carrots	70
Onions	
Parsnips	
Potatoes	
Turnips	70

1911, c. repealed.

2. The Act passed during the present session respecting the sale of potatoes by the barrel and intituled An Act to amend the Inspection and Sale Act, is hereby repealed.

R.S.C. 83, s. 338 amended. Barrel of potatoes.

3. Section 338 of the said chapter is hereby repealed and the 15 following is substituted therefor:-

"338. A barrel of potatoes shall mean, unless a barrel of specified size, kind or content by measure is specially agreed upon, one hundred and sixty-five Dominion standard pounds of potatoes".

THE SENATE OF CANADA.

An Act to amend The Inspection and S. Act, as regards the weights of a busi

and a bag of certain articles.

SIR RICHARD CARTWRIGHT, G.C.M.

Friday, 10th March, 1911.

Second reading

Received and read a first time

Wednesday, 8th March, 1911.

Right Honourable

Printer to the King's most Excellent Majest Printed by C. H. PARMELEE OTTAWA 3rd Session, 11th Parliament, 1 George V., 1910

# SENAT DU CANADA

# BILL R(1).

Loi constituant en corporation "The Ontario Railways Company".

CONSIDÉRANT qu'il a été présenté une pétition demandant Préambule. que soient établies les dispositions législatives ci-dessous énoncées, et qu'il est à propos d'accéder à cette demande: A ces causes, Sa Majesté, de l'avis et du consentement du Sénat et de 5 la Chambre des Communes du Canada, décrète:

1. James Henry Kittermaster, banquier, John Newton, mar-Constitution. chand, Isaac Newton, marchand, Henry F. Holland, gérant de banque, tous de la ville de Sarnia, comté de Lambton, province

- d'Ontario; A. W. McLimond, de Jackson, Etat de Michigan, 10 ingénieur civil; Albert D. Bennett, de la cité de Port-Huron, Etat de Michigan, banquier, et Myron W. Mills, de ladite cité de Port-Huron, capitaliste, ainsi que les personnes qui deviendront actionnaires de la Compagnie sont par la présente loi constitués en une corporation ayant nom «The Ontario Rail- Nom corpo-15 ways Company», ci-après appelée «la Compagnie».

- 2. L'entreprise de la Compagnie est par la présente loi dé-Déclaration. clarée être à l'avantage du Canada en général.
- 3. Les personnes nommées à l'article premier sont par la Directeurs présente loi constituées directeurs provisoires de la Compagnie. provisoires.
- 4. Le capital social de la Compagnie est de un million de Capital social. dollars. Nul appel de versement n'excédera dix pour cent du Appels. montant des actions souscrites.
- 5. Si elle y est préalablement autorisée en vertu d'une réso-Emission lution passée par les actionnaires ordinaires à une assemblée privilégiées. annuelle ou à une assemblée générale spéciale régulièrement 25 convoquée pour cet objet et à laquelle auront été présents ou représentés par fondés de pouvoirs des actionnaires détenant

Priorité.

au moins les trois quarts en valeur des actions ordinaires souscrites, la Compagnie peut émettre toute partie de son capital social en actions privilégiées; et les actions privilégiées ainsi 5 émises ont, sur les actions ordinaires, à l'égard des dividendes et aux autres égards, tels privilèges et priorité que ladite résolution peut déclarer.

Etat légal des porteurs d'actions privilégiées. 2. Les porteurs de ces actions privilégiées sont considérés comme actionnaires au sens de la présente loi et de la Loi des 10 chemins de jer et, à tous autres égards que ceux des privilèges et de la priorité auxquels le présent article pourvoit, possèdent les mêmes droits et sont assujettis aux mêmes obligations que les actionnaires.

Siège.

6. Le siège de la Compagnie est en la ville de Sarnia, comté 15 de Lambton, province d'Ontario.

Assemblée annuelle.

7. L'assemblée annuelle des actionnaires a lieu le deuxième mercredi de septembre.

Directeurs.

8. Le nombre des directeurs doit être d'au moins cinq et ne pas excéder neuf, et l'un ou plusieurs d'entre eux peuvent être 20 rétribués comme tel.

Tracé de la ligne de chemin de fer. 9. La Compagnie peut établir, construire et tenir en service une ligne de chemin de fer d'une largeur de voie de quatre pieds huit pouces et demi, à partir d'un endroit dans, ou près la ville de Sarnia, comté de Lambton, province d'Ontario, jusqu'à un 25 endroit dans; ou près la cité de Chatham, comté de Kent, dans ladite province; et de là à la cité de Windsor, comté d'Essex, dans ladite province, avec embranchement vers l'est, à partir de quelque point de la ligne de la Compagnie, entre la ville de Sarnia et la cité de Chatham, jusqu'au village de Brigden, 30 comté de Lambton.

Consentement des municipalités. 10. La Compagnie ne peut construire, ni tenir en service sa ligne de chemin de fer le long d'une voie publique, d'une rue ou d'un autre lieu public sans avoir préalablement obtenu le consentement, exprimé par règlement, de la municipalité dont 35 relève cette voie publique, cette rue ou cet autre lieu public, ni autrement qu'aux conditions convenues avec ladite municipalité.

Vaisseaux, quais, etc.

11. Pour les fins de son entreprise, la Compagnie peut construire, acquérir, affréter et aliéner des navires à vapeur et 40 autres, de toutes sortes, pour le transport de trains, de wagons, de passagers, d'effets et de marchandises, et ces vaisseaux peuvent naviguer aux, et des points extrêmes de la ligne de chemin de fer de la Compagnie, des, et aux ports du Canada et d'ailleurs; et la Compagnie peut construire, acquérir, louer et 45

aliéner des quais, docks, élévateurs, entrepôts, commodités de tête de ligne et autres constructions devant servir à faciliter les opérations se rattachant à l'industrie susdite de la Compagnie; Opérations de et elle peut exercer les opérations de propriétaire de quais et propriétaire 5 d'entrepôts.

12. Pour les fins de son entreprise, et particulièrement pour Traverse sur exécuter les arrangements conclus avec la Michigan United St. Clair. Electric Railway Company, ainsi qu'il est dit ci-dessous, la Compagnie peut construire ou acquérir et tenir en service un ou 10 des bacs traversant la rivière St. Clair, depuis un endroit dans, ou près la ville de Sarnia, comté de Lambton, jusqu'à un endroit dans, ou près la cité de Port-Huron, Etat de Michigan, afin de transporter ses trains, wagons et passagers, ainsi que les trains, wagons et passagers de la Michigan United Electric

15 Railway Company, ainsi que le fret, effets et marchandises portés par l'une ou l'autre compagnie à, ou de ladite ville de Sarnia et à, ou de ladite cité de Port-Huron, transport se rattachant aux opérations de l'une ou l'autre, ou des deux compagnies.

13. Subordonnément aux dispositions de la Loi des chemins Télégraphes 20 de fer, la Compagnie peut construire et tenir en service des S.R. c. 37. lignes de télégraphe et de téléphone sur le parcours de sa voie S.R., c. 37. ferrée, et établir des bureaux pour la transmission de dépêches télégraphiques et l'échange de communications téléphoniques pour le public, et entreprendre ces services et en percevoir des 25 taux; et, pour les fins de l'exploitation desdites lignes ou pour la transmission de dépêches télégraphiques ou l'échange de communications téléphoniques, elle peut, subordonnément aux

dispositions de la Loi des chemins de fer, traiter avec toutes compagnies autorisées à construire ou à exploiter des lignes de télé-30 graphe ou de téléphone, et elle peut relier ses propres lignes aux Traités avec lignes de ces compagnies ou les louer à ces dernières.

2. Il ne sera demandé ni perçu de taux ou rémunérations Taux ou répour la transmission de dépêches télégraphiques ou l'échange munérations. de communications téléphoniques ou pour la location ou l'usage

35 des télégraphes ou des téléphones de la Compagnie tant que le tarif n'en aura pas été approuvé par la Commission des chemins de fer pour le Canada, laquelle peut de temps à autre reviser ce

3. La Partie II de la Loi des télégraphes, sauf les parties qui s.R., c. 126. 40 sont incompatibles avec la présente loi ou avec la Loi des chemins de fer, s'applique aux opérations télégraphiques de la Com-

14. Subordonnément aux dispositions des articles 361, 362 Arrange et 363 de la Loi des chemins de fer, la Compagnie peut conclure d'autres d'autres 45 des arrangements, pour toutes fins spécifiées audit article 361, compagnies.

avec les compagnies ci-nonmées, ou quelqu'une d'entre ces compagnies qui sont: la Michigan United Electric Railway Company, la Compagnie du Grand-Tronc de chemin de fer du Canada, la Compagnie du chemin de fer Canadien du Pacifique, et la Père Marquette Railway Company.

SÉNAT DU CANADA.

BILL.

R(1)

Loi constituant en corporation «The Ontario Railways Company».

Reçu et lu la première fois, jeudi, le 9e jour de mars 1911.

Deuxième lecture, mardi, le 14e jour de mars 1911.

Honorable M. GIBSON.

OTTAWA Imprimé par C. H. PARMELEE Imprimeur de Sa Très Excellente Majesté le Roi 1910-11

## THE SENATE OF CANADA.

## BILL S1.

An Act for the relief of Ethel May Hornell.

WHEREAS Ethel May Hornell, presently residing at the city Preamble. of Toronto, in the province of Ontario, wife of David Wyllie Hornell, of the city of Montreal, in the province of Quebec, salesman, has by her petition alleged, in effect, that they were 5 lawfully married on the twenty-sixth day of August, A.D. 1901, at the said city of Toronto, she then being Ethel May Stevenson, spinster; that the legal domicile of the said David Wyllie Hornell was then and is now in Canada; that in or about the month of September, A.D. 1904, he deserted her; that on or 10 about the fourth day of October, A.D. 1910, at the King Edward Hotel, in the city of Toronto, in the province of Ontario, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between 15 him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of 20 her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Ethel May Stevenson and Marriage David Wyllie Hornell, her husband, is hereby dissolved, and dissolved. 25 shall be henceforth null and void to all intents and purposes whatsoever.
- 2. The said Ethel May Stevenson may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said David Wyllie Hornell had not been 30 solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

 $S_1$ 

An Act for the relief of Ethel May Hornell.

Received and read a first time,

Thursday, 9th March, 1911.

Second reading,

Tuesday, 14th March, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

# THE SENATE OF CANADA.

### BILL TI.

An Act for the relief of Paulina Verena Meyer.

WHEREAS Paulina Verena Meyer, presently residing at the Preamble. city of Toronto, in the province of Ontario, wife of Henry Meyer, of the township of Uxbridge, in the province of Ontario, farmer, has by her petition alleged, in effect, that they were 5 lawfully married on the twenty-fourth day of February, A.D. 1885, at the said city of Toronto, she then being the widow of the late John Meyer; that the legal domicile of the said Henry Meyer was then and is now in Canada; that during the years A.D. 1908, 1909 and 1910, at Sandy Hook, in the said township 10 of Uxbridge, he lived with one Frances Sickinger as man and wife, and during the said years on divers occasions committed adultery with the said Frances Sickinger; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the 15 proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition 20 be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Paulina Verena Meyer and Marriage Henry Meyer, her husband, is hereby dissolved, and shall be dissolved. 25 henceforth null and void to all intents and purposes whatsoever.
  - 2. The said Paulina Verena Meyer may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Henry Meyer had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910

THE SENATE OF CANADA.

BILL

 $T_1$ 

An Act for the relief of Paulina Verd Meyer.

Received and read a first time

Thursday, 9th March, 1911.

Second reading

Tuesday, 14th March, 1911.

Honourable Mr. CAMPBELL

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majest
1910-11

### THE SENATE OF CANADA.

# BILL U1.

An Act to incorporate The North West Loan Company.

HEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

1. Russell Wilson, Archibald P. McNab, James Clinkskill, Incorpora-William J. Bell, Herbert Weston, James Frederick Cairns, tion. Truman F. Calder, William Charles Sutherland, Albert Herman Hanson, James R. Wilson, Fred Engen, and Philip Edward 10 MacKenzie, all of the city of Saskatoon, in the province of Saskatchewan, and Emil Julius Malicke, of the town of Dundurn, in the said province, together with such other persons as become shareholders in the company, are incorporated under the name of "The North West Loan Company", hereinafter called the" Corporate 15 Company."

2. The persons named in section 1 of this Act shall be the first Provisional or provisional directors of the Company, a majority of whom directors. shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for Powers.

20 the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Com pany, and may withdraw the same only for the purposes of the

25 Company, and may do generally what is necessary to organize the Company.

3. The capital stock of the Company shall be one million Capital dollars divided into shares of one hundred dollars each.

2. So soon as not less than one hundred thousand dollars of the Election of 30 capital stock have been subscribed, and not less than fifty thous-directors. and dollars of that amount have been paid into some chartered bank in Canada, the provisional directors shall call a general

meeting of the shareholders at some place to be named in the city of Saskatoon, at which meeting shall be elected the board of directors of the Company, who shall hold office until their successors are appointed; and upon the election of such board

the functions of the provisional directors shall cease.

Qualification.

3. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

Head office.

4. The head office of the Company shall be at the city of 10 Saskatoon, in the province of Saskatchewan, or at such other place in Canada as the directors may from time to time deter-Other offices, mine by by-law, but the Company may establish other offices and places of business elsewhere.

Conditions of commencing

Certificate.

Subscription of stock.

Cash deposit

Time for application

Proviso: for case of certificate not being obtained.

**5.** The Company shall not borrow or lend money or otherwise 15 carry on business until it has obtained from the Minister of Finance a certificate permitting it to do so; and no application for such certificate shall be made, and no such certificate shall be given, until the board of directors has been elected as required by this Act, nor until it has been shown to the satisfaction of the 20

Minister of Finance that at least five hundred thousand dollars of the capital stock of the Company have been subscribed and at least one hundred thousand dollars have been paid thereon in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act. No such 25 certificate shall be given unless application therefor is made for certificate, within two years after the passing of this Act, or within such extended period as the Governor in Council, before the expiration of such two years, allows: Provided, that should such certificate not be duly made within the time limited, or should such 30 certificate be refused, this Act shall thereupon cease to be in force

except for the purpose of winding up the affairs of the Company and returning to the subscribers the amounts paid upon the subscribed stock, or so much thereof as they are entitled to.

6. The Company may carry on the business of lending money 35 on the security of, or purchasing or investing in,

(a) mortgages or hypothecs upon freehold or leasehold real

estate or other immovables;

(b) the debentures, bonds, fully paid-up stocks and other securities of any government, or of any municipal corporation or 40 school corporation, or of any chartered bank in Canada or of any company incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, but not including bills of exchange or promissory notes.

2. The Company may take personal security as collateral for 45 any advance made or to be made, or contracted to be made by,

or for any debt due to the Company.

Mortgages estate. Stock and s curities.

Personal security.

7. The Company may act as an agency association for the Agency interest and on behalf of others who entrust it with money for association. that purpose, and may, either in the name of the Company or of

such others, lend and advance money to any person or munici-5 pal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in section 6 of this Act; and may purchase and acquire any securities on which they are authorized to advance money, and resell the same.

2. The conditions and terms of such loans and advances, and Enforcement 10 of such purchases and re-sales, may be enforced by the Company of agreements for its benefit, and for the benefit of the person for whom such money has been lent or advanced, or such purchase and resale made; and the Company shall have the same powers in respect of such loans, advances, purchases and sales as are conferred 15 upon it in respect of loans, advances, purchases and sales made

from its own capital.

3. The Company may also guarantee the repayment of the Guarantee of principal or the payment of the interest, or both, of any money repayment.

entrusted to the Company for investment.

4. The Company may, for every or any of the foregoing pur-Employment poses, lay out and employ the capital and property, for the time of capital. being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid; and may

25 do, assent to, and exercise all acts whatsoever which, in the opinion of the directors, are requisite or expedient to be done in regard thereto.

5. All moneys as to which the repayment of the principal or Moneys payment of interest is guaranteed by the Company shall, for the be deemed 30 purposes of this Act, be deemed to be money borrowed by the borrowed. Company.

8. The Company may liquidate, and carry on for the purposes Liquidation of such liquidation, the business of any other company carrying of companies. on any business which the Company is authorized to carry on, 35 upon such terms as may be agreed upon.

9. The Company may, subject to any limitation or prohibi-Loans tion imposed by its by-laws, lend upon its own paid-up stock to upon the company's an amount not exceeding, in the aggregate of all such loans, ten own paid-up per cent of the Company's paid up stock, but no such loan shall stock

40 exceed eighty per cent of the market price then actually offered for the stock.

2. The Company shall not, except as in this section provided, Other such make any loan or advance upon the security of any share or loans stock of the Company, whether with or without collateral 45 security.

3. The Company shall not invest in nor lend money on the Other such loans prohibited. stock of any other loan company.

Moneys on deposit.

Limitation of liability to the public.

deposit upon such terms as to interest, security, time for payment and otherwise as may be agreed, and may issue its bonds, debentures and other securities for moneys borrowed: Provided that the total of the Company's liability to the public outstanding 5 from time to time shall not exceed four times the amount paid upon its then actually paid up and unimpaired capital stock; but the amount of cash on hand, or deposited in chartered banks, belonging to the Company, shall be deducted from such total liability for the purposes of this section: Provided also, that the 10 amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital, and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the Company.

Limitation of amount held on deposit.

Deduction of loans to shareholders.

11. The loans or advances by the Company to its shareholders, 15 upon the security of their stock, shall be deducted from the amount of the paid-up capital upon which the Company is authorized to borrow.

Inclusion of liability of companies assumed.

12. The liabilities of any company assumed by the Company shall form part of the total liabilities of the Company to the 20 public, for the purposes of section 10 of this Act.

Decrease of capital.

13. The directors may, from time to time, by by-law, provide for the decrease of the capital stock of the Company to any amount not less than one hundred thousand dollars which they consider sufficient.

Contents of

2. Such by-law shall declare the number of the shares of the stock so decreased and the allotment thereof or the rules by which the same is to be made.

Rights of creditors preserved.

3. The liability of shareholders to persons who are, at the time the stock is decreased; creditors of the Company, shall 30 remain as though the stock had not been decreased.

Requisites for validity of by-law.

14. No by-law for decreasing the capital stock of the Company shall have any force or effect unless and until it has been sanctioned by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for 35 considering such by-law, such shareholders holding not less than two-thirds of the issued capital stock of the Company represented at such meeting, and provided that such by-law has afterwards been confirmed by a certificate of the Minister of Finance, given under the authority of the Treasury Board.

Certificate of Minister of Finance.

Requisites for such certificate.

15. Upon the application to the Minister of Finance for a certificate confirming such a by-law, the Company shall satisfy him of the bona fide character of the decrease of capital thereby provided for; and, unless it appears that the granting of such

certificate would not be in the public interest, the Minister, with the approval of the Treasury Board, may grant the same: Proviso. Provided that, with the consent of the Company, the amount of such decrease of capital may, by the certificate, be changed, and 5 the decrease made subject to such conditions as the Treasury Board thinks proper.

16. The directors may, with the consent of the shareholders Debenture at the first general meeting, or thereafter at any special general stock, 10 meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest, as the directors from time to time think proper; but such debenture stock shall be treated

15 and considered as part of the ordinary debenture debt of the Company, and shall be included in estimating the Company's To be liabilities to the public, under section 10 of this Act; and such estimate of debenture stock shall rank equally with the ordinary debenture liabilities and deposit debt of the Company, and no greater rights or to public.

20 privileges shall be conferred upon holders of debenture stock Rank. in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company. Such stock shall be transferable in such amounts and in such manner as Transfer. the directors determine.

25

17. The debenture stock aforesaid shall be entered by the Register of Company in a register to be kept for that purpose in the head or debenture stock. other registered office of the Company in Canada or elsewhere, wherein shall be set forth the names and addresses of those from Contents.

30 time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every mortgagee, debenture holder, bondholder, debenture-stockholder and shareholder of the Company 35 without the payment of any fee or charge.

- 18. The holders of the ordinary debentures of the Company Exchange of may, with the consent of the directors, at any time exchange debentures. such debentures for debenture stock.
- 19. The Company, having issued debenture stock, may from Cancellation time to time, as it thinks fit and in the interest of the Company, of debenture but only with the consent of the holders thereof, buy up and stock. but only with the consent of the holders thereof, buy up and cancel the debenture stock or any portion thereof.
- 20. No by-law to create and issue preference stock shall Preference have any force or effect until it has been sanctioned, either by stock by-laws invalid till the shareholders in writing or by a vote of the shareholders sanctioned. present or represented by proxy at a general meeting of the

Company duly called for considering it, such shareholders present at the meeting or represented thereat by proxy holding not less than two-thirds of the amount paid upon the capital stock of the Company.

Reserve

21. The directors may set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies, or for equalizing dividends, or for repairing, improving or maintaining any of the property of the Company, and for such other purposes as the directors may in their discretion think conducive to the interests of the Company, and 10 may invest the several sums so set aside upon such investments (other than shares of the Company) as they may think fit, and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they 15 think fit, with all power to employ in the business of the Company the assets constituting the reserve fund, and that without being bound to keep the same separate from the other assets: Provided always that the investment of the reserve fund shall be subject to the limitations in section 6 of this Act.

Extension of business outside of Canada.

22. The Company may, in general meeting of its shareholders duly called for the purpose, pass a by-law authorizing its directors to extend the business of the Company outside of Canada, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Property and buildings for agencies abroad, 2. If, as provided in the next preceding subsection, the Company carries on business outside of Canada, the Company may, in general meeting of the shareholders duly called for the purpose, pass a by-law authorizing the directors to invest moneys of the Company in the acquisition of property for the erection of or 30 purchase of buildings required for the occupation or use of the Company in any place where the Company is so carrying on business.

Agencies abroad.

23. The Company may have agencies in any places in Great Britain, or elsewhere, for the registration and transfer of deben- 35 ture or other stock, and for the transaction of any other business of the Company.

Power to acquire business, etc., of other companies. 24. The Company may purchase, acquire and undertake the whole or any part of the business, assets, rights, credits, effects and property, real, personal and mixed, of whatsoever kind 40 and wheresoever situated, belonging to any other company within the legislative power of the Parliament of Canada, and the liabilities and the name and good-will of such other company, provided such other company carries on any business which the Company is authorized to carry on, or is possessed of 45

property suitable for the purposes of the Company; and may pay therefor in cash or in stock either fully paid up or partly Payment. paid up, or partly in cash and partly in stock either fully paid up or partly paid up, or in any other manner; and any such

5 other company whose assets the Company desires to purchase is Power 10 hereby authorized to sell and transfer its assets, business, companies property, name and good-will; and the Company and any to sell. such other company may enter into agreements for such purchase and sale and do all other acts necessary or convenient for

10 the purposes of such purchase and sale: Provided always that Proviso. specified assets may be excepted from any such purchase and sale: Provided further that no such agreement shall become operative and effective until it has been submitted to and Approval of approved by the Treasury Board.

15 25. In case any company whose assets are acquired by the Issue of Company has issued debenture stock, and such debenture stock debenture is outstanding at the date of such acquisition, the directors of of d benture the Company may, if and when they think fit, and either with stock of other companies. or without the sanction of the shareholders, issue debenture

- 20 stock to the extent of the nominal value of the debenture stock of such other company outstanding as aforesaid, and may with the consent of any holder of debenture stock in such other company give to him, in lieu of the debenture stock held by him, debenture stock of the Company on such terms as may be agreed 25 upon.
- 26. At the first general meeting of the Company, and at each Directors. annual meeting, the holders of the capital stock present or Election. represented by proxy shall choose not less than ten nor more than twenty persons to be directors of the Company, a majority Quorum. 30 of whom shall be a quorum.

27. The Company shall not be bound to see to the execution Company of any trust, whether express, implied or constructive, to which to see to any share of its stock, or debentures, or debenture stock, or any execution of trusts. deposit or any other moneys payable by or in the hands of the 35 Company may be subject, and the receipt of the party in whose name such share, debentures, debenture stock, deposit or moneys, stand in the books of the Company, shall from time to time be sufficient discharge to the Company for any payment made in

respect of such share, debentures, debenture stock, deposit or 40 moneys, notwithstanding any trust to which it may then be subject, and whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

28. If the interest of any person in any share in the capital Transmission 45 stock, or debenture stock, or in any bond, debenture, or obliga- in shares tion of the Company, which bond, debenture or obligation is

otherwise than by transfers. not payable to bearer, or in any deposit or any other moneys payable by or in the hands of the Company, is transmitted in consequence of the death, or bankruptcy, or insolvency of such holder, or by any lawful means other than a transfer upon the books of the Company, the directors shall not be bound to 5 allow any transfer pursuant to such transmission to be entered upon the books of the Company, or to recognize such transmission in any manner until a declaration in writing, showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, and also 10 executed by the former shareholder, if living and having power to execute the same, has been filed with the manager or secretary of the Company and approved by the directors; and if the declaration, purporting to be signed and executed, also purports to be made or acknowledged in the presence of a notary public, 15 or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or of a British Consul, or viceconsul, or other accredited representative of the British Government in any foreign country, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to 20 the declaration and, unless the directors are not satisfied with the responsibility of the transferee, shall allow the name of the party claiming by virtue of the transmission to be entered in the books of the Company.

Requirements in case of transmission by will or intestacy.

29. If the transmission takes place by virtue of any testa-25 mentary act or instrument, or in consequence of any intestacy, the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is 30 claimed to vest, purports to be granted by any court or authority in Canada, or in Great Britain or Ireland, or in any other of His Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the declaration mentioned in section 28 of this 35 Act, be produced and deposited with the manager, secretary, treasurer or other officer named by the directors for the purpose of receiving the same; and such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, 40 debenture, or obligation or share, or any deposit or any other moneys payable by or in the hands of the Company, or for transferring or consenting to the transfer of any bond, debenture, obligation or share or any deposit or any other moneys payable by or in the hands of the Company, in pursuance of, 45 and in conformity to such probate, letters of administration or other such documents aforesaid.

30. Whenever the directors entertain reasonable doubts as Directors to the legality of any claim to or upon any shares, bonds, debent- to court in ures, obligations, dividends or coupons, or the proceeds thereof, case of or any deposit or any other moneys payable by or in the hands doubt.

5 of the Company, then and in such case the directors may file in any superior court of competent jurisdiction in the province where the head office of the Company is situated, a petition stating such doubts and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures,

10 obligations, dividends, coupons or proceeds thereof, or any deposit or any other moneys payable by or in the hands of the Company, to the parties legally entitled thereto; and such court shall have authority to restrain any action, suit or proceedings against the Company, the directors and officers thereof,

15 for the same subject matter, pending the determination of the petition; and the Company and the directors and officers shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters in question in such petition and the

20 proceedings thereupon: Provided always, that if the court Proviso. adjudges that such doubts were reasonable, the costs, charges costs if and expenses of the Company in and about such petition and doubts reasonable. proceedings shall form a lien upon such shares, bonds, debentures, obligations, dividends, coupons or proceeds thereof or any

25 deposit or any other moneys payable by or in the hands of the Company, and shall be paid to the Company before the directors shall be obliged to transfer or assent to the transfer of or to pay such shares, bonds, debentures, obligations, dividends, coupons, or proceeds thereof or any deposit or any other moneys payable 30 by or in the hands of the Company to the parties to be found entitled thereto.

31. No parcel of land or interest therein at any time acquired Term for by the Company and not required for its actual use and occupa-which land may be held. tion or not held by way of security, shall be held by the Com-

35 pany or by any trustee on its behalf for a longer period than ten years after the acquisition thereof; but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security; and any such parcel of land or any interest Forfeiture.

40 therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than Extension ten years without being disposed of, shall be forfeited to His of term. Majesty: Provided that the Governor in Council may extend the said period from time to time not exceeding in the whole

45 twelve years: Provided further that no such forfeiture shall Notice of take effect or be in force until the expiration of at least six enforcing forfeiture. months after notice in writing to the Company of the intention

Statement of lands subject to. of the Crown to claim such forfeiture; and the Company shall, when required, give to the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company and subject to these provisions.

5

Annual statement to Minister of Finance.

32. The Company shall, on or before the first day of March in each year, transmit to the Minister of Finance a statement in duplicate, to and including the thirty-first day of December of the previous year, verified by the oaths of the president or vice-president and the manager or secretary, setting out the 10 capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities and 15 also the extent and value of the lands held by it, and giving such other details as to the nature and extent of the business of the Company as the Minister of Finance requires, and in such forms and with such details as he from time to time requires and prescribes; but the Company shall in no case be bound to 20 disclose the names or private affairs of any person who has dealings with it.

Penalty for non-compliance.

2. If the Company for the space of one month neglects or refuses to comply with the written request of the Minister of Finance to make the statement to him required by this section, 25 the Company shall incur a penalty not exceeding twenty dollars for every day during which such default continues, and every director and officer of the Company who knowingly and wilfully authorizes or permits such default, shall incur the like penalty.

**33.** Sections 125, 135, 161, 165 and 167 of *The Companies* 30 Act shall not apply to the Company.

OTTAWA
Printed by C. H. Panneless
Printer to the King's most Excellent Majesty

Honourable Mr. Warson

Received and read a first time
Tuesday, 14th March, 1911
Second reading

Thursday, 16th March, 1911.

An Act to incorporate The North West Loan Company.

THE SENATE OF CANADA

d Session, 11th Parliament, 1 George V., 1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

### BILL V1.

An Act respecting the Alsek and Yukon Railway Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1907, c. 58.
grant the prayer of the said petition: Therefore His Majesty, by
and with the advice and consent of the Senate and House of
5 Commons of Canada, enacts as follows:—

1. The Alsek and Yukon Railway Company may, within four Extension of years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within seven years after the 10 passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by 15 Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

2. Chapter 41 of the statutes of 1909 is hereby repealed.

Repeal of former time limit.

THE SENATE OF CANADA.

BILL

V1

An Act respecting the Alsek and Yukon Railway Company.

Received and read a first time

Tuesday, 14th March, 1911.

Second reading

Thursday, 16th March, 1911.

Honourable Mr. Bostock.

OTTAWA

Printed by C. H. PARMELEE Printer to the King's most Excellent Majesty 1910-11

#### MHID SENATE OF CANADA.

## BILL W1.

An Act to incorporate The New Ontario and Quebec Railway Company.

HEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:-

1. Emil Andrew Wallberg, of the city of Montreal, contractor, Incorpora-Lewis Miller Wood, of the city of Toronto, manager, Thomas tion. Henry Watson, of the city of Toronto, manufacturer, Frederick John Bell, of the town of Cobalt, in the province of Ontario, 10 electrical engineer, and Edward Cyrus Warren of the city of Montreal, mechanical engineer, together with such persons as

become shareholders in the company, are hereby incorporated under the name of "The Ontario and Quebec Railway Com-Corporate name." pany," bereinafter called "the Company."

- 15 2. The persons named in section 1 of this Act are hereby Provisional constituted the provisional directors of the Company.
  - 3. The capital stock of the Company shall be two million Capital stock. dollars. No one call thereon shall exceed ten per cent of the shares subscribed.
- 4. The head office of the Company shall be at the city of Head office. Montreal in the province of Quebec.
  - 5. The annual meeting of the shareholders shall be held on Annual the third Wednesday in September.
- 6. The number of directors shall be not less than five nor Directors. 25 more than nine, one or more of whom may be paid directors.
  - 7. The Company may lay out, construct, and operate the Lines of following lines of railway, each of the gauge of four feet eight railway described. and one-half inches:-

(a) from a point on the National Transcontinental railway in the province of Quebec, near mileage nine hundred and forty, thence southerly around the east end of Upper Lake Abitibi, a distance of about fifteen miles, thence westerly through or near the town of Matheson, Ontario, to a point in the township of Tisdale, Ontario, a distance of about ninety-five miles, thence south-westerly to a junction with the James Bay railway at or near Congdon station, or mileage one hundred and thirty-one, a distance of about fifty miles, making a total distance of about one hundred and sixty miles;

(b) from a point on the National Transcontinental railway near mileage one thousand, southerly along the west side of Abitibi Lakes to a junction with the line described in paragraph

(a), being a distance of about twenty-five miles.

(c) from Iroquois Falls station on the Temiskaming and 15 Northern Ontario Railway northerly and easterly along the Abitibi River to a junction with the line described in paragraph (b), being a distance of about twenty-five miles.

Consent of municipaliS. The Company shall not construct or operate its railway along any highway, street or other public place without first 20 obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street or other public place, and upon the terms to be agreed upon with such municipality.

Special powers.

9. The Company may, for the purposes of its undertaking, 25 construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods, and merchandise, and construct, acquire, lease and dispose of wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may 30 take and hold, either in the name of the Company or in the name of trustees for the Company, and dispose of, shares in any incorporated company having for one of its objects the exercise of any of the powers in this section contained.

Transmission and delivery of power and electricity.

R.S., c. 37.

10. For the purposes of its undertaking, and subject to the 35 provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric, or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and 40 supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges from 45 time to time.

11. The Company may, subject to the provisions of The Telegraphs Railway Act, construct and operate telegraph and telephone telephones. lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; R.S., c. 37.

5 and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies.

2. No toll or charge shall be demanded or taken for the trans- Tolls and mission of any message, or for leasing or using the telegraphs or charges. telephones of the company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

3. Part II of *The Telegraphs Act*, except such portions thereof R.S. c., 126. as are inconsistent with *The Railway Act* or with this Act shall apply to the telegraphic business of the Company.

12. The Company may, for the purposes of its lines of rail-special way and steamships, and in connection with its business and powers.

20 undertakings:—

(a) build, purchase, lease or otherwise acquire, manage or Hotels and control, at such points or places along any of its lines of railway restaurants. or branches, or at any ports or places of call of any of its steam-

ships, such buildings as it deems advisable for hotels and res-25 taurants; and may purchase, lease and hold the land necessary for such purposes; and may carry on business in connection therewith, and afford such facilities as may tend to the comfort and convenience of the travelling public; and may let any such building for such purposes; and may acquire, hold and dispose

30 of shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the Company and enter into agreements with any such company respecting any such buildings, lands, facilities or business;

35 (b) purchase, lease and hold lands required for, and lay out, Parks. establish and manage parks and pleasure grounds, and give a lease thereof to, or contract with, any person for the use thereof upon such terms as the Company deems expedient.

13. The securities issued by the Company shall not exceed Issue of 40 thirty thousand dollars per mile of the railway, and may be securities. issued only in proportion to the length of railway constructed or under contract to be constructed.

14. In addition to the securities authorized by section 13 of Issue of this Act, the directors, if previously authorized as prescribed by securities for purposes 45 section 136 of *The Railway Act*, may, from time to time, borrow other than moneys for the acquisition, construction, extension, or developatilway.

R.S., c. 37.

ment of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets, or works, in respect whereof the issue is made.

Limit of amount.

Agreements with other Companies.

15. Subject to the provisions of sections 361, 362, and 363 of The Railway Act, the Company may enter into agreements with 10 all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being The Grand Trunk Pacific Railway Company, The Temiskaming and Northern Ontario Railway Company, the Canadian Pacific Railway Company, and The Grand Trunk Railway Company.

> Received and read a first time Quebec Railway Company.

An Act to incorporate The New Ontario and

Second reading

Friday, 17th March, 1911.

Wednesday, 22nd March, 1911.

Session, 11th Parliament, I George V., 1910-11

THE

SENATE OF CANADA

Sird

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER

Honourable Mr. Jaffray

OTTAWA

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

#### BILL X1.

An Act for the relief of Mary Jane Beatty.

WHEREAS Mary Jane Beatty, presently residing at the city Preamble. of Montreal, in the province of Quebec, wife of Herbert Alfred Beatty, formerly of the said city of Montreal, presently of the city of New York, in the state of New York, one of the 5 United States of America, has by her petition alleged, in effect, that they were lawfully married on the sixth day of February, A.D. 1890, at the city of Buffalo, in the said state, she then being Mary Jane Mackin, spinster; that the legal domicile of the said Herbert Alfred Beatty was then and is now in Canada; that at the 10 said city of New York, on or about the first day of April, A.D. 1910, he committed adultery with Harriet Landsmann; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she 15 has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and 20 consent of the Senate and House of Commons of Canada, enacts

1. The said marriage between Mary Jane Mackin and Herbert Marriage Alfred Beatty, her husband, is hereby dissolved, and shall be dissolved. henceforth null and void to all intents and purposes whatsoever.

as follows:-

25 2. The said Mary Jane Mackin may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again, marriage with the said Herbert Alfred Beatty had not been solemnized.

BILL

 $X_1$ 

An Act for the relief of Mary Jane Beatty.

Received and read a first time

Thursday, 23rd March, 1911.

Second reading

Tuesday, 28th March, 1911.

Honourable Mr. MITCHELL.

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majesty
1910-11

#### BILL Y1.

An Act to incorporate The Quebec and Great North Western Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House 5 of Commons of Canada, enacts as follows:—.

- 1. Rodolphe Chevrier, physician, Philip O'Reilly, financial Incorporaagent, Patrick Clarke, capitalist, and Edward J. Daly, solicitor,
  all of the city of Ottawa, in the county of Carleton and province
  of Ontario, and Joseph Bourque, of the city of Hull, in the
  10 county of Wright, in the province of Quebec, contractor, together with such other persons as become shareholders in the
  company, are hereby incorporated under the name of "The Corporate
  Quebec and Great North Western Railway Company" hereinafter called "the Company."
- 2. The persons named in section 1 of this Act are hereby Provisional constituted provisional directors of the Company.
- 3. The capital stock of the Company shall be one million Capital stock. dollars and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten Calls. 20 per cent. on the shares subscribed.
  - 4. The head office of the Company shall be in the city of Head office. Ottawa, in the province of Ontario.
  - 5. The annual meeting of the shareholders shall be held on Annual the first Wednesday in September in each year.
- 25 6. The number of directors shall be not less than five nor Directors. more than nine, one or more of whom may be paid directors.
  - 7. The Company may lay out, construct and operate a rail-Lines of railway described.

(a) from a point at or near Port Arthur in the province of Ontario thence in an easterly direction to a point at or near New Liskeard in the said province, thence easterly to a point to be determined between Baskatong Lake and the town or village of Maniwaki in the province of Quebec, and continuing easterly 5 to a point at or near the city of Quebec;

(b) from a point on the main line about seventy-five miles west of Maniwaki, northerly to connect with the National Transcontinental Railway, and southerly viâ the valley of the Coulonge River to a point at or near the city of Ottawa;

(c) from a point at or near New Liskeard to a point on the National Transcontinental Railway east of Lake Abittibi:

(d) from a point near New Liskeard southerly to Timiskaming Station:

(e) from a point at or near the intersection of the Missinaibi 15 River, in the province of Ontario, with the main line of the Company, to a point at or near Michipicoten on Lake Superior.

Consent of municipalities

8. The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipal-20 ity having jurisdiction over the said highway, street or other public place, and upon terms to be agreed upon with such municipality.

Transmission electricity.

**9.** For the purposes of its undertaking, and subject to the and delivery of power and provisions of section 247 of The Railway Act, the Company may 25 acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of 30 the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges from time to time. 35

Commission.

Telegraphs

telephones.

Approval by Railway

10. The Company may, subject to the provisions of The Railway Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or ex-40 changing or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to any such companies. 45

Tolls and charges.a

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such tolls and charges from time to time.

3. Part II of The Telegraphs Act, except such portions thereof R.S., c. 126. 5 as are inconsistent with The Railway Act or with this Act, shall apply to the telegraphic business of the Company.

11. Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or teleties required phone lines or any lines for the purpose of distributing elector telegraph telephone 10 tricity for lighting, heating or motor purposes, or disposing and other of surplus power generated by the Company's works and not lines upon highways. required for the undertaking of the Company, upon, along or

across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having 15 jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality.

12. The Company may, for the purposes of its undertaking, Vessels, etc. build, purchase, hire or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers and cargo on all navigable waters in the vicinity of its railway, and may enter into agreements with the owners of 25 such vessels for any such purposes, and may generally carry on the business of ship owners and carriers by water in connection with its undertaking.

13. The Company may, for the purposes of its undertaking, Lands, waterconstruct, purchase, lease or otherwise acquire, hold, enjoy, and 30 manage, maintain and improve such lands, water-lots, wharves, buildings. piers, dams, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for such purposes; and may sell or otherwise dispose thereof Warehousefor the purposes of the Company; and may carry on the business wharfingers. 35 of warehousemen and wharfingers and charge wharfage and other dues for the use of any such property; but no such wharf- Wharfage

age or other dues shall be charged or taken until they have been dues. approved of by the Board of Railway Commissioners for Canada, which may also revise such wharfage and other dues from Approval. 40 time to time.

14. The Company may, for the purposes of its undertaking, Hotels and construct, acquire or lease buildings for hotels or restaurants restaurants. along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the 45 travelling public.

Tolls.

Approval.

Notice.

15. The Company may, subject to the provisions of The Railway Act, and subject also to the order of the Board of Railway Commissioners for Canada, construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such case the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may from time to time be revised by, the said Board; but the Company may at any time reduce the tolls; and a notice showing the tolls authorized to be charged on any such bridge shall, at all times, be posted up in a 10 conspicuous place on such bridge.

Issue of securities.

16. The securities issued by the Company shall not exceed fifty thousand dollars per mile of its railway, and may be issued only in proportion to the length of railway constructed or under 15 contract to be constructed.

Issue of securities for purposes other than building railway.

17. In addition to the securities authorized by section 16 of this Act, the directors, if previously authorized as prescribed by section 136 of The Railway Act, may, from time to time, borrow moneys for the acquisition, construction, extension, or development of any of such properties, assets, or works, other 20 than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities: but such bonds, debentures, debenture stock or other securities shall not 25 exceed in amount the value of the properties, assets, or works, in respect whereof the issue is made.

Limit of amount.

Purchase of stock or securities of other companies.

18. The Company may purchase the shares or securities of, and claims of all kinds against, any other company with which it is authorized to enter into an agreement, except a railway 30 company; and may pay therefor partly or wholly in fully paid up shares, bonds, debentures or other securities of the Company.

Agreements with other companies.

19. Subject to the provisions of sections 361, 362 and 363 of The Railway Act, the Company may enter into agreements 35 with all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being The Grand Trunk Pacific Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, The Canadian Northern Ontario Railway Com- 40 pany and The Canadian Northern Quebec Railway Company.

Received and read a first time Friday, 24th March, 1911

Second reading

Wednesday, 29th March, 1911.

Honourable Mr. Belcourt.

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELEN

OTTAWA

n Act to incorporate The Quebec and Great North Western Railway Com-

Western Railway Com-

Company.

THE

SENATE

OF CANADA

Session, 11th Parliament, 1 George V., 1910-11

3rd

#### BILL Z1.

An Act for the relief of Walter Harvey Kirkland.

WHEREAS Walter Harvey Kirkland, of the town of St. Preamble.

Johns, in the province of Quebec, manufacturer's agent,

has by his petition alleged, in effect, that on the sixth day of

- April, A.D., 1902, at the city of Montreal, in the province of 5 Quebec, he was lawfully married to Eva Ida Browning; that she was then of the said city of Montreal, a spinster; that his legal domicile was then and is now in Canada; that at the said city of Montreal, in the month of March, A.D. 1910, she frequented a house of prostitution and ill-fame and there committed adultery;
- 10 that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording
- said marriage, authorizing him to marry again, and affording 15 him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
- 20 1. The said marriage between Walter Harvey Kirkland and Marriage Eva Ida Browning, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
- 2. The said Walter Harvey Kirkland may at any time here-Right to 25 after marry any woman he might lawfully marry if the said marry again. marriage with the said Eva Ida Browning had not been solemnized.

BILL

Z1

An Act for the relief of Walter Harv Kirkland.

Received and read a first time
Friday, 24th March, 1911.
Second reading
Wednesday, 29th March, 1911.

. Honourable Mr. MITCHELL

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

# BILL A2.

An Act respecting The Joliette and Lake Manuan Colonization Railway Company.

WHEREAS the Joliette and Lake Manuan Colonization Preamble.
Railway Company has, by its petition, prayed that it be 1903, c. 135.
enacted as hereinafter set forth, and it is expedient to grant the 1905, c. 111.
prayer of the said petition: Therefore His Majesty, by and with
5 the advice and consent of the Senate and House of Commons of
Canada, enacts as follows:—

1. The Joliette and Lake Manuan Colonization Railway Extension of Company, hereinafter called "the Company", may lay out, authorized construct and operate an extension of the railway of the Company authorized by section 8 of chapter 135 of the statutes of s. 8. 1903, from the point of commencement thereof in or near the town of Joliette in the province of Quebec, southerly through the south eastern part of the county of Montcalm, thence southerly through the county of L'Assomption, thence southerly through 15 the county of Hochelaga into the city of Montreal.

2. The Company may, within two years after the passing of this Act, commence the construction of the said railway authorized by section 8 of chapter 135 of the statutes of 1903, and of the extension thereof authorized by section 1 of this Act, and 20 expend fifteen per cent of its capital stock thereon, and may, within five years after the passing of this Act, complete and put in operation the said railway and extension; and if, within the said periods respectively, the said railway and extension are not commenced and such expenditure is not so made, or if the 25 said railway and extension are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railway and extension as then remains uncompleted.

3. The Company may issue bonds, debentures, or other Bond issue 30 securities to the extent of thirty-five thousand dollars per mile of the said railway and extension, and such bonds, debentures and other securities may be issued only in proportion to the

 $A_2$ 

An Act respecting The Joliette and Lake Manuan Colonization Railway Company

Received and read a first time
Tuesday, 28th March, 1911.

Second reading

Friday, 31st March, 1911.

Honourable Mr. Talbot.

OTTAWA
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Printer to the King's most Excellent Majesty
1910-11

length of the railway constructed or under contract to be constructed.

of the statutes of 1903 and are hereby repealed.

135

jo

4. Section chapter 93 of t

64

#### BILL B2.

An Act for the relief of Robert William Logan.

HEREAS Robert William Logan, of the city of Montreal, Preamble. in the province of Quebec, agent, has by his petition alleged, in effect, that on the ninth day of September, A.D. 1890, at the said city of Montreal, he was lawfully married to 5 Sophia Louise Meyers; that she was then of the said city of Montreal, a spinster; that his legal domicile was then and now is in Canada; that at the city of Jamestown, in the state of New York, U.S.A., on or about the second day of November, A.D. 1910, she was living in adultery with one William E. Green 10 otherwise known as Louis Lavalla: that at the city of Scranton, in the state of Pennsylvania, U.S.A., on or about the twelfth day of December, A.D., 1910, she was so living with the said Green; and that at the city of Hamilton, in the province of Ontario, on or about the fifteenth day of February, A.D. 1911, 15 she was so living with the said Green; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, 20 authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts 25 as follows:-

- 1. The said marriage between Robert William Logan, and Marriage Sophia Louise Meyers, his wife, is hereby dissolved, and shall be dissolved. henceforth null and void to all intents and purposes whatsoever.
- 2. The said Robert William Logan, may at any time hereafter Right to 30 marry any woman he might lawfully marry if the said marriage marry again. with the said Sophia Louise Meyers had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-

THE SENATE OF CANADA.

BILL

 $B_2$ 

An Act for the relief of Robert Willia: Logan.

Received and read a first time,
Wednesday, 29th March, 1911.
Second reading,

Friday, 31st March, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA

Printed by C. H. PARMELER Printer to the King's most Excellent Majesty 1910-11

#### SENATE OF CANADA. THE

### BILL C2.

An Act respecting a patent of The Boiler Flue Cleaner and Supply Company, Limited.

WHEREAS The Boiler Flue Cleaner and Supply Company, Preamble. Limited, having its head office at the city of Toronto in the province of Ontario, has, by its petition, represented that it is the holder and owner of a certain patent number 89,841, dated 5 the first day of November, 1904, issued to William Eichelberger, Herman Jacob Hoelsche and Delos Hibner under the seal of the Patent Office for improvements in soot cleaners for steam boilers, and assigned to the said company by several mesne assignments of record in the Patent Office; and whereas the 10 said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Notwithstanding anything in The Patent Act, or in the Power to Commissioner 15 patent mentioned in the preamble, the commissioner of patents of Patents may receive from The Boiler Flue Cleaner and Supply Company, to receive Limited, the application for a certificate of payment and the extend usual fees upon the said patent for the remainder of the term patent. of eighteen years from the date thereof, and may grant and 20 issue to the said company the certificate of payment of fees as provided for by The Patent Act, and an extension of the period R.S., c. 69, s. 23. of duration of the said patent to the full term of eighteen years from the date thereof, in as full and ample a manner as if the application therefor had been duly made within six years from 25 the date of the issue of the said patent.

2. If any person has, in the period between the expiry of Saving of rights six years from the date of the said patent, and the day of acquired. , 1911, commenced to manufacture, use or sell, in Canada, the invention covered by the said patent, such 30 person may continue to manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

BILL

 $\mathbb{C}_2$ 

An Act respecting a patent of The Boiler Flue Cleaner and Supply Company, Limited.

Received and read a first time

Wednesday, 29th March, 1911.

Second reading

Friday, 31st March, 1911.

Honourable Mr. CAMPBELL.

OTTAWA
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1910-11

1 1 129

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

#### BILL D2.

An Act respecting The Canada Cement Company, Limited.

WHEREAS The Canada Cement Company, Limited, incorpor-Preamble. ated by Letters Patent under Part I of The Companies R.S., c. 79. Act, has by its petition prayed that it be enacted as hereinafter set forth, and whereas it is expedient to grant the prayer of the 5 said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Canada Cement Company, Limited, may, by resolu-Power to tion passed by its shareholders at a special general meeting create 5 per cent 10 called for the purpose of considering the same, create debenture debenture stock bearing interest or dividends at the rate of five per centum stock. per annum, to the aggregate par value of eleven million dollars, Amount comprising one hundred and ten thousand shares of the par Shares value of one hundred dollars each, or its equivalent in sterling

15 money at the fixed rate of exchange of four dollars and eighty six cents and two-thirds of a cent to the pound sterling, or in francs, French or Belgian, at the fixed rate of exchange of twenty-five francs and sixteen hundredths of a franc to the pound sterling, or partly in one denomination and partly in the 20 other denominations, and with or without interest or dividend

other denominations, and with or without interest or dividend coupons attached as may be determined in the resolution creating the same.

2. The rights, privileges and conditions following shall Incidents and attach to the said debenture stock:—

(a) The said shares of debenture stock shall be issued by the Time, rate directors of the Company, from time to time, at not less and purposes than par, in exchange for or to provide funds to purchase the issued and outstanding shares of the Company's seven per cent cumulative preference stock, which preference Cancellation of preference shares when so purchased or acquired shall be forthwith shares cancelled and shall not be re-issued. For each amount purchased therewith of debenture stock issued a like amount of preference stock must be redeemed and cancelled.

Issue at par or at a premium.

Issues to rank equally.

Rank as regards preference shares.

Security.

Rank as regards bonds.

Power to issue debenture stock certificates.

(b) Such debenture stock may be issued subject to redemption by the Company in whole or in part, at any time, at par, or with such premium as the shareholders by the resolution creating such debenture stock have determined; but all shares of debenture stock shall be issued upon the same terms and conditions and shall rank pari passu, and without priority or any other preference of one share over another share, from the date of issue thereof.

(c) Such debenture stock when issued shall rank, both as to capital and as to interest or dividends, in priority to the 10 outstanding preference shares, and may be secured, as to capital or as to interest or dividends, or as to both capital and interest or dividends, by deed of trust or by conveyances, mortgages and hypothecs ancillary thereto, whereby the whole or any part of the property, assets and undertakings, 15 present or future, of the Company may be mortgaged, hypothecated or charged, as the directors may determine, and upon such terms and conditions as they may deem proper; but such debenture stock when issued shall rank subsequent to any bonds of the Company then or at any 20 time thereafter issued and outstanding.

3. The directors may issue in the name of the Company debenture stock certificates, with or without interest or dividend coupons attached, and payable to bearer or otherwise, for all or any shares of debenture stock issued under the provisions of this 25 Act

Received and read a first time

Wednesday, 29th March, 1911.

Second reading

Friday, 31st March, 1911.

An Act respecting The Canada Ceme Company, Limited.

M Session, 11th Parliament, 1 George V.,

SENATE

OF CANADA

Printer to the King's most Excellent Majes

OTTAWA

Honourable Mr. Béiqu

## BILL F2.

An Act to incorporate The Nipigon-Albany Canal and Transportation Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. George Alexander Graham, vessel owner, George Mc-Incorpora-Edward, gentleman, Norman McLeod Patterson, grain merchant, tion.

  James Preston Jones, grain merchant, and William Arthur Dowler, barrister, all of the city of Fort William, in the district

  10 of Thunder Bay, in the province of Ontario, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The Nipigon-Albany Canal Corporate and Transportation Company", hereinafter called "the Company".
- 2. The undertaking of the Company is hereby declared to be a Declaration. work for the general advantage of Canada.
  - 3. The persons named in section 1 of this Act are hereby Provisional constituted provisional directors of the Company.
- 4. The capital stock of the Company shall be two million Capital 20 dollars. No one call thereon shall exceed ten per cent on the stock. shares subscribed.
  - 5. The head office of the Company shall be at the city of Fort Head office. William in the district of Thunder Bay.
- 6. The annual meeting of the shareholders shall be held on the Annual 25 first Wednesday in September.
  - 7. The number of directors shall be not less than five, nor Directors. more than nine, one or more of whom may be paid directors.

Undertaking described.

Route.

S. The Company may construct, maintain and operate a system of waterways and canals for carrying passengers and goods from Lake Superior to James Bay by the following route, namely, from Nipigon Bay on Lake Superior, by way of the Nipigon River and the lakes therein, to Lake Nipigon, thence northerly to the Albany River by the most feasible route, thence, by way of the Albany River and the lakes therein, to James Bay.

Powers.
Improvement of waterways.
Incidental

Water

supply.

Quantity.

Compensa-

**9.** For the purposes of its undertaking the Company may—
(a) utilize, deepen, widen, or otherwise improve the waterways, rivers and streams along the route of the said system;

(b) construct, maintain, and operate by any kind of motive power, all channels, diversions, connections, feeders, aqueducts, reservoirs, basins, locks, dams, tow-paths, and other works incidental to the construction, maintenance and operation of the said system, including the supply of water thereto and the 15 regulation of water therein;

(c) obtain to

(c) obtain, take and use, during the construction and operation of the said system and works, incidental thereto, from the rivers, lakes, brooks, streams, watercourses, reservoirs, and other sources of water supply adjacent or near to the route of the 20 said system, water sufficient for the purposes of constructing, maintaining, operating and using the said system and works,

maintaining, operating and using the said system and works, and sufficient to establish and maintain a current at the rate on the average of three miles per hour through the navigable channel of the said system; and the Company shall, in the exercise of the powers granted by this paragraph, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers; and such damage in case of disagreement shall be settled in the same manner as is provided for 30 fixing compensation under the provisions of *The Railway Act*;

R.S., c. 37. Taking of lands and materials.

(d) Subject to the provisions of this Act and of The Railway Act, enter upon and take such lands as are necessary and proper for constructing, maintaining, operating and using the said system and other works of the Company hereby authorized; 35 dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel, or sand, or any other matters or things which may be dug or got in making the said system and other works, on or out of any lands adjoining or lying convenient thereto, and which may 40 be proper, requisite or necessary, for making or repairing the said system or works, or which may hinder, prevent or obstruct the making, using, completing, extending or maintaining the same, respectively, according to the intent and purposes of this Act:

Bridges, etc.

(e) construct, alter, maintain and operate all necessary bridges or other means of passage over, under or through the said system or any work incidental thereto;

(f) build, purchase, lease, or otherwise acquire, charter, Vessels. navigate, use and dispose of vessels of all kinds, and operate them, by any kind of motive power, on the said system or on

any waters connecting therewith;

(g) construct, purchase, lease or otherwise acquire, use, Terminals, harbours, dry operate, lease or otherwise dispose of, terminals, harbours, docks, docks, etc. wharves, and other harbour works, dry docks, graving docks, slips, and other works for building and repairing vessels, and lands, water-lots and water-rights necessary therefor, and 10 elevators and handling plant of all kinds for use in connection

(h) enter into agreements with any company having similar Agreements powers, for the use, by either company or by both jointly, of terminals, etc any of such property, whether of the Company or of such other

15 company, as is mentioned in paragraph (q) of this section, or for such use of any rights of either company with regard to such

(i) carry on the business of warehousemen, wharfingers and Warehouseforwarders;

forwarders.

(j) construct, maintain and operate tramways, worked by Tramways. electricity or other power, to and from any of the Company's mines, timber limits, works or places of business;

(k) subject to the provisions of The Railway Act, excepting Railway such provisions thereof as relate to the expropriation of lands,

25 construct, maintain and operate all such railway sidings, switches or spur lines, not exceeding fifteen miles in length, as are necessary to connect any property of the Company with any other property of the Company or with any line of railway;

(1) construct, purchase, lease or otherwse acquire, erect, Works, etc., 30 maintain, use and operate all works, structures, buildings, undertaking. machinery, plant, apparatus and appliances required for or of advantage in the construction, maintenance, operation or development of the Company's undertaking;

(m) build, purchase, lease or otherwise acquire, hotels, restaur-Hotels, etc. 35 ants or houses of entertainment along the route of the said system, and carry on such business therein, or in connection therewith, as is necessary for the comfort and convenience of travellers, and lease any such building, or any part thereof, for

any of the purposes of such business.

10. The Company may ask, demand, take and recover for all Tolls. vessels, passengers and goods transported upon the said system, or vessels using it, or other service rendered by the Company, such tolls as the Company or its directors from time to time by by-law determine; and no tolls of any description shall be levied or Approval of Governor in

45 taken by the Company until they have been approved of by Council.

the Governor in Council.

2. All tolls shall, under the same circumstances, be charged Tolls to equally to all persons for all goods and services of a like char-equally acter, and no reduction or advance on any such tolls shall be

made, either directly or indirectly, in favour of or against any particular person or company using the system or works of the Company.

Approval of plans.

11. The Company shall not break ground nor commence the construction of the said system or of any of the works incidental 5 thereto, unless and until plans thereof, showing the locations, dimensions and all necessary particulars have been submitted to and have received the approval of The Waterways' Commission and have also been submitted to the Minister of Railways and Canals and have received the approval of the Governor 10 General in Council.

Crossing highways.

12. The Company shall, at each and every place where the said system, or any work incidental thereto, crosses any highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is in use, by the 15 municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of the Minister of Railways and Canals, a bridge, tunnel, ferry or other means of passage, so that the public thoroughfare may be as little impeded as reasonably necessary; and the Company shall not, in constructing the said system, or any such work, cut through or interrupt the passage on any highway or public road until the Company has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section, the Company shall incur 25 a penalty of one hundred dollars.

Amount of land to be

13. The lands to be taken or used, without the consent of the proprietors, for the said system and the works incidental thereto, shall not exceed such lands as may be necessary for the proper construction, operation and maintenance of the said system and 30 works incidental thereto, including lands, lands covered or partly covered by water, and water areas necessary at places where such works are required as necessary parts of the system as shown on the plans to be approved as hereinbefore provided.

Interference with drains and watercourses.

14. The Company shall make due provision for, take care of 35 and dispose of, all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or watercourses which the said system or any work incidental thereto crosses, touches or interferes with, and which are in existence at the time of the construction thereof.

Settlement of disputes. 2. All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alteration, enlargement and change, and by whom the expense thereof shall be 45

paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Board of Railway Commissioners for Canada, in the same 5 manner as is provided for other matters to be inquired into, heard and determined by the said Board under The Railway Act.

15. In case of any accident requiring immediate repair on Powers to the said system or any work incidental thereto, the Company make urgent repairs. may enter upon the adjoining land, provided such land is not

10 an orchard or garden, and may dig for, work, get, and carry away and use such gravel, stone, earth, clay or other materials, as may be necessary for the repair of such accident, doing as Compensalittle damage as possible to such land, and making compensation tion. therefor.

15 16. When the Company and the owners or occupiers of Settlement of private property entered upon cannot agree as to the com-compensation for lands. pensation for the lands required for the construction, maintenance or operation of the said system or of any work incidental thereto, or for damages to lands injured by the Company, the

20 matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under The Railway Act, so far as the same may be applicable; provided that the Governor in Council may from time to time, by regulation, vary or modify the provisions of The Railway Act in this regard, so 25 far as they apply to the works under this Act, in such manner as

experience may prove expedient.

17. If any vessel is sunk or grounded in any part of the Removal of said system or in any approach thereto, and if the owner or sunken or grounded master thereof neglects or refuses to remove it forthwith, vessels. 30 the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and 35 expenses from the owner or master of such vessel.

18. For the purposes of its undertaking, and subject to the Transmission provisions of section 247 of *The Railway Act*, the Company may of power and acquire, but not by expropriation, electric or other power or electricity. energy, which may be transmitted and delivered to any place 30 on the said system or works and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Rail-35 way Commissioners for Canada, which may also revise such

rates and charges from time to time.

Telegraphs telephones.

19. The Company may, subject to the provisions of The Railway Act, construct and operate telegraph and telephone lines along its system and works and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor: and for the purposes of operating such lines, 5 or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to any such companies.

Tolls and charges.

2. No toll or charge shall be demanded or taken for the transmission of any messages, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

10

15

R.S., c. 126.

3. Part II of The Telegraphs Act, except such portions thereof as are inconsistent with The Railway Act, or with this Act, shall apply to the telegraphic business of the Company.

Consent of municipalities equired for telegraph and telephone lines upon highways, etc.

20. Nothing in this Act, or in the Telegraphs Act, shall authorize the Company to construct or operate any telegraph or 20 telephone lines, or any lines for the distribution of electricity for lighting, heating or motor purposes, or disposing of the surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway, street or other public place, without first obtaining the 25 consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality; nor shall anything in either of the said Acts authorize the Company to sell, dispose of or distribute power or energy within, or for use 30 within, the limits of any municipality without the consent, expressed by by-law, of such municipality.

Express business.

21. The Company may, subject to the provisions of The Railway Act, carry on the business of an express company upon and in connection with the said system, and establish offices 35 therefor, and undertake the carriage of goods by express, and collect tolls therefor: and for the purposes of operating such express business may, subject to the provisions of the said Act, enter into contracts with other companies for the carriage of such goods and for through rates, and may lease its express 40 rights and privileges to any such companies.

Issue of securities for purposes other than building railway

22. The directors of the Company, if previously authorized as prescribed by section 136 of The Railway Act, may, from time to time, borrow moneys for the acquisition, construction, extension, or development of the said system or of any of such other 45 properties, assets, or works, as the Company is authorized to

acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities Limit of 5 shall not exceed in amount the value of the properties, assets, amount. or works, in respect whereof the issue is made.

23. Subject to the provisions of this Act and of sections 361, Agreements 362 and 363 of *The Railway Act*, the Company may enter into companies. agreements, for any of the purposes specified in the said section R.S., c. 37. 10 361, with any company or companies having powers similar to those of the Company.

24. Nothing in this Act shall be construed to prevent the Government Government of Canada from improving any waterway, river or improvement. stream, or shall give the Company any claim for damages by 15 reason of any such improvement being made.

25. His Majesty, His heirs and successors, may at any time Works may assume the possession of, and the property in, the said system be taken over by and works, and of and in all the rights, privileges and advantages Government. of the Company, on giving to the Company one week's notice of 20 intention to do so; and thereupon all property in the said system, works, rights, privileges and advantages shall become, and thenceforward shall be, vested in His Majesty, His heirs and successors, and by way of compensation His Majesty shall pay to the Company the value of the work actually done by the 25 Company, up to the time of the giving of such notice, in surveying,

and in making of plans, and otherwise upon the undertaking, together with the value of all tangible property of the Company of which possession may be so taken, such values to be fixed by three valuators, or the majority of them, one valuator to be 30 chosen by His Majesty, another by the Company, and the third by the two so chosen.

26. If the construction of the said system is not commenced Time for within five years and completed within ten years after the limited. passing of this Act, the powers granted by this Act shall cease 35 and be null and void, as respects so much of the said system as then remains uncompleted.

27. The Railway Act shall, so far as applicable and when not Application inconsistent with this Act, apply to the Company and to its of R.s. undertaking, and the Company shall have and may exercise all 40 the powers conferred by The Railway Act, in so far as the said

Act is applicable to the Company. 2. Wherever in The Railway Act, the expression "railway" Interpreta-2. Wherever in The Railway Act, the expression railway to ... occurs, it shall, unless the context otherwise requires, in so far "railway." as it applies to this Act or to the Company, mean the system of 45 waterways and canals by this Act authorized.

"land."

3. Wherever in The Railway Act the expression "land" occurs, it shall, in its application to this Act and to the Company include land covered or partly covered by water, and shall include any privilege or easement required by the Company for constructing, excavating, erecting, operating and maintaining 5 the works authorized by this Act under, over or along any land or water, without the necessity of obtaining a title in fee simple

R.S., c. 791 28. Pa not to apply. Company. 28. Part II of The Companies Act shall not apply to the

THE SENATE OF CANADA.

Session, 11th Parliament, 1 George V., 1910-11

An Act to incorporate The Nipigon-Albany Canal and Transportation Company.

Second reading Tuesday, 4th April, 1911. Thursday, 30th March, 1911

Received and read a first time

Honourable Mr. Watson.

Printer to the King's most Excellent Majesty Printed by C. H. PARMELEE

OTTAWA

#### BILL G2.

An Act to incorporate the High River, Saskatchewan and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:—

- 1. H. N. Sheppard, F. Crandell, T. E. LeClaire, C. A. Gigot, Incorporaand G. D. Stanley, all of High River in the province of Alberta, tion. together with such persons as become shareholders in the company are hereby incorporated under the name of "The High Corporate 10 River, Saskatchewan and Hudson Bay Railway Company," name. hereinafter called "the Company."
  - 2. The persons named in section 1 of this Act are hereby Provisional constituted the provisional directors of the Company.
- 3. The capital stock of the Company shall be one million capital 15 dollars. No one call thereon shall exceed ten per cent on the stock. shares subscribed.
  - 4. The head office of the Company shall be at High River in Head office. the province of Alberta.
- 5. The annual meeting of the shareholders shall be held on Annual 20 the second Wednesday in September.
  - 6. The number of directors shall not be less than five nor Directors more than nine, one or more of whom may be paid directors.
- 7. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches, from described.

  25 a point in any of the townships twenty-five to twenty-nine, range one, west of the fourth meridian in the province of Alberta, thence north-easterly to the city of Saskatoon in the province of Saskatchewan, thence north-easterly to a point in or about

townships fifty-two to fifty-six on the easterly boundary of the province of Saskatchewan, thence north-easterly to The Pas in the Northwest Territories.

wharves, etc.

8. The Company may, for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the 5 conveyance of passengers, goods and merchandise, and may construct, acquire, lease and dispose of wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may take and hold, either in the name of the Company or in the name 10 of some other persons as trustees for the Company, and dispose of shares in any incorporated company having for one of its objects the exercise of any of the powers in this section mentioned.

Transmission and delivery of power and electricity.

R.S., c. 37.

9. For the purposes of its undertaking, and subject to the 15 provisions of section 247 of The Railway Act, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed; and may receive, transform, transmit, distribute 20 and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor: but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges 25 from time to time.

Telegraphs and telephones.

R.S., c. 37.

10. The Company may, subject to the provisions of The Railway Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls 30 therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies. 35

Tolls and charges.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges from time to time.

R.S., c. 126.

3. Part II of The Telegraphs Act, except such portions thereof as are inconsistent with The Railway Act or with this Act, shall apply to the telegraphic business of the Company.

11. Nothing in this Act or in The Telegraphs Act shall authormunicipalities in the Company to construct or operate any telegraph or 45

telephone lines or any lines for the purpose of distributing telegraph and electircity for lighting, heating or motor purposes, or disposing lines upon of surplus power generated by the Company's works and not highways, required for the undertaking of the Company, upon, along or etc. 5 across any highway or public place, without first obtaining the R.S., c. 126. consent expressed by by-law of the municipality having juris-

diction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of 10 any municipality without the consent, expressed by by-law, of such municipality.

12. The securities issued by the Company shall not exceed Issue of thirty thousand dollars per mile of the railway, and may be securities for railway. issued only in proportion to the length of railway constructed 15 or under contract to be constructed.

13. In addition to the securities authorized by section 12 of Issue of this Act, the directors, if previously authorized as prescribed by purposes section 136 of The Railway Act, may, from time to time, borrow other than railway. moneys for the acquisition, construction, extension, or develop-20 ment of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminal, or other securities; but such bonds, Limitation.

25 debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets, or works, in respect whereof the issue is made.

14. Subject to the provisions of sections 361, 362 and 363 of Agreements with other The Railway Act, the Company may enter into agreements companies. 30 with all or any of the following companies for any of the purposes specified in the said section 361, such companies being The High River and Hudson Bay Railway Company, The Grand Trunk Shares of Pacific Railway Company, The Canadian Pacific Railway Com-other companies. pany, The Grand Trunk Railway Company of Canada, and The 35 Canadian Northern Railway Company.

15. The Company may, for the purposes of its lines of railway special and steamships, and in connection with its business and under-powers. takings,

(a) build, purchase, lease or otherwise acquire, manage and Hotels and 40 control, at such points or places along any of its lines of railway or branches, or at any ports or places of call of any of its steamships, such buildings as it deems advisable for hotels and res-45 taurants; and may purchase, lease and hold the land necessary for such purposes; and may carry on such business in connection therewith, and afford such facilities, as may tend to the comfort

and convenience of the travelling public; and may let any such buildings for any such purpose; and may acquire, hold and dispose of shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the Company, and may enter into agreements 5 with any such company respecting any of such buildings, lands, facilities or business;

Parks.

(b) purchase, lease and hold lands required for, and lay out, establish and manage, parks and pleasure grounds, and give a lease thereof to, or contract with, any person for the use thereof 10 upon such terms as the Company deems expedient.

Company.

Received and read a first time

Friday, 31st March, 1911.

Second reading

Wednesday, 5th April, 1911.

An Act to incorporate The High River Saskatchewan and Hudson Bay Railway

Honourable Mr. DE VEBER.

3rd Session, 11th Parliament, I George V., 1910,1

THE SENATE OF CANADA.

Printed by C. H. PARMELER OTTAWA

Printer to the King's most Excellent Majesty

1910-11

#### BILL H2.

An Act for the relief of Mary Kathleen Crittenden.

WHEREAS Mary Kathleen Crittenden, presently residing at Preamble. the village of Gilbert Plains, in the province of Manitoba, wife of Stanley Alexander Grant Crittenden, of the town of Dauphin, in the province of Manitoba, sewing machine agent, 5 has by her petition alleged, in effect, that they were lawfully married on the seventh day of October, A.D. 1903, at the said town of Dauphin, she then being Mary Kathleen Nicol, spinster; that the legal domicile of the said Stanley Alexander Grant Crittenden was then and is now in Canada; that in the year 10 A.D. 1909, at the city of Winnipeg, in the province of Manitoba, and at the city of Seattle, in the state of Washington, one of

and at the city of Seattle, in the state of Washington, one of the United States of America, he committed adultery with one Euphemia McLean; that in the year A.D. 1910, at the village of Million, in the province of Manitoba, he also com-

15 mitted adultery with the said Euphemia McLean; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said

- 20 marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Com-
- 25 mons of Canada, enacts as follows:-
  - 1. The said marriage between Mary Kathleen Nicol and Marriage Stanley Alexander Grant Crittenden, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
- 30 2. The said Mary Kathleen Nicol may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Stanley Alexander Grant Crittenden had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-

#### THE SENATE OF CANADA.

# BILL

# $H_2$

An Act for the relief of Mary Kathle Crittenden.

Received and read a first time

Tuesday, 4th April, 1911.

Second reading,

Thursday, 20th April, 1911.

Honourable Mr. WATSON.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL I2.

An Act to incorporate The Continental Fire Insurance Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:-

1. Marie Joseph Alain Mayon de la Giclais, capitalist, Joseph Incorpora-Lecomte, agent, Horace Chevrier, merchant, Yves de la Fonchais, capitalist, and William Frederick Hull, barrister-at-law, all

of the city of Winnipeg, in the province of Manitoba, directors 10 of The Continental Fire Insurance Company, incorporated by chapter 86 of the statutes of Manitoba, 1909, together with such other persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Corporate Continental Fire Insurance Company", hereinafter called "the name. 15 Company."

- 2. The persons named in section 1 of this Act shall be the Provisional directors. provisional directors of the Company.
- 3. The capital stock of the Company shall be one million Capital stock. dollars.
- 4. The amount to be subscribed before the general meeting Amount to for the election of directors is called shall be two hundred and before organization. fifty thousand dollars.
  - 5. The head office of the Company shall be at the city of Head office. Winnipeg in the province of Manitoba.
- 6. The Company may carry on the following classes of Business business as defined by Section 2 of The Insurance Act, 1910, authorized. namely, fire insurance, accident insurance, inland transportation insurance, and plate glass insurance, and may also carry on the business of cyclone or tornado insurance.

2. The Company may also make contracts of insurance against loss of rent arising from damage by fire or lightning.

Subscription of, and payments on capital before commencing various kinds of business.

7. The Company shall not commence the business of fire insurance until at least two hundred and fifty thousand dollars of its capital stock have been subscribed and at least one hundred thousand dollars have been paid thereon.

2. The Company shall not transact the businesses of cyclone or tornado insurance and inland transportation insurance in addition to fire insurance until its capital has been increased to at least three hundred thousand dollars and at least one hundred and 10 twenty-five thousand dollars have been paid thereon.

3. The Company shall not transact all the classes of insurance authorized by this Act until at least four hundred thousand dollars of its capital stock have been subscribed and at least one hundred and fifty thousand dollars have been paid thereon.

Authority to acquire rights and property of Manitoba company.

8. The Company may acquire the whole or any part of the rights and property of The Continental Fire Insurance Company incorporated by chapter 86 of the statutes of Manitoba, 1909, and in such case the Company shall perform and discharge all such duties, obligations and liabilities of that company with 20 respect to the rights and property acquired as are not performed or discharged by that Company.

1910, c. 32. 9. The Insurance Act, 1910, shall apply to the Company.

Honourable Mr. Watson

Printer to the King's most Excellent Majesty

Printed by C. H. PARMELEN

OTTAWA

Tuesday, 4th April, 1911.
Second reading
Tuesday, 4th April, 1911.

Received and read a first time

An Act\_to incorporate The Continental Fire Insurance Company.

HE SENATE OF CANADA.

d Session, 11th Parliament, 1 George V., 1910-11

#### BILL J2.

An Act for the relief of Pauline Winslow Saunderson.

WHEREAS Pauline Winslow Saunderson, presently residing Preamble. at the city of Ottawa, in the province of Ontario, wife of Percival Herbert Saunderson, of the town of Cobalt, in the province of Ontario, salesman, has by her petition alleged, in 5 effect, that they were lawfully married on the ninth day of October, A.D. 1910, at the city of Montreal, in the province of Quebec, she then being Pauline Winslow, spinster; that the legal domicile of the said Percival Herbert Saunderson was then and is now in Canada; that at the town of Cobalt, in the province 10 of Ontario, in the year A.D. 1910, he frequented houses of illfame, and at the said town of Cobalt, on or about the second day of November, A.D. 1910, he committed adultery with one Lottie Rohm; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or 15 indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is 20 expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The said marriage between Pauline Winslow and Percival Marriage Herbert Saunderson, her husband, is hereby dissolved, and shall dissolved. It be henceforth null and void to all intents and purposes whatsoever.

2. The said Pauline Winslow may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Percival Herbert Saunderson had not 30 been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-:

THE SENATE OF CANADA.

BILL

 $J_2$ 

An Act for the relief of Pauline Winslo Saunderson.

Received and read a first time

Tuesday, 4th April, 1911.

Second reading

Thursday, 20th April, 1911.

Honourable Mr. Thompson.

OTTAWA

Printed by C. H. PARMELEE

l'rinter to the King's most Excellent Majest;
1910-11

#### BILL K2.

An Act for the relief of Nellie Bridgland Morrison.

WHEREAS Nellie Bridgland Morrison, presently residing Preamble. at the city of Toronto, in the province of Ontario, wife of William Herbert Morrison, formerly of the said city of Toronto, but presently residing at the city of Jacksonville, in the state 5 of Florida, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1902, at the said city of Toronto, she then being Nellie Bridgland White, spinster; that the legal domicile of the said William Herbert Morrison 10 was then and is now in Canada; that at the said city of Toronto in the month of August, A.D. 1908, he committed adultery; that at the said city of Jacksonville, on the first day of November, A.D. 1910, he also committed adultery; that she has not connived at nor condoned the said adultery; that there has 15 been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said 20 allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said marriage between Nellie Bridgland White and Marriage 25 William Herbert Morrison, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Nellie Bridgland White may at any time here-Right to after marry any man whom she might lawfully marry if the marry again. 30 said marriage with the said William Herbert Morrison had not been solemnized.

# BILL

 $K_2$ 

An Act for the relief of Nellie Bridgland Morrison.

Received and read a first time

Tuesday, 4th April, 1911. Second reading

Thursday, 20th April, 1911.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

#### BILL L2.

An Act for the relief of Frances Whittington Truesdell.

WHEREAS Frances Whittington Truesdell, presently residing Preamble. at the city of Toronto, in the province of Ontario, wife of Henry Truesdell, presently of the village of Grimsby, in the province of Ontario, fruit-grower, has by her petition alleged, 5 in effect, that they were lawfully married on the eighteenth day of March, A.D. 1896, at the said city of Toronto, she then being Frances Whittington, spinster; that the legal domicile of the said Henry Truesdell was then and is now in Canada; that in the month of April, A.D. 1910, he and one Rebecca Quinsy 10 were living in adultery as man and wife, at the village of Grimsby, county of Lincoln, province of Ontario, and at divers times since up to the month of March, A.D. 1911, have so lived there in adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or 15 indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient 20 that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Frances Whittington and Marriage Henry Truesdell, her husband, is hereby dissolved, and shall be dissolved. 25 henceforth null and void to all intents and purposes whatsoever.
  - 2. The said Frances Whittington may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. marriage with the said Henry Truesdell had not been solemnized.

BILL

 $L_2$ 

An Act for the relief of Frances Whittington Truesdell.

Received and read a first time

Tuesday, 4th April, 1911.

Second reading

Thursday, 20th April, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by C. H. PARMELEN
Printer to the King's most Excellent Majesty
1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

### BILL M2.

An Act to amend The Juvenile Delinquents Act, 1908.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:

1. Section 19 of The Juvenile Delinquents Act, 1908, chapter 1908, c. 40, 5 40 of the statutes of 1908, is amended by adding thereto the s. 19 amended. following subsection:-

"3. No child of a religious faith other than the Protestant or Care of Roman Catholic shall be committed to the care of either a children of religious Protestant or Roman Catholic children's aid society or be placed faith other to in any Protestant or Roman Catholic family as its foster home Protestant or Roman Catholic family as its foste unless there is within the municipality no children's aid society or Roman or no suitable family of the same religious faith as that professed Catholic. by the child or by its family, and, if there is no children's aid society or suitable family of such faith to which the care of such 15 child can properly be given, the disposition of such child shall

be in the discretion of the court."

2. Section 23 of the said Act is amended by adding thereto s. 23 the following subsection:

"4. In the case of a child of a religious faith other than the Juvenile 20 Protestant or Roman Catholic the court shall appoint three or Court Commore suitable persons to be the Juvenile Court Committee as child of regards such child, such persons to be of the same religious faith religious faith other as the child if there are such suitable persons resident within than Protestant the municipality willing to act."

Catholic.

3rd Session, 11th Parliament, 1 George V., 1

THE SENATE OF CANADA.

## BILL

 $M_2$ 

An Act to amend The Juvenile Deling Act, 1908.

Received and read a first time Tuesday, 4th April, 1911.

Second reading

Thursday, 20th April, 1911.

Honourable Mr. Casgra

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Maj
1910-11

# BILL N2.

An Act for the relief of Violet Jane Dakin.

WHEREAS Violet Jane Dakin, presently residing at the Preamble. city of Medicine Hat, in the province of Alberta, wife of William Dakin, of the city of Edmonton, in the province of Alberta, has by her petition alleged, in effect, that they were 5 lawfully married on the eighth day of July, A.D. 1909, at the said city of Medicine Hat, she then being Violet Jane Huston, spinster; that the legal domicile of the said William Dakin was then and is now in Canada; that he has refused to consummate the said marriage; that on the tenth day of February, 10 A.D. 1910, in the District Court Judge's Criminal Court of the District of Calgary he pleaded guilty to seven counts whereby he was charged with attempting to commit unnameable offences with boys for which he was sentenced in the said court to imprisonment for six years in all, which term of imprisonment he 15 is now serving in the Edmonton penitentiary: that she has not connived at nor condoned the said criminal offences; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said 20 marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of

1. The said marriage between Violet Jane Huston and William Marriage Dakin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

25 Canada, enacts as follows:

2. The said Violet Jane Huston may at any time hereafter Right to 30 marry any man whom she might lawfully marry if the said marry again. marriage with the said William Dakin had not been solemnized.

# BILL

 $N_2$ 

An Act for the relief of Violet Jane Dakin.

Received and read a first time Friday, 21st April, 1911.

Second reading

Wednesday, 26th April, 1911.

Honourable Mr. DE VEBEI

OTTAWA
Printed by C. H. PARMELER
Printer to the King's most Excellent Majes
1910-11

### BILL O2.

An Act for the relief of Hugh Samuel Bell.

WHEREAS Hugh Samuel Bell, of Waskada, in the province Preamble. of Manitoba, farmer, has by his petition alleged, in effect, that on the eighteenth day of April, A.D. 1900, at the town of Walkerton, in the province of Ontario, he was lawfully married to Emma Morrison Webber; that she was then of the said town of Walkerton, a spinster; that his legal domicile was then and is now in Canada; that in the year 1905 she deserted him, and subsequently at Williston, in the state of North Dakota, in the United States, on the twenty-sixth day of November, O A.D. 1909, she went through a form of marriage with one

10 A.D. 1909, she went through a form of marriage with one Michael L. Costello, with whom she has since lived as wife with husband, and more particularly during the latter part of the month of October, A.D. 1910, at the village of Killarney, in the province of Manitoba, and has thereby committed adult-

15 ery; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording

- 20 him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
- 25 1. The said marriage between Hugh Samuel Bell and Emma Marriage Morrison Webber, his wife, is hereby dissolved, and shall be dissolved, henceforth null and void to all intents and purposes whatsoever.
- 2. The said Hugh Samuel Bell may at any time hereafter Right to marry any woman he might lawfully marry if the said marriage marry again. 30 with the said Emma Morrison Webber had not been solemnized.

BILL

 $0_2$ 

An Act for the relief of Hugh Samu Bell.

Received and read a first time

Friday, 21st April, 1911.

Second reading

Wednesday, 26th April, 1911.

Honourable Mr. Youn

OTTAWA
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1910-11

#### BILL P2.

An Act for the relief of Fanny Mary Healy.

WHEREAS Fanny Mary Healy, presently residing at the city Preamble. of Calgary, in the province of Alberta, wife of Clarence Glenville Healy, formerly of the said city of Calgary, presently at the city of Seattle, state of Washington, in the United States, 5 has by her petition alleged, in effect, that they were lawfully married on the eighteenth day of April, A.D. 1896, at the said city of Calgary, she then being Fanny Mary Yule, spinster; that the legal domicile of the said Clarence Glenville Healy was then and is now in Canada; that on or about the eighteenth day of 10 December, A.D. 1907, he deserted her; that on the seventh day of January, A.D. 1911, at the city of Seattle, in the state of Washington, in the United States, he was living with one Jessie Richardson as man with wife, and thereby committed adultery; that she has not connived at nor condoned the said adultery; 15 that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said 20 allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

- 1. The said marriage between Fanny Mary Yule and Clarence Marriage 25 Glenville Healy, her husband, is hereby dissolved, and shall be dissolved. henceforth null and void to all intents and purposes whatsoever.
- 2. The said Fanny Mary Yule may at any time hereafter Right to marry any man whom she might lawfully marry if the said marry again. 30 marriage with the said Clarence Glenville Healy had not been solemnized.

BILL

 $P_2$ 

An Act for the relief of Fanny Mary Healy.

Received and read a first time,

Tuesday, 25th April, 1911.

Second reading,

Friday, 28th April, 1911.

Honourable Mr. TALBOT.

OTTAWA
Printed by C. H. PARMELER
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1910-11

### BILL Q2.

An Act for the relief of Joseph Doust.

WHEREAS Joseph Doust, of the city of Toronto, in the pro-Preamble. vince of Ontario, stationer, has by his petition alleged, in effect, that on the seventh day of October, A.D. 1899, at the said city of Toronto, he was lawfully married to Addie Alvetta Horn;

5 that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on or about the third day of February, A.D. 1906, she deserted him; that at the city of San Francisco, in the state of California, in the United States, she went through a form of marriage with one

10 Louis Allen Mayo, with whom she has since lived as wife with husband, and more particularly at Clifton Hill, in the state of Missouri, in the United States, in the latter part of the month of January, A.D. 1910, and has thereby committed adultery; that he has not connived at nor condoned the said adultery; that

15 there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said

20 allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1. The said marriage between Joseph Doust and Addie Marriage 25 Alvetta Horn, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.
  - 2. The said Joseph Doust may at any time hereafter marry Right to any woman he might lawfully marry if the said marriage with marry again. the said Addie Alvetta Horn had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

 $Q_2$ 

An Act for the relief of Joseph Doust.

Received and read a first time

Tuesday, 25th April, 1911.

Second reading

Friday, 28th April, 1911.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1910-11

### BILL R2.

An Act respecting certain patents of Munderloh and Company, Limited.

WHEREAS Munderloh and Company, Limited, a body cor- Preamble. porate having its chief place of business at the city of Montreal, in the province of Quebec, has by its petition represented that it is the holder of patents numbers 91,159 and 91,160 5 dated the twenty-fourth day of January, 1905, issued under the seal of the Patent Office, for a new and useful improvement in incandescent electric lamp sockets, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with 10 the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Notwithstanding anything in The Patent Act, or in the Power to patents mentioned in the preamble, the Commissioner of Patents of Patents may receive from the holder of the said patents an application to receive fee and extend duration of the second and third terms for the said patents, and may grant patents. and issue to such holder certificates of payment of further fees, R.S., c. 69, as provided for by The Patent Act and extensions of the true s. 23, as provided for by The Patent Act, and extensions of the term of duration of the said patents, in as full and ample a manner as 20 if the application therefor had been duly made within the first six years from the date of the issue of the said patents.

2. If any person has, in the period between the expiry of six Certain years from the date of the said patents and the eighteenth day rights saved. of February, 1911, commenced to manufacture, use, or sell in 25 Canada, the invention covered by the said patents, such person may continue to manufacture, use or sell such invention, in as full and ample a manner as if this Act had not been passed.

BILL

 $R_2$ 

An Act respecting certain patents of Munderloh and Company, Limited.

Received and read a first time Tuesday, 25th April, 1911.

Second reading

Thursday, 27th April, 1911.

Honourable Mr. Domville.

OTTAWA
Printed by C. H. PARMELER
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1910-11

## BILL S2.

An Act respecting The Cariboo, Barkerville and Willow River Railway Company.

WHEREAS The Cariboo, Barkerville and Willow River Preamble. Railway Company, hereinafter called "the Company," Brit. Col., has by its petition represented that it was incorporated by chapter 62 of the statutes of 1910 of British Columbia, and has 5 prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. The railway which the Company is authorized to construct Railway declared for the general advantage of Canada.

Railway declared for the general advantage of Canada.

2. The Company may, within two years after the passing of Extension this Act, commence the construction of its railway and expend of time for construction fifteen per cent of the amount of its capital stock thereon, and 15 may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not finished and put in operation, the powers of construction conferred upon 20 the company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3. Subject to the provisions of sections 361, 362 and 363 of Agreements The Railway Act, the Company may enter into agreements with companies. 25 all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being The Grand Trunk Pacific Railway Company, The Grand Trunk R.S., c. 37. Railway Company of Canada, The Canadian Pacific Railway Company, and The Canadian Northern Railway Company.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

BILL

S

An Act respecting The Cariboo, Barkerville and Willow River Railway Company.

Received and read a first time

Wednesday, 26th April, 1911.

Second reading

Friday, 28th April, 1911.

Honourable Mr. RILEY.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majest;
1910-11

### BILL T2.

An Act respecting La Sauvegarde Life Insurance Company.

WHEREAS La Sauvegarde has by its petition represented Preamble. that it is a life insurance company incorporated by Que., 1903, chapter 95 of the statutes of Quebec, 1903, and has prayed c. 95. that it be enacted as hereinafter set forth, and it is expedient to 5 grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of of Commons of Canada, enacts as follows:—

- 1. La Sauvegarde, hereinafter called "the old Company", is Declaratory. hereby declared to be a body corporate and politic within the 10 legislative authority of the Parliament of Canada, and this Act shall apply to the old Company and its business instead of the Act mentioned in the preamble; provided nothing herein shall Existing affect anything done, or any liability incurred by the old Com- rights and pany, to all of which liabilities the new Company shall be continued. 15 subject.
  - 2. The capital stock of the Company shall be two million Capital dollars.
- 3. The shareholders of the old Company are hereby declared shares in old to be holders respectively of as many shares of the par value of and new companies.

  20 one hundred dollars in the new Company as they are holders respectively of one hundred dollar shares in the old Company.
  - 4. The head office of the new Company shall be in the city of Head office. Montreal, in the province of Quebec.
- 5. The new Company may make contracts of life insurance Business 25 with any person, and may grant, sell or purchase life annuities, authorized. grant endowments depending upon the contingencies of human life, and generally carry on the business of life insurance in all its branches and forms.

Application of Insurance

6. Except as otherwise provided by this Act, the new Company shall have all the powers, privileges and immunities and shall be subject to all the liabilities and provisions in Tle Insurance Act, 1910, so far as they may be applicable to the new Company.

Issue and renewal of licenses.

7. A license shall not be issued to the new Company, nor shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that the old Company is ceasing to do business, nor unless and until such undertaking as he may require has been 10 given that the old Company will entirely cease to do business within such reasonable time as may be fixed.

Approval by resolution of shareholders of old company

8. This Act shall not take effect unless accepted and approved by resolution voted for by shareholders representing at least three-fourths in value of the amount of stock represented by the 15 shareholders present, or represented by proxy, at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

Commencement of

> 2. Notice of such acceptance and approval and of the day so fixed shall be published by the new Company in The Canada

Notice.

Gazette.

Received and read a first time

Wednesday, 26th April, 1911.

Second reading

Wednesday, 26th April, 1911.

An Act respecting La Sauvegarde Life Insurance Company.

THE SENATE OF CANADA

Printer to the King's most Excellent Majesty Printed by C. H. PARMELER OTTAWA

Honourable Mr. BÉIQUE.

Session, 11th Parliament, 1 George V., 1910-11

### BILL U2.

An Act for the relief of Gertrude Mary Grantham.

WHEREAS Gertrude Mary Grantham, presently residing at Preamble. the city of Toronto, in the province of Ontario, wife of Arthur Myles Grantham, of the said city of Toronto, has by her petition alleged, in effect, that they were lawfully married on the fifth day of March A.D. 1808, at the said city of Toronto.

5 the fifth day of March, A.D. 1898, at the said city of Toronto, she then being Gertrude Mary Mackenzie, spinster; that the legal domicile of the said Arthur Myles Grantham was then in the state of New York, in the United States, and is now in Canada; that at various times during the years 1905 and 1906, and since

10 then upon divers occasions, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage,

- 15 authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts 20 as follows:—
  - 1. The said marriage between Gertrude Mary Mackenzie and Marriage Arthur Myles Grantham, her husband, is hereby dissolved, and dissolved shall be henceforth null and void to all intents and purposes whatsoever.
- 25 2. The said Gertrude Mary Mackenzie may at any time here-Right to after marry any man whom she might lawfully marry if the marry again. said marriage with the said Arthur Myles Grantham had not been solemnized.

# BILL

 $U_2$ 

An Act for the relief of Gertrude Mary Grantham.

Received and read a first time
Wednesday, 26th April. 1911.

Second reading

Friday, 28th April, 1911.

Honourable Mr. Young.

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

### BILL V2.

An Act to provide for increasing the capital stock of The Richelieu and Ontario Navigation Company.

WHEREAS The Richelieu and Ontario Navigation Company Preamble.
has, by its petition, prayed that it may be enacted as 1875, c. 85;
hereinafter set forth, and it is expedient to grant the prayer of 1887, c. 101;
the said petition: Therefore, His Majesty, by and with the 1894, c. 105;
1899, c. 126;
5 advice and consent of the Senate and House of Commons 1906, c. 155;
of Canada, enacts as follows:—.

1. The subsection added by section 1 of chapter 126 of the <sup>1875</sup>, c. 85, statutes of 1899 to section 2 of chapter 85 of the statutes of 1875 amended. is hereby repealed and the following is substituted therefor:—

10 "2. The directors may increase the amount of the capital Increase of stock at any time to an amount not exceeding ten million \$5,000,000 to dollars; but the stock shall not be increased until the resolution \$10,000,000. of the board of directors authorizing such increase has first been submitted to and confirmed by two thirds in value of the share-

15 holders present or represented at a special general meeting of the shareholders duly called for that purpose."

## BILL

# $V_2$

An Act to provide for increasing the capi stock of The Richelieu and Onta Navigation Com any.

Received and read a first time

Wednesday, 26th April, 1911.

Second reading

Wednesday, 26th April, 1911.

Honourable Mr. CASGRAIN.

OTTAWA

Printed by C. H. PARMELER

Printer to the King's most Excellent Majest;
1910-11

### BILL W2.

An Act respecting The Canada National Fire Insurance Company.

WHEREAS The Canada National Fire Insurance Company Preamble. has by its petition prayed that it be enacted as hereinafter 1909, c. 60. set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and 5 consent of the Senate and House of Commons of Canada, enacts as follows:-

1. Chapter 60 of the statutes of 1909 incorporating The Act of Canada National Fire Insurance Company shall, notwithstanding declared anything in section 78 of The Insurance Act, 1910, be deemed to have!

10 not to have expired and ceased to be in force after the sixth day in force. of April, 1911, but to have continued and to be in force.

2. The Minister of Finance may at any time not later than Extension the sixth day of April, 1912, under and subject to the provisions of time for obtaining of The Insurance Act, 1910, grant to the said company the license. 15 license necessary for carrying on business.

3rd Session, 11th Parliament, 1 George V., 1910

### THE SENATE OF CANADA

# BILL

 $W_2$ 

An Act respecting The Canada Nation Fire Insurance Company.

Received and read a first time
Wednesday, 26th April, 1911.
Second reading
Friday, 28th April, 1911.

Honourable Mr. Watson.

OTTAWA
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1910-11

3rd Session, 11th Parliament, 1 George V., 1910-11.

# THE SENATE OF CANADA.

# BILL X2.

An Act to amend The Water Carriage of Goods Act as regards the delivery of wood.

HIS Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as 1910, c. 61. follows:—

1. Section 10 of The Water Carriage of Goods Act, chapter 61 S. 10 repealed.
5 of the statutes of 1910, is hereby repealed.
Responsibility for delivery of wood.

3rd Session, 11th Parliament, I George V., 1910-11

THE SENATE OF CANADA.

BILL

 $X_2$ 

An Act to amend The Water Carriage of Goods Act as regards the delivery of wood.

Received and read a first time

Thursday, 27th April, 1911.

Second reading

Tuesday, 2nd May, 1911.

Honourable Mr. Domville.

OTTAWA

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1910-11

#### BILL Y2.

An Act respecting The Sault St. Louis Light and Power Company.

WHEREAS a petition has been presented praying that it be Preamble.
enacted as hereinafter set forth, and it is expedient to 1903, c. 188.
grant the prayer of the said petition: Therefore His Majesty, by
and with the advice and consent of the Senate and House of
5 Commons of Canada, enacts as follows:—

1. Notwithstanding anything in section 14 of chapter 188 Powers of the statutes of 1903, incorporating The Sault St. Louis Light declared not and Power Company, the powers granted by the said Act shall be lapsed. deemed not to have ceased and become null and void, but to 1903, c. 188, 10 have continued and to be in force.

2. Section 1 of the said Act is hereby repealed and the follow-1903, c. 188, ing substituted therefor:—

"1. Robert Bickerdike, Duncan A. Campbell, J. J. Westgate, Incorporaand Robert Bickerdike, Junior, all of the city of Montreal, in the tors.

15 province of Quebec, together with such persons as become
shareholders in the Company are hereby incorporated under the
name of "The Sault St. Louis Light and Power Company" hereinafter called "the Company".

# BILL

# $Y_2$

An Act respecting The Sault St. Loui Light and Power Company.

Received and read a first time

Wednesday, 3rd May, 1911.

Second reading

Wednesday, 3rd May, 1911.

Honourable MR. DAVID.

OTTAWA
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1910-11

# SENATE OF CANADA.

### BILL Z2.

An Act respecting The Chatham, Wallaceburg and Lake Erie Railway Company.

WHEREAS a petition has been presented praying that it be Preamble. enacted as hereinafter set forth, and it is expedient to 1903, c. 105. grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of 5 Commons of Canada, enacts as follows:-

1. The Chatham, Wallaceburg and Lake Erie Railway Authority for Company may construct, maintain and operate the following additional branch lines. branch lines of railway:-,

(a) From a point on the main line to the town of Blenheim

10 and Rondeau Harbour.

(b) From a point near Wallaceburg to the town of Dresden, thence to the town of Ridgetown and Erie Eau Park.

(c) From a point near Dresden North to the town of Petrolia, thence to the town of Sarnia in the county of Lambton.

2. The said company may issue bonds, debentures or other Issue of securities to the extent of twenty thousand dollars per mile of the securities branch lines authorized by section 1 of this Act, but only in branch lines. proportion to the length of such branch lines constructed or under contract to be constructed.

3. The said company may, within two years after the passing Extension of this Act, commence the construction of its railway and expend of time for construction. fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said

- 25 periods respectively, the said railway is not commenced and such expenditure is not so made, or is not finished and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.
- 4. Section 12 of 105 of the statutes of 1903 is hereby repealed. Former time limit repealed.

3rd Session, 11th Parliament, 1 George V., 19

· THE SENATE OF CANADA.

BILL

1/2

An Act respecting The Chatham, Wall burg and Lake Erie Railway Compa

Received and read a first time

Wednesday, 3rd May, 1911.

Second reading,

Wednesday, 3rd May, 1911.

Honourable MR. DERBYSHIR

OTTAWA
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1910-11

#### BILL A3.

An Act for the relief of William Francis Currie.

WHEREAS William Francis Currie, of the city of Toronto, Preamble. in the province of Ontario, has by his petition alleged, in effect, that on the ninth day of June, A.D. 1909, at the said city of Toronto, he was lawfully married to Mary Ethel Floy Dellabough, 5 that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on or about the twenty-seventh day of December, A.D. 1910, in a stateroom in a sleeping car on the line of the Canadian Pacific Railway between the said city of Toronto and the city of Detroit, in the 10 state of Michigan, in the United States, and on the twenty-eighth day of December, A.D. 1910, in the hotel Pontchartrain in the said city of Detroit, she committed adultery with one W. J. Dixon, and subsequently in the month of April, A.D. 1910, at the city of Toronto, in the province of Ontario, she committed 15 adultery with a man named Pleasant, whose christian name is unknown; that he has not connived at nor condoned the said adultery; that there has been no collusion directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving 20 his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of 55 Canada, enacts as follows:

1. The said marriage between William Francis Currie, and Marriage Mary Ethel Floy Dellabough, his wife, is hereby dissolved, and dissolved shal be henceforth null and void to all intents and purposes whatsoever.

30 2. The said William Francis Currie may at any time hereafter Right to marry any woman he might lawfully marry if the said marriage marry again with the said Mary Ethel Floy Dellabough had not been solemnized.

3rd Session, 11th Parliament, 1 George V., 1910-11

THE SENATE OF CANADA.

# BILL

# $\mathbf{A}_3$

An Act for the rel ef of William Francis Currie.

Received and read a first time Thursday, 4th May, 1911.

Second reading

Tuesday, 9th May, 1911.

Honourable MR. BAIRD.

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1910-11











