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ACTS  
OF THE  
PARLIAMENT  
OF THE  
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE  
FIFTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA

BEING THE  
THIRD SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Twenty-sixth day of January, and closed  
by Prorogation on the First day of April, 1893*



HIS EXCELLENCY  
THE RIGHT HONOURABLE SIR FREDERICK ARTHUR STANLEY, BARON STANLEY OF PRESTON  
GOVERNOR-GENERAL

VOL. II  
LOCAL AND PRIVATE ACTS

OTTAWA  
PRINTED BY SAMUEL EDWARD DAWSON  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY  
ANNO DOMINI 1893





# 56 VICTORIA.

## CHAP. 38.

### An Act respecting the Alberta Railway and Coal Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Alberta Railway and Coal Company has by Preamble.  
its petition prayed for the passing of an Act to confer certain additional powers on the Company as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Alberta Railway and Coal Company, hereinafter called the Company, may lease, sell and convey to the Canadian Pacific Railway Company those portions of its railway and works following, that is to say: first, that portion extending from Dunmore to Lethbridge; second, that portion extending from Lethbridge to Fort McLeod; third, that portion extending from Fort McLeod to and through the Crow's Nest Pass to the authorized western terminus of its railway in British Columbia; or any one or more of the said portions of the said railway and works constructed or to be constructed; together with all rights, powers, franchises, surveys, plans, plant, material, machinery and other property or any portion thereof belonging or appertaining to the said above-described portions of the said railway or any of them or to the undertaking and railway of the Company as a whole; or may enter into an agreement with the Canadian Pacific Railway Company, giving them running powers over all or any of the said portions of the railway of the Company, or for the operation by the Canadian Pacific Railway Company of any or all of the said portions of the railway and works of the Company, and upon such terms and conditions as are agreed upon by the boards of directors of the respective companies; and every such lease, conveyance and agreement made in pursuance of this enactment and in conformity therewith shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act; provided, that such sale, lease or agreement has been first sanctioned by the consent, in writing, of every shareholder of the Company, and by the Governor in Council, or, failing

Agreement for sale or lease of railway and works with C.P.R.

such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at an annual general meeting or at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette* for at least four weeks previous to the hearing of such application.

Interpretation: "Fort McLeod."

2. The expression "Fort McLeod," where it appears in section one of chapter eighty-nine of the Statutes of 1890, and in section one of this Act, shall, for the purposes of the said Act and of *The Alberta Railway Act, 1891*, and of this Act, mean the town of Macleod as incorporated by Ordinance number twenty-nine of the year 1892 passed by the Legislative Assembly of the North-west Territories.

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OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.



## 56 VICTORIA.

### CHAP. 39.

#### An Act to incorporate the Atlantic and Lake Superior Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying for the Preamble.  
incorporation of a company to acquire, construct and operate a railway as hereinafter set forth, and whereas it has been made to appear that certain companies hereinafter named have assented to the incorporation of such a company with such powers as are hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Andrew F. Gault, the Hon. J. R. Thibaudeau, Raymond Incorporation  
Préfontaine, Henry Hogan, the Hon. A. Desjardins, Archibald Campbell, C. N. Armstrong, J. N. Greenshields, J. C. Wilson, H. J. Beemer and J. U. Emard, all of the city of Montreal; the Honourable F. X. O. Méthot, of St. Pierre les Becquets; Geo. Ball, of the town of Nicolet; the Hon. J. B. Guévremont, of the city of Sorel; D. Bergin, of the town of Cornwall; M. P. Davis and J. W. McRae, of the city of Ottawa; Edgar McMullen, of the city of Boston; Herbert Richmond, A. R. Chisolm and J. V. Clark, of the city of New York; the Hon. William McDonald, of Cape Breton; Michael Adams, of Newcastle, N. B., and R. R. McLennan, of the village of Alexandria, Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby Corporate name.  
constituted a body corporate under the name of "The Atlantic and Lake Superior Railway Company," hereinafter called the Company.

**2.** The head office of the Company shall be in the city of Head office.  
Montreal.

**3.** The Company may, acquire, lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, Line of railway.  
from a point at or near Gaspé Bay, in the province of Quebec, to a point at or near the St. Mary's River, in the district of Algoma, in the province of Ontario.

Agreements with certain other railway companies.

4. The Company may enter into an agreement with any or all of the following companies: the Baie des Chaleurs Railway Company, the Great Eastern Railway Company, the Montreal and Sorel Railway Company, the Montreal Bridge Company, the Ottawa Valley Railway Company, the Pontiac and Pacific Junction Railway Company, the Ontario Pacific Railway Company, and also with the Government of Canada, for the purchase or lease of any or all of the railways of such companies and Government, constructed or authorized to be constructed between Gaspé Bay in the province of Quebec and St. Mary's River in the district of Algoma, in whole or in part, or of all or any rights or powers possessed by such companies or Government, as also the surveys, plans, works, plant, material, machinery, and other property belonging to such companies or Government, or for an amalgamation with any or all of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit.

Other companies may agree thereto. Sanction of shareholders.

2. The aforesaid companies are hereby authorized and empowered to enter into such agreements with the Company.

Approval of Governor.

3. Each such agreement shall be first sanctioned by two-thirds of the votes at special general meetings of the shareholders of the respective companies duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and each such agreement shall also receive the approval of the Governor in Council.

Notice of application for approval.

4. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the cities of Ottawa, Montreal, Quebec and Halifax.

Provisional directors.

5. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock.

6. The capital stock of the Company shall be ten millions of dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Annual meeting.

7. The annual general meeting of the shareholders shall be held on the first Thursday in September in each year.

Election of directors.

8. At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose nine persons to be directors of the Company, one or more of whom may be paid directors of the Company.

9. In lieu of all other mortgage borrowing powers contained in the special Acts relating to the aforesaid companies, the Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of its railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway acquired or constructed under the provisions of this Act, or under contract to be constructed; and the Company shall set aside and hold bonds, debentures or other securities, or the proceeds thereof, to an amount equal to all the outstanding bonds, debentures or other securities on such acquired railway or railways, and all interest coupons due or to fall due thereon, until such outstanding bonds, debentures or other securities shall be redeemed on such terms and in such manner as may be agreed upon by the Company and the holders of such bonds, debentures or other securities.

Issue of bonds.

Outstanding bonds to be provided for.

2. In the event of the Company acquiring the bridge and terminus at Montreal of the Montreal Bridge Company, or the right to construct and operate the same, the Company may issue bonds, debentures or other securities to the extent of five millions of dollars, upon the security thereof; and such bonds, debentures or other securities shall be issued in lieu of those authorized under the provisions of the Acts respecting the Montreal Bridge Company to be issued to the extent of six millions of dollars.

Bridge bonds.

3. Sections ninety-three to ninety-seven inclusive of *The Railway Act* shall apply to the bonds, debentures or other securities to be issued in lieu of those heretofore issued, as well as to the other bonds, debentures or other securities hereby authorized.

Sections 93 to 97 of *Railway Act* to apply.

10. The Company may divide its undertaking into sections, which shall be designated and known as:—

- (a.) The Baie des Chaleurs section;
- (b.) The Great Eastern section;
- (c.) The Montreal and Sorel section;
- (d.) The Montreal Bridge section;
- (e.) The Ottawa Valley section;
- (f.) The Pontiac and Pacific Junction section;
- (g.) The Ontario Pacific section; and
- (h.) The Intercolonial section;

Undertaking may be divided into sections.

And the Company may issue the bonds, debentures or other securities authorized to be issued by this Act, separately in respect of each of the said sections or of certain combined sections or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon, and be limited to the particular section or sections in respect of which respectively they are issued, and upon the rents and revenues thereof, and upon all the property of the Company of or belonging to such section or sections.

Separate issue of bonds for each section.



Telegraph and  
telephone  
lines.

**11.** The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of their railway and its branches, and may establish offices for the transmission of messages for the public; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with any other company or companies.

Connecting  
lines of tele-  
graph and  
telephone.

**12.** The Company may construct, erect, purchase, lease, let, equip, work and maintain any other line or lines of telegraph and telephone, nor exceeding fifteen miles in length in any one case, to connect the line or lines constructed or to be constructed along the line of their railway with any other line or lines of telegraph and telephone in Canada, either by land or by water, and upon, along, across, over or under any public road, highways, streets, bridges, watercourses or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all or any such line or lines, or any portion thereof; provided that the same shall be so constructed and maintained as not to interfere with the public use of such roads or highways, or injuriously interrupt the navigation or use of such waters and watercourses; and provided also that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water.

Proviso: pub-  
lic rights  
saved.

Bridges over  
navigable  
rivers.

Company may  
enter upon  
public roads.

**13.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by their servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining their line or lines of telegraph and telephone upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deem necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon; and, as often as the Company, their agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

May erect  
poles.

And open  
public roads.

Travel, etc.,  
not to be ob-  
structed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity:

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality: Height of wires, etc.

(c.) In all municipalities the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council: Kind of poles.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred: Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in carrying out or maintaining any of their said works: Liability for damage.

(f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree: Trees.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company: Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act: Carrying wires under ground.

(i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified: Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, their servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of their works, without the previous assent of the owner or occupant of the property for the time being. Private rights.

**14.** The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. Arrangements with other telegraph companies.

Docks,  
wharfs, etc.

**15.** The Company may erect and maintain docks, dock yards, wharfs, slips, piers, and warehouses, at any point on or in connection with their railway, and at all the termini thereof on navigable water, for the convenience and accommodation of vessels and elevators; and may also acquire and work elevators, and acquire, own, hold, charter, work and run steam and other vessels for cargo and passengers upon any navigable water which the railway of the Company reaches or connects with.

Vessels, elevators, etc.

Land for erection of store-houses, elevators, etc., may be granted by Company.

**16.** The Company may grant to any person or corporation the right to erect, on ground belonging to the Company, warehouses, elevators, or other buildings or works, for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings so erected shall not be bound by or subject to any mortgage or lien on the property of the Company without the consent of the owner of the said buildings.

Agreement with Company in Michigan, U.S.

**17.** The Company may, subject to the provisions contained in section four of this Act, enter into an agreement with any railway company owning or controlling or in possession of a railway in the state of Michigan, connecting directly or by bridge or ferry with the railway of the Company, for the use by either of the railway of the other, and the Company may acquire running powers over, or the right to use, the bridge across the St. Mary's River, so as to connect its railway with other railways, on such terms as are agreed upon.

St. Mary's river bridge.

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## 56 VICTORIA.

### CHAP. 40.

#### An Act to incorporate the Calgary Street Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** a petition has been presented praying for the Preamble.  
incorporation of a company to construct and operate a street railway in the town of Calgary, in the district of Alberta, as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

**1.** John Lineham and George K. Leeson, both of the town Incorporation.  
of Calgary ; Donald Lineham, of Dewdney, in the district of Alberta ; and James Scott, of Qu'Appelle, in the district of Assiniboia ; together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Calgary Street Railway Company," hereinafter called the Company. Corporate name.

**2.** The head office of the Company shall be in the town of Head office.  
Calgary.

**3.** The Company may lay out, construct and operate a single Street railway may be constructed.  
or double track street railway, with all necessary switches, sidetracks, and turnouts for the passage of cars, carriages and other vehicles, upon and along the streets and lanes of the town of Calgary, and along such roads adjacent to the said town, as the Company deems expedient, but not extending beyond five miles from the municipal limits of the said town as such limits exist at the time of the passing of this Act ; and Motive power.  
may carry passengers and freight thereon by the power of animals, or of electricity, or by such other motive power, except steam, as the Company, from time to time, deem expedient ; and may establish works to supply electricity for such power ; and may also construct, erect and maintain all necessary buildings, machinery, appliances, and conveniences for the purposes Buildings, machinery, etc.  
of such electrical railway and works, including the erection of poles upon any and all streets upon which the Company may deem expedient to run their railway for the carrying on of their

Consent of municipality.

said business; but the Company shall not exercise any of the powers hereby conferred upon it in, over or upon any part of the streets and lanes of the town of Calgary, without first obtaining the consent and agreement thereto of the municipal council of the said town.

Provisional directors.

**4.** John Lineham, George K. Leeson and William Donald Lineham shall be the first or provisional directors of the Company.

Capital stock.

**5.** The capital stock of the Company shall be one hundred thousand dollars divided into shares of one hundred dollars each, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Annual general meeting.

**6.** The annual general meeting of the shareholders shall be held on the first Monday in September in each year.

First general meeting.

**7.** So soon as twenty-five thousand dollars of the capital stock have been subscribed and ten per cent thereon paid up, the provisional directors shall call a meeting of the shareholders for the purpose of electing directors, first giving two weeks' notice of such meeting by advertisement in the *Canada Gazette* and in a newspaper published in the town of Calgary.

Election of directors.

**8.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose three persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Increase of capital stock.

**9.** The directors of the Company may, at any time after the whole capital stock of the Company has been taken up and fifty per cent thereon paid in, make a by-law for increasing the capital stock of the Company to any amount which they consider requisite for the due carrying out of the objects of the Company.

Allotment of new stock.

**2.** Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall vest absolutely in the directors.

Approval of shareholders.

**3.** No such by-law shall have any force or effect whatsoever until it is approved by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering the same.

Bonds may be issued.

**10.** The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed stock of the Company at a special general meeting duly called for considering the by-law,—

(a.) Borrow money upon the credit of the Company and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient; but no such debentures shall be for a less sum than one hundred dollars;

(b.) Hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company;

But the amount borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid-up stock of the Company; but the limitation made by this section shall not apply to commercial paper discounted by the Company. Borrowing power limited.

**11.** The vehicles of the Company shall have the right to use the tracks of the Company as against all other vehicles whatever; and all other vehicles using the said tracks, shall turn out of the said tracks and permit the vehicles of the Company to pass, and shall in no case, and under no pretense whatever, obstruct or hinder the passage on and the free use of the said tracks by the vehicles of the Company. Company's tracks not to be obstructed.

**12.** The fare shall be due and payable by every passenger on entering the car, and any person who refuses to pay the fare when demanded by the conductor or driver, and refuses to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace, be liable to a fine not exceeding ten dollars. Fare on cars.

**13.** The municipal council of the town of Calgary may, subject to the provisions of this Act, make and enter into any agreement with the Company relating to the construction of the said railway for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway, and the particular streets along which the same shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers. Corporation of Calgary may agree with Company.

**14.** The municipal council of the town of Calgary may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreement; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience to such by-laws, and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway passes. By-laws to carry out agreement.

Agreements  
with other  
companies.

**15.** The Company may, with the consent of the municipal council of the town of Calgary first had and obtained, enter into agreements with any person or company having right and authority to construct or operate street railways in the said town, or in the district of Alberta adjacent to the said town, for conveying or leasing to such person or company the street railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, or for leasing, hiring or purchasing plant and rolling stock of such person or company, or for running arrangements over the street railway of such person or company, or for running arrangements by such person or company over the street railway of the Company.

Sanction of  
shareholders.

2. Such agreements may be on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that any such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Approval of  
Governor in  
Council.

Notice of ap-  
plication for  
approval.

3. Such approval shall not be signified until after notice of the proposed application therefor has been published for two months in the *Canada Gazette* and also for a like period in one newspaper in the town of Calgary.

Liability for  
damages.

**16.** The Company shall in the exercise of the powers conferred by this Act do as little damage as possible, and shall make full compensation, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

R. S. C., c.  
118.

**17.** *The Companies Clauses Act*, excepting sections eighteen and thirty-nine thereof, shall apply to the Company.

1887, c. 29.

**18.** *The Railway Act* shall not apply to the Company.

Ordinances of  
N.-W.T.

**19.** The exercise of the powers conferred by this Act shall be subject to any ordinance of the North-west Territories in force from time to time in relation to street railways.

Short title.

**20.** This Act may be cited as *The Calgary Street Railway Act, 1893.*



## 56. VICTORIA.

### CHAP. 41.

#### An Act respecting the Canadian Pacific Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Canadian Pacific Railway Company, hereinafter called the Company, has, by its petition, prayed that certain powers, as hereinafter set forth, be conferred upon the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, hereby enacts as follows:—

Preamble.

**1.** This Act may be cited as *The Canadian Pacific Railway Act, 1893.*

Short title.

**2.** The powers conferred upon the Company by clause thirty-seven of its charter in respect of preferred stock, are hereby restored; provided that the aggregate amount of such stock shall not at any time exceed one-half the aggregate amount of the ordinary stock then outstanding; and any such stock may be issued in amounts of sterling money of Great Britain if the shareholders so decide; provided also that the majority of the votes of shareholders referred to in the said clause thirty-seven shall not be less than two-thirds of the votes of those present or represented at the meeting in the said clause referred to; and provided further that no preferred stock shall affect the lien created by any mortgage, debenture or bond issued by the Company.

Issue of preferred stock.

Amount limited.

**3.** If the Company so enact by by-law, any ordinary stock issued by the Company after the passing of this Act may be in amounts of sterling money of Great Britain; and any outstanding shares of ordinary stock of one hundred dollars each may at any time, at the holder's request, be converted into ordinary stock in such amounts of sterling money and on such terms as the Company may by by-law enact.

Sterling stock.

**4.** Every twenty pounds sterling of ordinary or preferred stock which may be issued as aforesaid shall give the same rights as to voting as are given by a share of one hundred dollars of ordinary stock.

Voting



Dividend on  
preferred  
stock.

**5.** The dividends in respect of which the said preferred stock shall take priority over ordinary stock shall not exceed four per cent per annum, and shall not be cumulative.

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most Excellent Majesty.



# 56 VICTORIA.

## CHAP. 42.

### An Act respecting the Central Counties Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** the Central Counties Railway Company has by its petition prayed for certain amendments, as herein-after set forth, to the Acts respecting the Company, and it is expedient to grant the prayer of the said petition: Therefore Her 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 one of chapter eighty-nine of the Statutes of 1891 is hereby repealed, and the following paragraph substituted therefor:—

“(b.) A line from a point on section one of the railway at or near the village of Vankleek Hill, thence westerly through the township of Caledonia, passing near Caledonia Springs to a junction with section three of the railway in the township of Clarence, in the county of Russell, which shall be designated and known as section two;”

**2.** Paragraph (d) of section one of the said Act is hereby amended by inserting the words “or the county of Russell” after the word “Stormont” in the second line of the said paragraph.

**3.** The powers of leasing the railway and of borrowing money conferred by the Acts relating to the Company shall apply to sections “two” and “four” of the railway, as altered and defined by this Act.

**4.** Section nine of chapter eighty-nine of the Statutes of 1891 is hereby repealed, and in lieu thereof it is hereby enacted that the bridge shall be commenced and fifteen per cent on the amount of the capital stock expended thereon within three years, and that the bridge shall be completed within five years, from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void.

**5.** The railway and branches of the Company shall be completed within five years from the passing of this Act, otherwise

the powers granted for such construction by the several Acts relating to the Company shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted.

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# 56 VICTORIA.

## CHAP. 43.

### An Act respecting the Chilliwack Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** a petition has been presented stating that the Chilliwack Railway Company has undertaken the works hereinafter described and made a commencement of the same, and praying for the passing of an Act as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** In this Act the expression "the Company" means a body politic and corporate heretofore created by chapter fifty-five of the Statutes of 1891 of the Legislature of the province of British Columbia, under the name of "The Chilliwack Railway Company."

Preamble.

Interpretation.

1891, B.C., c. 55.

Name of Company.

**2.** The following works, being those which the Company by its said Act of incorporation is empowered to undertake, own and operate, are hereby declared to be works for the general advantage of Canada, that is to say:—a railway from a point on the Mission Branch of the Canadian Pacific Railway on the south side of the Fraser River to a point in the municipality of Chilliwack in the district of New Westminster, in the province of British Columbia;—all which works are hereinafter referred to in the aggregate as "the said works."

Declaratory.

Line of railway described.

**3.** The head office of the Company shall be in the city of Vancouver or such other place in Canada as the directors from time to time determine by by-law.

Head office.

**4.** The annual general meeting of the shareholders shall be held on the first Wednesday in September, in each year.

Annual meeting.

**5.** The Company may issue bonds, debentures and other securities to an amount not exceeding twenty thousand dollars a mile of the railway and branches, and such bonds,

Issue of bonds limited.

debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed and in accordance with the provisions of *The Railway Act*.

Arrangements with C. P. Railway Company.

**6.** The Company may sell or lease, or grant running powers over, or grant the right to operate, the said works and railway or any part or parts thereof to, or enter into a working arrangement in respect thereof with the Canadian Pacific Railway Company, on such terms and conditions and for such period or periods as are agreed upon between the boards of directors of the two companies: Provided that such sale, lease, grant or arrangement has been first sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Vancouver, in British Columbia, for at least four weeks previous to the hearing of such application.

Proviso: sanction of shareholders and of Governor in Council.

Notice of application for approval of Governor in Council.

Company's rights under Provincial charter saved.

**7.** Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Act of incorporation which authorized the Company to undertake, hold and operate the said works as aforesaid, nor, except as herein expressly provided, any of the rights, powers or privileges conferred on the Company by the said last mentioned Act; but hereafter the same and the Company shall be subject to the legislative authority of the Parliament of Canada and the provisions of *The Railway Act*.

Declaratory.

Time for completion of works.

**8.** The said works may be proceeded with and shall be completed within five years after the passing of this Act, failing which the powers granted for such construction shall cease and be null and void as respects so much of the said works as then remains uncompleted.



## 56 VICTORIA.

### CHAP. 44.

An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company, and to confirm an Agreement respecting the London and Port Stanley Railway.

[Assented to 1st April, 1893.]

**W**HEREAS an agreement was, on the twenty-fourth day of Preamble. January, eighteen hundred and ninety-three, duly made between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettengill and Thomas W. Larwood, junior, all of the city of Cleveland, in the state of Ohio, one of the United States, hereinafter called "the lessees," whereby the said London and Port Stanley Railway Company gave to the lessees, on certain terms and conditions, the use, occupation and possession of their line of railway between London and Port Stanley for the period of twenty years, with power to work the same for the benefit of the said lessees, which agreement is set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*; and whereas by the said agreement the said lessees, among other things, covenanted to furnish a line of vessels to run between the ports of Ashtabula or Cleveland in the state of Ohio, one of the United States, and Port Stanley, in the province of Ontario; and whereas the corporation of the city of London is the owner of all the first mortgage bonds and other securities at present in existence and forming a lien on the said railway, except bonds and securities to the nominal amount of forty-eight thousand nine hundred and thirty-three dollars owned by the corporation of the city of St. Thomas; and whereas it was contemplated by the said agreement that the said lessees should be incorporated by the Parliament of Canada, with power to operate the said railway, and with such other power as might be necessary to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway Company and the corporation of the city of London have petitioned that such agreement might be ratified, confirmed and

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legalized,

legalized, and the said lessees have petitioned to be incorporated with the powers necessary to operate the said line, and to carry out the terms of the said agreement; and whereas the said London and Port Stanley Railway has been declared to be a work for the general advantage of Canada; and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1888, c. 29.

**1.** *The Railway Act* shall apply to the Company incorporated hereunder, and to the undertaking of the Company, except in so far as it is inconsistent with the provisions hereof or with the provisions of the lease hereinafter mentioned or is for any other reason inapplicable thereto.

Agreement confirmed.

**2.** The lease between the London and Port Stanley Railway Company and Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettengill and Thomas W. Larwood, a copy of which (except the pamphlet marked "A" attached thereto) is set out in the schedule to an Act passed during the present session of Parliament, intituled *An Act respecting the London and Port Stanley Railway Company*, is hereby amended by adding to the end of the third paragraph thereof the words following, that is to say: "and provided also that the said parties of the second part shall be entitled to be reimbursed under the provisions of this paragraph only for and in respect of such repairs as shall have before the same shall be made, been either agreed to by the said parties of the first part or determined by arbitration under the provisions of paragraph twelve of this indenture to be necessary repairs, and that no deduction shall be made from the rent as hereinbefore provided in respect of any repairs unless the same shall have been so agreed or have been determined by arbitration to be necessary repairs as aforesaid, and then only on production of the vouchers showing in detail the actual expenditure therefor, and in case of dispute as to such expenditure, unless or until the amount thereof shall have been determined by arbitration under the provisions of the said paragraph twelve;" and the said lease by this section confirmed and validated is the said lease so amended, and as so amended is hereby approved, ratified and confirmed, and declared to be valid and binding upon the parties thereto, and upon the Company by this Act incorporated, as if the Company had covenanted therein as the lessees covenant; and each of the parties to such agreement and the said Company hereby incorporated may, subject however to the proviso hereinafter contained, do whatever is necessary to give effect to the substance and intention of the said lease, and are hereby declared to have, and, as regards the parties to the said lease, to have had power to do all acts necessary to give effect thereto; and the corporations of the city of London and the city of St. Thomas, their successors and assigns, are hereby declared to have assented to and to be bound by the said

said lease, as amended, as if they had been parties to and had executed it, and the corporation of the city of London shall have the right to enforce the terms and conditions thereof as against the lessees and the Company hereby incorporated and their assigns; provided however that nothing herein or in the said lease contained shall affect the powers of the Governor in Council under section two hundred and twenty-six of *The Railway Act*, and that sections two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act* shall apply to this Act and to the said lease except as to the tolls fixed by the said lease.

**3.** Charles R. Jones, Frank S. Miller, Lorenzo Dudley Dodge, M. Silas Pettengill, Thomas W. Larwood, junior, all of the city of Cleveland, in the state of Ohio, one of the United States, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Cleveland, Port Stanley and London Transportation and Railway Company," herein-after called the Company.

Incorporation.

Corporate name.

**4.** The head office of the Company shall be in the city of London.

Head office.

**5.** The Company may—

(a.) Equip, maintain and operate the said railway during the term of the said lease, and under and subject to the provisions thereof, as fully and effectually as the said London and Port Stanley Railway Company might;

Powers of Company.  
As to working of railway.

(b.) The Company may also purchase, build, complete, fit out and charter, sell, mortgage and dispose of, work and control and keep in repair steam or other vessels from time to time to ply on the lakes, rivers and canals of Canada in connection with the said railway;

Purchase of vessels.

(c.) Make arrangements and agreements with steam-boat and vessel proprietors, by charter and otherwise, to ply on the said lakes, rivers and canals in connection with the said railway;

Arrangements with steam-boat owners, etc.

(d.) Erect or acquire by purchase one or more hotels, and lands to be connected therewith, as contemplated by the said agreement, and equip and operate the same.

As to hotels.

**6.** The Company may also purchase and hold wharfs, piers, docks, water-lots and lands and mortgage the same; and upon the said water-lots and lands and in and over the waters adjoining the same may build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharfs, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, erected or controlled by the Company or any other steam or other vessel, and may collect wharfage and store charges, (the amount thereof to be from time to time subject to agreement between the London and Port Stanley Railway Company and the said lessees and the Company, and in

May purchase docks and water lots, etc.

Collect wharfage, etc.



case they cannot agree the same shall be fixed by the Minister of Railways and Canals), freight, whether for back charges of other carriers or otherwise, and other dues, earnings and incomes to be derived from the use and service of its property, steam-ships and other vessels, works and buildings; but the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered; and the Company may erect, build and maintain all moles, piers, wharfs and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading or unloading within the same, and may dredge, deepen and enlarge such works; and in its discretion may sell, mortgage, lease or convey the said wharfs, piers and docks, water-lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any part thereof, or any portions thereof.

May lease wharfs, etc.

Company may purchase the lease of railway and works.

Conditions and obligations of lessees continued.

And may make payment therefor in shares of stock.

Provisional directors.

Capital stock.

Annual general meeting.

**7.** The Company may also contract and agree with the said lessees, and such other person or persons, if any, as may be interested with them in the said lease, for the purchase and assignment thereof, and of all the rights and privileges thereunder; and the Company may, on the assignment thereof to it, take and hold the same; and the Company shall thereupon and thereby have vested in it all the right, title, interest, property, claim, demand and privilege of the lessees thereunder; subject, however, to the conditions and obligations upon which the same shall be held by the lessees.

**2.** The Company may grant and issue its shares, except the one hundred thousand dollars to be paid up in cash according to the terms of the said agreement, as paid up shares in payment, or on account of payment, of the price agreed to be paid to the said lessees for their rights under the said lease, or may give them credit on their subscriptions for shares on account thereof.

**8.** The persons mentioned by name in the third section of this Act are hereby constituted provisional directors of the Company.

**9.** The capital stock of the Company shall be two hundred and fifty thousand dollars, and at least one hundred thousand dollars of the said capital stock shall be paid up in cash within six months after the passing of this Act, in default whereof all the powers by this Act granted to the Company shall immediately cease, determine and be at an end; and the balance of such capital stock may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

**10.** The annual general meeting of the shareholders shall be held on the first Wednesday of September in each year, at the city of London, in the province of Ontario.

**11.** At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Election of directors.

**12.** The Company, being first authorized by a resolution, passed at a special general meeting of the shareholders duly called for the purpose, may from time to time borrow in Canada or elsewhere such sums of money as may be expedient for the purposes of the undertaking, and the due carrying out of the said agreement to the extent of two hundred and fifty thousand dollars, and may make bonds, debentures or other securities for the sums so borrowed, payable either in sterling, or Canadian currency, or in the currency of the United States, and at such place or places in Canada or elsewhere as is deemed advisable; and may sell the same at such prices or discount as is deemed expedient or necessary, or pledge or otherwise deal with the same; and may hypothecate, mortgage or pledge the tolls, revenue and other property of the Company or any part thereof for the due payment of the said sums or the interest thereon; and may make such terms and arrangements and execute such mortgages and agreements for securing the said bonds or any part thereof as is deemed advisable; Provided, however, that the tolls and revenues of the Company shall be subject in the first instance to the payment of any penalty imposed for non-compliance with *The Railway Act* respecting returns to be made to the Minister of Railways and Canals and to the payment of the working expenditure of the railway; provided always that all such bonds, debentures or other securities shall be subject to the rights of the London and Port Stanley Railway Company and the mortgage bondholders of the said Company, under the terms of the said lease, and to the right of the said London and Port Stanley Railway Company, and of any other corporation entitled to enforce the provisions of the said lease to determine the same for non-payment of rent or for any other cause for which the determination thereof is provided for by the said lease, and provided also that such bonds, debentures or other securities shall not operate upon the said railway or the property of the said railway company, except to the extent of the right of the Company hereby incorporated under the said lease.

Borrowing powers of Company.

Amount limited.

Issue and sale of bonds.

Mortgage to secure bonds.

Proviso: working expenditure, etc., to be first paid.

Proviso: certain rights saved.

**13.** Subject to the terms and conditions in the said lease contained, the Company may enter into traffic arrangements with the Grand Trunk Railway Company of Canada, the Canada Southern Railway Company, the Michigan Central Railroad Company, the Canadian Pacific Railway Company, or any one, or all of them, or any other company whose line intersects the line of railway controlled by the Company, for the hiring, leasing, working or using the said line of railway or any part thereof, at any time or times or for any period, so that the expiration

Arrangement with other companies, for leasing or hiring railway or rolling stock.

of such period shall not extend beyond the twenty-eighth day of February, one thousand nine hundred and thirteen, or the other sooner determination of the said lease, or for the leasing or hiring any locomotives, carriages or movable property, and generally to make any agreement or agreements with any of the said companies touching the use by them or any of them of the said railway or any part thereof, or touching any services to be rendered by the one Company to the others or any of them for the said term, but subject to the sooner determination thereof as aforesaid, and the compensation therefor, with power to each of the said companies to operate the same as part of their railway in the event of running powers being granted; and all such agreements shall be valid and binding, and shall be enforced by any court of justice according to the terms and tenor thereof; provided that such traffic arrangement and agreement shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

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## 56 VICTORIA.

### CHAP. 45.

An Act respecting the Columbia and Kootenay Railway and Navigation Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented stating that it will facilitate the development of important mining interests in the Kootenay District of British Columbia, and also be of advantage to the Columbia and Kootenay Railway and Navigation Company, hereinafter called the Company, if it obtains authority to extend its railway lines as hereinafter mentioned; and praying that such authority be conferred, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Preamble.

**1.** The works hereinafter mentioned are hereby declared to be works for the general advantage of Canada.

Declaratory.

**2.** The Company may construct and operate a railway between some point on its present line between Nelson and Robson on the south and Revelstoke on the north, together with such branch or branches as may from time to time be authorized by the Governor in Council, not exceeding in any one case the length of thirty miles; and may construct and operate in connection therewith telegraph and telephone lines, and wharfs, docks, elevators, warehouses, station-houses, offices and other buildings.

Railway and branch lines to be constructed.

Telegraph lines, docks, etc.

**3.** The provisions of section four of chapter eighty-seven of the Statutes of 1890 intituled *An Act respecting the Columbia and Kootenay Railway and Navigation Company*, shall apply to the works mentioned herein as well as to those mentioned in that Act.

Section 4 of c. 87, 1890, to apply.





# 56 VICTORIA.

## CHAP. 46.

### An Act respecting the Drummond County Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** a petition has been presented stating that the Preamble.  
 Drummond County Railway Company has undertaken the works hereinafter described and made a commencement of the same, and praying for the passing of an Act declaring such works to be for the general advantage of Canada, and granting additional powers to the said Company, as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** In this Act the expression “the Company” means a Interpretation.  
 body politic and corporate heretofore created by certain Acts of the Legislature of the province of Quebec, under the name Name of Com-  
 of the “Drummond County Railway Company,” the titles of pany.  
 which Acts are set out in the schedule to this Act.

**2.** The following works, being those which the Company Declaratory.  
 by its Act of incorporation, being chapter eighty-one of the Statutes of 1886 of the province of Quebec and chapter 1886 (Que.), c.  
 eighty-eight of the Statutes of 1889 of the said province of 81, and 1889,  
 Quebec amending the same, is empowered to undertake, con- (Que.), c. 88.  
 struct, own and operate, are hereby declared to be works for the general advantage of Canada, that is to say:—a railway from the village of Drummondville in the county of Drummond, to a point or points near the Grand Trunk Railway, at, near or between the stations of that company at Kingsey siding in the county of Richmond and at the village of Victoriaville in the county of Arthabaska, crossing part of the last two mentioned counties or either of them as well as the county of Drummond, with power to run a branch line from the said railway in the township of Wendover or Simpson to the parish of Ste. Angèle in the county of Nicolet, crossing the county of Yamaska and that of Nicolet, also to extend the said rail- Company's railway and branches.  
 way

way from Drummondville to a point at or near the city of St. Hyacinthe in the county of St. Hyacinthe, crossing portions of the counties of Drummond, Bagot and St. Hyacinthe.

Rights under provincial charter confirmed.

**3.** The Company is hereby declared to have all the franchises, rights, powers, privileges and authorities conferred upon it by the said Acts of the Legislature of the province of Quebec, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the courts of law in the province of Quebec: Provided, that *The Railway Act* of Canada shall apply, instead of the law respecting railways in force in the province of Quebec, to all matters and things to which *The Railway Act* of Canada would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed or to be constructed under the authority of an Act passed by the Parliament of Canada.

Proviso: Railway Act to apply.

St. Léonard extension authorized.

**4.** In addition to the powers conferred by the said two Acts of the Legislature of the province of Quebec, the Company may lay out, construct and operate an extension of its line of railway from the village of St. Léonard in the county of Nicolet to a point on the Intercolonial Railway in the county of Lévis, crossing the counties of Nicolet, Arthabaska, Lotbinière and Lévis, all in the province of Quebec.

Head office.

**5.** The head office of the Company shall be in the city of Montreal, in the province of Quebec, or such other place in Canada as the directors from time to time determine by by-law.

Annual meeting.

**6.** The annual general meeting of the shareholders shall be held on the first Wednesday of September in each year.

Issue of bonds.

**7.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars a mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with C. P. Railway Co. or G. T. Railway Co.

**8.** The Company may enter into an agreement with the Canadian Pacific Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing its railway to either of such companies, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with either of such companies, on such terms and 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 two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders represent-

Proviso: sanction of shareholders.

sending at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the approval of the Governor in Council.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Approval of Governor in Council.

Notice of application for approval.

9. Notwithstanding anything contained in the Acts of the Legislature of the province of Quebec hereinbefore recited, the time for the completion of the railway authorized by the said Acts is hereby extended for five years from the passing of this Act; and the line of railway authorized by section four of this Act shall be commenced within two years from the passing of this Act; and if the railway is not commenced and completed as herein provided, then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Time for construction extended.

### SCHEDULE.

#### STATUTES OF THE PROVINCE OF QUEBEC.

Year and Chapter.	Title of Act.
49-50 Victoria, (1886), Chap. 81. . . . .	An Act to incorporate the Drummond County Railway Company.
52 Victoria, (1889), Chap. 88. . . . .	An Act to amend the charter of the Drummond County Railway Company.

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## 56 VICTORIA.

### CHAP. 47.

#### An Act respecting the Grand Trunk Railway Company of Canada.

[Assented to 1st April, 1893.]

**W**HEREAS the Grand Trunk Railway Company of Canada Preamble. and the railway companies mentioned in section one of this Act, have severally by their respective petitions prayed that an Act be passed to ratify and confirm and make valid a certain agreement entered into by the said companies for the amalgamation or consolidation of the said companies into one company, under the name of "The Grand Trunk Railway Company of Canada," and to give the said amalgamated company power to do such acts as are necessary to carry out the provisions of the said agreement in all respects; and whereas it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** In the interpretation of this Act, unless the context requires a different interpretation, the words "the Company" Interpretation. shall mean the Company created by the said amalgamation or consolidation, and the words "the said companies" shall mean the Grand Trunk Railway Company of Canada, the Jacques Cartier Union Railway Company, the Montreal and Champlain Junction Railway Company, the Beauharnois Junction Railway Company, the Midland Railway of Canada, the Peterborough and Chemung Lake Railway Company, the Lake Simcoe Junction Railway Company, the Grand Trunk, Georgian Bay and Lake Erie Railway Company, the London, Huron and Bruce Railway Company, the Galt and Guelph Railway Company, the Brantford, Norfolk and Port Burwell Railway Company, the Wellington, Grey and Bruce Railway Company, the Waterloo Junction Railway Company, the North Simcoe Railway Company, and the Cobourg, Blairton and Marmora Railway and Mining Company.

**2.** This Act may be cited as *The Grand Trunk Act, 1892*. Short title.

**3.** The agreement entered into by the said companies, and set out in the schedule to this Act, is hereby confirmed and Agreement confirmed.  
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made valid, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever, as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this Act; and the said companies named in the said agreement are hereby amalgamated; and from and after the passing of this Act the said companies shall form and be one company under the name of "the Grand Trunk Railway Company of Canada," on the terms and conditions set out in the said agreement and in this Act, with the capital also mentioned in the said agreement.

Issue of consolidated debenture stock.

4. The Company may, after the date of union mentioned in the said agreement, in addition to the several amounts of Grand Trunk consolidated debenture stock mentioned in and authorized by the several statutes referred to in section three of chapter forty-eight of the Statutes of 1890, and also in addition to the amount authorized by the said section three, and over and above and in addition to the amounts authorized by chapter thirty-nine of the Statutes of 1892, and over and above and in addition to the amounts heretofore authorized by any statute or statutes of Canada, (all of which by this Act are made applicable to the Company formed by the said union) in order to get in so much of the borrowed capital referred to in the first part of schedule X mentioned in the said agreement as is not included in the schedules to the said above mentioned Acts, or any of them, borrow and raise, for the purposes in the said agreement mentioned and specified, by the 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, not exceeding seventy-five thousand pounds sterling, as a majority of the proprietors present in person or represented by proxy (entitled to vote) at general or special meetings assembled determine.

Application of debenture stock.

5. The additional Grand Trunk consolidated debenture stock hereby authorized to be created and issued, or the proceeds thereof, shall be applied by the Company in acquiring or getting in by exchange, purchase or otherwise, the said securities and obligations in the next preceding clause of this Act mentioned as being omitted from the schedules in the said several Acts in the said next preceding clause referred to, upon such terms and conditions as are from time to time agreed upon between the Company and the respective holders thereof; and if there is any surplus it may be applied to the general purposes of the Company.

Ranking of consolidated debenture stock.

6. The Grand Trunk consolidated debenture stock issued or to be issued under the provisions of chapter fifty-two of the Statutes of 1884, of chapter fifty-seven of the Statutes of 1887, of chapter fifty-eight of the Statutes of 1888, of chapter forty-

eight of the Statutes of 1890, and of chapter thirty-nine of the Statutes of 1892, shall, together with the Grand Trunk consolidated debenture stock hereby authorized to be created and issued, also the consolidated debenture stock authorized to be created and issued under the provisions of section twelve of this Act, as and when created and issued, and the interest thereon respectively, rank equally as one single consolidated stock, and shall, subject to all the priorities of existing charges, and also to the five per cent perpetual debenture stock mentioned in schedule number two to the said chapter fifty-two of the Statutes of 1884, and to all the provisions relating to the Company as to working expenses as set forth in the schedule to this Act, be and become a first charge upon the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company; but the holders of the said Grand Trunk consolidated debenture stock, whether issued prior or subsequently to the passing of this Act or of the said former Acts in this Act above referred to, shall not as amongst themselves be entitled to any preference or priority.

7. The holders of the said Grand Trunk consolidated debenture stock, hereby authorized to be created and issued, also the holders of the consolidated debenture stock authorized by section twelve of this Act, shall have the same voting power thereon as is now possessed by the holders of the debenture stock heretofore authorized under the several Acts in this Act above referred to, and the interest on the consolidated debenture stock by this Act authorized shall be due and payable at the same times, and in the same manner, and at the same places, as the interest on the four per cent consolidated debenture stock of the Grand Trunk Railway Company of Canada, issued or authorized to be issued, before the date of union in the said agreement mentioned, under the said several Acts above in this Act mentioned and referred to.

Votes of holders of debenture stock.

Payment of interest.

8. The securities and obligations to be acquired as aforesaid shall be held as subsisting and continuing for the purposes mentioned in section six of *The Grand Trunk Railway Act*, 1888.

Security to debenture holders.

9. After the passing of this Act, in addition to the powers by this Act conferred, the Company, as regards the creation and issue of consolidated debenture stock, shall have to their full extent the powers possessed by the Grand Trunk Railway Company of Canada at and before the passing of this Act.

Powers as to issue of consolidated debenture stock.

10. The Company, for the purpose of the exchange of shares in the capital stock of the said companies other than the Grand Trunk Railway Company of Canada, as contemplated by the agreement set out in the schedule to this Act, may create and issue to the holders of the said shares ordinary or common stock of the Company to the extent mentioned in the said

Issue of ordinary stock.

agreement, and may exchange the said stock for the said common stock of the said companies other than the Grand Trunk Railway Company of Canada, in the manner mentioned and specified in the said agreement.

As to existing charters.

Proviso :  
G. T. R. Acts  
to prevail.

**11.** All the provisions of the several Acts now existing relating to the said several companies respectively so consolidated or amalgamated shall each and every one of them apply to the Company formed by the said amalgamation ; provided, however, that where there is any conflict in the provisions of the said Acts the provisions of the Acts relating to the Grand Trunk Railway Company of Canada before the said amalgamation shall prevail and govern.

1888, c. 58.  
1891, c. 69.

Issue of consolidated debenture stock instead of bonds.

**12.** The Company may, instead of issuing bonds on that portion of its line of railway between Glencoe and Kingscourt, in the province of Ontario, and creating a mortgage to secure the same, as authorized under the provisions of chapter fifty-eight of the Statutes of 1888, and of chapter sixty-nine of the Statutes of 1891, create and issue Grand Trunk consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, to an amount not exceeding twenty thousand dollars per mile of the said line so erected or built between Glencoe and Kingscourt aforesaid ; and all the provisions contained in sections six and seven of this Act, in regard to the consolidated debenture stock therein mentioned, shall, in each and every respect, also apply to the said consolidated debenture stock authorized by this section of this Act to be created and issued.

When this Act shall take effect.

**13.** This Act shall not take effect unless and until it is submitted to a general meeting of the Grand Trunk Railway Company of Canada and accepted by a majority of the votes of the persons present at such meeting in person or represented by proxy entitled to vote thereat ; provided that notice of the submission of this Act at such meeting shall be duly given ; and the certificate of the chairman of such meeting shall be taken as sufficient evidence of its acceptance by the proprietors ; and such certificate shall be filed in the office of the Secretary of State of Canada, and copies thereof certified by the Secretary of State shall be taken and accepted in all courts of law and equity as sufficient evidence of the said acceptance.

#### SCHEDULE.

THIS DEED made the first day of October, in the year of our Lord one thousand eight hundred and ninety-two ; between the Grand Trunk Railway Company of Canada, in this agreement called "The Grand Trunk," of the first part ; the Jacques Cartier Union Railway Company, in the schedule hereto, marked "X," called "The Jacques Cartier Company,"

of the second part; the Montreal and Champlain Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Montreal Company," of the third part; the Beauharnois Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Beauharnois Company," of the fourth part; the Midland Railway of Canada, hereinafter in the schedule hereto, marked "X," called "The Midland," of the fifth part; the Peterborough and Chemong Lake Railway Company, hereinafter in the schedule hereto, marked "X," called "The Peterborough Company," of the sixth part; the Lake Simcoe Junction Railway Company, hereinafter in schedule hereto, marked "X," called "The Lake Simcoe Company," of the seventh part; the Grand Trunk, Georgian Bay and Lake Erie Railway Company, hereinafter in the schedule hereto, marked "X," called "The Georgian Bay Company," of the eighth part; the London, Huron and Bruce Railway Company, hereinafter in the schedule hereto, marked "X," called "The Huron Company," of the ninth part; the Galt and Guelph Railway Company, hereinafter in the schedule hereto, marked "X," called "The Galt Company," of the tenth part; the Brantford, Norfolk and Port Burwell Railway Company, hereinafter in the schedule hereto, marked "X," called "The Brantford Company," of the eleventh part; the Wellington, Grey and Bruce Railway Company, hereinafter in the schedule hereto, marked "X," called "The Wellington Company," of the twelfth part; the Waterloo Junction Railway Company, hereinafter in the schedule hereto, marked "X," called "The Waterloo Company," of the thirteenth part; the North Simcoe Railway Company, hereinafter in the schedule hereto, marked "X," called "The North Simcoe Company," of the fourteenth part; the Cobourg, Blairton and Marmora Railway and Mining Company, hereinafter in the schedule hereto, marked "X," called "The Cobourg Company," of the fifteenth part;

Whereas the capital of the Grand Trunk at the date of these presents, hereinafter called the Grand Trunk capital, consists of the sums mentioned in the first schedule hereto, marked "A," in which part one shows the amount of borrowed capital and debenture stock, hereinafter called "Grand Trunk borrowed capital," and part two shows the amount of stock or share capital, including guaranteed preference and ordinary stocks, which guaranteed preference and ordinary stocks are hereinafter called "Grand Trunk share capital";

And whereas the capital of the said several companies, parties hereto, other than the Grand Trunk, at the date of these presents, consists of the respective sums mentioned opposite the name of each in the schedule hereto marked "X"; part one of said last mentioned schedule shows the borrowed capital of each company, and part two of said schedule shows the share capital of each company before the execution of these presents, all of which is fully paid up;

And whereas the Grand Trunk is now the owner of the share capital in certain of the said companies parties hereto, and holds the majority of the share capital of the remainder of said companies parties hereto ;

And whereas the Grand Trunk is now working and managing said railways ;

And whereas it would be to the advantage both of the Grand Trunk and also of the other companies, parties hereto, and would tend to economize and simplify the working and management of said companies if they were all consolidated and reduced to one united company ;

Therefore these presents witness that the said parties hereto have and they hereby do each of them agree with the other of them and do declare in manner following, that is to say :

1. That on and after the fourth day of May, which will be in the year of our Lord 1893, which day in these presents is called the date of union or the date when this agreement shall take effect, the said several companies respectively shall be and shall become one company and one corporation.

2. That the corporate name of the said united Company so formed shall be the Grand Trunk Railway Company of Canada.

3. That the united Company shall be invested with and shall have all the rights, powers and property, and be responsible for all the liabilities of the said the Grand Trunk and of the said several companies parties to these present other than the Grand Trunk, and any right, lien, engagement or claim which could be enforced by or against either the Grand Trunk or any other of the said several parties hereto, may on and after the date of union be enforced by or against the said the united Company.

4. The borrowed capital existing at the date of union of the united Company shall consist of the Grand Trunk borrowed capital mentioned in said first part of the schedule hereto marked "A," and of the borrowed capital of the said several parties hereto other than the Grand Trunk shown in column No. 3 in the first part of the said schedule hereto marked "X."

5. It is further agreed, that the share capital of the said several parties hereto other than the Grand Trunk for the purposes of this agreement and the said amalgamation shall be converted into ordinary stock of the united Company, and, that when the said amalgamation is completed and takes effect, the holders of the said share capital shall be entitled to receive one dollar in the ordinary stock of the united Company for each dollar held by them respectively in the share capital of each company other than the Grand Trunk so amalgamated, and the share capital of the Grand Trunk at the time of such union and the share capital of the said companies other than the Grand Trunk so converted as aforesaid shall, after said union, form the share capital of the amalgamated Company. It is also agreed, that the holders of the said ordinary stock created for the conversion of the said share

capital of said several parties hereto other than the Grand Trunk, for each fifty pounds sterling held by them shall at all meetings of the united Company have one vote, but no holder of said ordinary stock shall have a vote for any fractional part of said sum of fifty pounds sterling held by him.

6. The earnings of the said the united Company shall be liable and applicable to discharge all debts and liabilities of the Grand Trunk and of the said the other parties hereto other than the Grand Trunk, in the same order and in the same manner and to the same extent that the earnings of each company shall be applicable at the time this agreement takes effect.

7. Any issues of any share capital, which could immediately before the date of union be made by the Grand Trunk or the said several parties hereto respectively other than the Grand Trunk, may from time to time be made by the united Company under the powers conferred by the Acts relating to the Grand Trunk or to the said several companies parties hereto, respectively or any or either of them as the case may be, or otherwise, but such increase shall not be made so as to raise the share capital of the united Company to an amount in the aggregate in excess of that to which each company party hereto could have raised the same if these presents had not been made.

8. The number of directors of the united Company shall be twelve.

9. The number of directors may at any time be increased or reduced by the shareholders in special general meeting.

10. The qualification for directors shall be the same as the qualification for directors of the Grand Trunk at and immediately before the date when this agreement shall take effect.

11. Subject to the provisions contained in the next clause of these presents the holders of Grand Trunk capital shall continue to have the like power to vote at all general meetings of the united Company on and after the date of union, as holders of similar capital in the Grand Trunk may have, at the date when this agreement shall take effect, to vote at meetings of that company, and holders of the share capital of said several parties to this agreement respectively other than the Grand Trunk shall have and continue to have the power to vote at all meetings of the united Company on and after this agreement takes effect as holders of ordinary stock of the Grand Trunk at and after the date when this agreement takes effect as aforesaid, but each such holder shall only have one vote for each fifty pounds sterling in the share capital of such other company converted as aforesaid held by him or her at the date of such union or thereafter, as the case may be.

12. Holders of the several stocks and shares and other capital of the Grand Trunk at the time this agreement takes effect shall be and shall while such holders, and all who become after said union the holders of any such, shall be entitled to



vote in the same manner and on the said amount as a qualification to vote as they were or would have been entitled had these presents never been made.

13. The board of directors of the Grand Trunk in office when this agreement takes effect shall continue in office and shall be the first directors of the united Company formed by this agreement, and they shall be directors until an election of directors shall be held and made by the persons entitled to vote at the times and in the manner hereinafter provided. The directors of the said several companies other than the Grand Trunk shall go out of office on the day this agreement takes effect, and thereupon the then directors of the Grand Trunk shall become and shall be the directors of the united Company and shall undertake and have the direction and control of the affairs of the united Company. The first election of directors of the united Company shall, as specified in clause 15, take place in the month of March or April, 1894, and the election of directors thereafter shall take place at meetings of the united Company, to be held in the month of March or April in each year as the directors shall from time to time by resolution direct.

14. The quorum of the directors of the united Company shall be from time to time fixed by the directors.

15. Of the said first directors of the said united Company so constituted as aforesaid, one-third as near as may be, to be determined by ballot among the whole body of directors unless they shall otherwise agree, shall go out of office at the ordinary general meeting which shall be held in the month of March or April, 1894, and in the like manner one-third of the whole, to be determined by ballot among the other said first directors mentioned above, unless otherwise agreed, shall go out of office at the ordinary general meeting which may be held in the month of March or April, 1895, and the remainder of the said directors named in this agreement as the first directors of the united Company shall go out of office at the ordinary general meeting of the united Company in the month of March or April, 1896, and in each instance the places of the retiring directors shall be supplied by an equal number of qualified holders of capital of the united Company, and at the first ordinary general meeting held in the year next after the whole of the directors hereinabove first appointed shall have gone out of office and in each succeeding year one-third of the directors, being those who have been longest in office, shall go out of office and their places shall be supplied in like manner; but every director going out of office may (if duly qualified) be re-elected and after re-election shall with reference to going out by rotation be considered as a new director, and in case at any time the number of directors should not be divisible by three the directors shall determine what number as nearly equal to one-third as may be, are to go out of office so that the whole number of directors shall go out of office every three years, but in case at any meeting the vacancies then occurring in the

office of director shall not be filled up, the outgoing directors, if willing to act, shall be deemed re-elected and shall continue in office.

16. The first ordinary general meeting of the holders of the capital in the united Company entitled to vote at such meeting for the election of directors shall be held at such time in the month of March or April in the year 1894, and at such place in London, England, as the directors may appoint. The meetings of the united Company, whether general or special, shall be held in London, England, and two ordinary general meetings of the Company shall be held, one in March or April, and the other in September or October, in each year, unless the directors shall by resolution appoint any other months, and at the first of such two meetings in every year, commencing with the year 1894, the election of directors and auditors shall take place. Advertisement of each general meeting shall be published once at least in the *Canada Gazette* not less than fourteen days before the holding of the meeting, and such advertisement shall be sufficient without further or other notice.

17. At the first ordinary general meeting of the united Company, two auditors resident in Canada and two auditors resident in England shall be appointed, one of which auditors in Canada and one of which auditors in England, to be determined in the first instance by ballot between the Canadian and English auditors respectively, unless they agree amongst themselves, and afterwards by seniority of election, shall go out of office, and at such meeting auditors shall be elected to supply the place of the auditors retiring, and any auditor going out of office may be re-elected, and after re-election shall in reference to outgoing be deemed newly elected, and if no auditors be elected, the outgoing auditors shall continue in office and be deemed re-elected. In the event of any vacancy occurring by death or otherwise, the directors may fill up such vacancy until the next ordinary meeting of the united Company. On or immediately after the date when this agreement takes effect, the board of directors of the united Company shall appoint two auditors resident in Canada and two auditors resident in England, who shall hold their office until the first ordinary general meeting of the united Company thereafter.

18. The auditors in England shall examine and report upon the accounts of the united Company in England, and the auditors in Canada shall examine and report upon the accounts of the united Company in Canada, and shall have all the necessary powers and facilities for so doing.

19. The "net earnings" of the united Company shall mean the surplus of the earnings of the united Company, and its revenues from all sources after discharging the working expenses thereof, and "working expenses" shall mean and include all expenses of maintenance and renewals of the railways and of the stations, buildings, ferries, works and conveniences of all kinds belonging thereto, and of the rolling and other stock and movable plant used in the working thereof,

thereof, and also all interest on borrowed capital, and all such tolls, rents, percentages of receipts, interest, guaranteed or annual sums as may be paid in respect of railways, elevators, warehouses, wharfs or other property leased to or held by the Grand Trunk, or for which it is now liable or by any of the above named companies other than the Grand Trunk, at or immediately before this agreement takes effect, or to or by the united Company thereafter, and also all moneys payable by way of rebate or otherwise under traffic or working or other arrangements with any of the parties to this agreement, and any other corporation, company or person, or in respect of the hire of engines, carriages, or wagons let to the separate companies before the union or to the united Company after the union, also sums payable in the adjustment of the pooling or division of traffic, rent, charges or interest on lands rented by or otherwise belonging to the united Company or purchased for the purposes of the Company, but not paid for, and all interest thereon, also all outlay on revenue account in the purchase or manufacture of engines and cars of all kinds, with the necessary appliances and works required therewith, and also all expenses of and incident to the working of the railways and the traffic thereon, including stores and consumable articles, also rates, taxes, insurance and compensation for accidents or losses, also all salaries and wages of persons employed in and about the working of the railways and traffic, contributions to superannuation, provident and insurance funds, and other like funds, and all secretarial and establishment expenses, including doctors' fees, salaries of commissioners, agency, legal and other like expenses, and generally all such charges (if any) not above otherwise specified as in the case of English railway companies are usually carried to the debit of revenue as distinguished from capital account. Provided, however, that nothing herein contained shall give to the proprietors or mortgagees or bondholders of any railway, warehouse, wharf, or other property leased to or held by the separate companies at the date of union, or leased to or held by the united Company thereafter, any further or other rights against the united Company, its property or earnings, than they respectively have under the lease, mortgage, bond, agreement or guarantee upon which their rights are based. Provided that money paid under a guarantee shall, if and when repaid, be applied as nearly as may be in the manner it would have been applied if no payment under the guarantee had been made. Provided always that sums equal to twenty per cent of the traffic interchanged between what is now known as the Wellington, Grey and Bruce Railway and what was the Great Western Railway as defined in the agreement between the said the Wellington, Grey and Bruce Railway Company and the said the Great Western Railway Company, and to the extent only in the said agreement defined and provided, and for the purpose in said agreement set out and mentioned, shall continue to be applied by the united Company as provided in said agreement.

20. The net earnings of the united Company shall be applied half yearly in the manner directed by the Statutes affecting the Grand Trunk, which Statutes shall each and all be applicable to the said united Company, subject however to the provisions of section twenty-one of the agreement of union, dated the 24th day of January, A.D. 1888, between the Grand Trunk Railway Company of Canada, of the first part, the Northern Railway Company of Canada, of the second part, and the Hamilton and North-western Railway Company, of the third part.

21. All the books, vouchers and documents of all the companies parties hereto, shall on the day of the date of the union be transferred to and belong to the united Company, and the registers of holders of borrowed capital and share capital of the said companies respectively parties hereto, shall continue to be kept as registers of the united Company, with such variations in the certificates and otherwise as may be ordered by the directors of the united Company.

22. Subject to the proviso in this article contained, the directors of the united Company shall wind up the affairs of the said several companies parties hereto to the date when the union takes effect, and finally balance the books of the said companies respectively to that date, and all moneys due or standing to the credit of either or any of the said companies on the date of union shall be paid and applied by the directors of the united Company for the purposes and in the manner to which they would have been applicable if these presents had not been made.

23. The directors of the united Company shall have power to, and may, from time to time, make by-laws for the management and disposition of the stock, property and business affairs of the united Company not inconsistent with the laws of Canada and the provisions contained in these presents, and for the appointment of all officers, servants and artificers, and for prescribing their duties.

24. All Acts of the Legislatures of Upper or Lower Canada, or of any of the Parliaments of the province of Canada or of any of the Parliaments of the Dominion of Canada relating to any of the said companies respectively parties to this agreement, and all the powers, rights and privileges conferred upon or held by each and every one of the said companies shall all be vested in, held and enjoyed by the said united Company and all and each and every of the said Acts of said Legislatures respectively, except as in these presents expressly varied and except as otherwise in these presents expressly provided, shall apply to and shall be held as applicable to the said united Company, but generally, except as aforesaid, the united Company shall continue to be carried on and managed, and all by-laws, rules and regulations of the Grand Trunk in use when this agreement takes effect shall have effect and shall until changed or altered by the united Company or the directors thereof, be binding  
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on

on all the officers, agents, servants and employees of the united Company and all others affected thereby, as if the united Company were the same company as the said the Grand Trunk, and as if the whole undertaking of the united Company had been originally the undertaking of the Grand Trunk, and in case of any conflict between the provisions of any Act of any Legislature or Parliament relating to the Grand Trunk, and the Acts of any Legislature or Parliament relating to any other of the said companies parties hereto, the Acts relating to the Grand Trunk shall prevail and be applicable to the whole property of the united Company, but where there is no such conflict the whole of the said enactments shall apply cumulatively, and the united Company shall possess all the powers as to raising capital and all other purposes held by each and all the companies parties hereto before the making of this agreement.

25. Provided always, nothing herein contained shall prejudice the agreements made the 12th day of April, 1884, and the 24th day of June, 1884, respectively, and scheduled to the Act 49 Victoria, chapter 76, of the Dominion of Canada, and the united Company shall be bound by said agreements as if they had been named therein originally as parties thereto.

26. It is also agreed that in order to carry out the conversion of the several classes of securities shown in said schedules annexed hereto the Parliament of Canada shall be asked in the Act confirming this agreement for power to create four per cent consolidated debenture stock and ordinary stock to the extent necessary for the purposes aforesaid in order as far as possible to reduce all the said several securities into one security on the whole property of the united Company, and also for such purposes as the meetings of the several companies parties hereto approving of this agreement may all agree upon.

27. This agreement is made subject to the approval of a majority of the proprietors of each of the said companies, and in case of such approval the said parties agree each with the other to assist by all lawful means in obtaining an Act confirming and approving thereof.

28. This agreement shall take effect on the fourth day of May, 1893.

In witness whereof the respective parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed, sealed and  
delivered in the  
presence of .

CHAS. PERCY.

CHAS. PERCY.

THE GRAND TRUNK RAILWAY COMPANY  
OF CANADA.

L. J. SEARGEANT, [L.S.]  
*General Manager.*

THE JACQUES CARTIER UNION RAILWAY  
COMPANY.

L. J. SEARGEANT, [L.S.]  
*President.*

THE MONTREAL AND CHAMPLAIN JUNCTION  
RAILWAY COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE BEAUHARNOIS JUNCTION RAILWAY  
COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE MIDLAND RAILWAY OF CANADA.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE PETERBOROUGH AND CHEMONG LAKE  
RAILWAY COMPANY.

Witness : EDMUND WRAGGE, [L.S.]  
*President.*  
G. M. McBEAN.

THE LAKE SIMCOE JUNCTION RAILWAY  
COMPANY.

Witness : D. TISDALE, [L.S.]  
*President.*  
W. E. TISDALE.

THE GRAND TRUNK, GEORGIAN BAY AND LAKE  
ERIE RAILWAY COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE LONDON, HURON AND BRUCE RAILWAY  
COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE GALT AND GUELPH RAILWAY COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE BRANTFORD, NORFOLK AND PORT BUR-  
WELL RAILWAY COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE WELLINGTON, GREY AND BRUCE  
RAILWAY COMPANY.

CHAS. PERCY. L. J. SEARGEANT, [L.S.]  
*President.*

THE WATERLOO JUNCTION RAILWAY  
COMPANY.

Witness : EDMUND WRAGGE, [L.S.]  
*President.*  
G. M. McBEAN.

## THE NORTH SIMCOE RAILWAY COMPANY.

EDMUND WRAGGE, [L.S.]

Witness:

*Vice-President.*

G. M. McBEAN.

THE COBOURG, BLAIRTON AND MARMORA  
RAILWAY AND MINING COMPANY.

L. J. SEARGEANT, [L.S.]

CHAS. PERCY.

*President.*

## SCHEDULE "A"

*(Mentioned in the annexed Agreement).*

## PART I.

## GRAND TRUNK RAILWAY.

## BORROWED CAPITAL.

Description.	Rate of Interest.	Amount.
		\$ cts.
Loan Capital— Grand Trunk. ....	6 per cent.	2,016,260 00
do Northern, and Hamilton and North-western.....	6 "	2,696,619 99
do Northern.....	5 "	3,015,386 67
Bonds matured but not paid off.....		9,733 34
Debenture Stock—Grand Trunk.....	5 per cent.	20,782,491 67
do Great Western.....	5 "	13,252,322 67
do Grand Trunk.....	4 "	48,396,371 99
do Northern.....	4 "	1,693,551 33
		\$91,862,737 66

## PART II.

## SHARE CAPITAL.

4 per cent Guaranteed Stock.....	\$ 25,402,996 09
First Preference Stock.....	16,644,000 00
Second Preference Stock.....	12,312,666 67
Third Preference Stock.....	34,884,535 43
Ordinary Stock.....	99,913,288 66

\$ 189,157,486 85

## SCHEDULE "X"

(Mentioned in the annexed Agreement).

## PART I.

## BORROWED CAPITAL.

Name of Company.	Column 1.	Column 2.	Column 3.
	Total Capital.	Held by Grand Trunk Railway.	Held by Public.
	\$ cts.	\$ cts.	\$ cts.
The Montreal Company .....	839,986 67	332,393 33	507,593 34
The Beauharnois Company.....	86,000 00	86,000 00	
The Midland .....	10,201,993 33	2,742,366 67	7,459,626 66
The Lake Simcoe Company. ....	251,606 66	251,606 66	
The Georgian Bay Company.....	1,680,000 00	484,720 00	1,195,280 00
The Huron Company.....	912,646 00	912,646 00	
The Brantford Company.....	123,126 67	123,126 67	
The Wellington Company.....	2,589,066 66	2,065,900 00	523,166 66
The Waterloo Company .....	105,000 00	105,000 00	
The North Simcoe Company.....	300,000 00	300,000 00	
	\$ 17,089,425 99	\$ 7,403,759 33	\$ 9,685,666 66

## PART II.

## CAPITAL STOCK.

Name of Company.	Amount.
	\$ cts.
The Jacques Cartier Company.....	200,000 00
The Montreal Company.....	250,000 00
The Beauharnois Company.....	300,000 00
The Midland .....	6,600,000 00
The Peterborough Company .....	150,000 00
The Lake Simcoe Company.....	34,100 00
The Georgian Bay Company.....	503,250 00
The Huron Company.....	104,250 00
The Galt Company.....	236,485 44
The Brantford Company.....	30,000 00
The Wellington Company.....	221,200 00
The Waterloo Company.....	50,000 00
The North Simcoe Company.....	50,000 00
The Cobourg Company .....	1,000,000 00
	\$ 9,729,285 44

To be converted as in Section 5 of the Agreement hereto annexed mentioned.

OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's most Excellent Majesty.







## 56 VICTORIA.

### CHAP. 48.

An Act to give effect to an agreement between the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, and the Corporation of the City of Toronto.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying that an Act be passed giving effect to the agreement hereinafter mentioned, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

**1.** All works done or to be done in order to give effect to the agreement hereinafter mentioned, as well as those affected by it, are hereby declared to be works for the general advantage of Canada.

Declaratory

**2.** An agreement dated the twenty-sixth day of July, one thousand eight hundred and ninety-two, made between the Grand Trunk Railway Company of Canada, of the first part, the Canadian Pacific Railway Company, of the second part, and the Corporation of the city of Toronto, of the third part, and registered in the registry office for the eastern division of the city of Toronto, in book P. 9 for East Toronto, on the seventh day of October, one thousand eight hundred and ninety-two,—and of which (except the schedules and plans attached thereto) a copy is set out in the schedule to this Act, —having been duly ratified as provided for in its twenty-third clause, is hereby declared to be in force and binding on the parties thereto.

Agreement declared in force.

**3.** Each of the said parties may do whatever is on its part necessary in connection with any of the said works in order to carry out and give effect to its undertaking as embodied in the said agreement.

Power to carry out agreement.

## SCHEDULE.

## ESPLANADE AGREEMENT.

THIS AGREEMENT, made (in quadruplicate) this twenty-sixth day of July, A. D. 1892,

Between the Grand Trunk Railway Company of Canada, hereinafter called the "Grand Trunk," of the first part ;

The Canadian Pacific Railway Company, representing its own corporation, and the Toronto, Grey and Bruce Railway Company, the Ontario and Quebec Railway Company, and all other railway companies which it controls by lease, agreement or otherwise, hereinafter called the "Canadian Pacific," of the second part ;

And the Corporation of the city of Toronto, hereinafter called the "City," of the third part ;

The Grand Trunk and the Canadian Pacific being hereinafter referred to in the aggregate as the "Companies"—

Witnesseth that it is hereby mutually agreed between each one of the parties and the other two, and between each of the parties and each of the other two as follows :

1. The map or plan to this agreement annexed, and marked No. 1, shall be part and parcel of this agreement, and be considered as embodied herein, and in the event of any doubt arising as to the meaning of any description of lands, streets, tracks, yards, stations, or other places, or any of the properties to be conveyed, the said map or plan shall be looked at and read as explanatory of such description.

2. In order to enable the Canadian Pacific to reach its tracks south of the Esplanade, the tracks in the yard known as the Midland Railway yard, between Berkeley Street and Parliament Street, shall be rearranged, and for this purpose Berkeley Street shall not be opened or kept open as a highway between the north side of the tracks shown on the said plan No. 1 as so rearranged and the prolongation easterly of the southerly limit of the Canadian Pacific right-of-way between Princess Street and Berkeley Street and on the same curve. The City will convey or procure to be conveyed in fee simple the portion of Berkeley Street between the north limits of the tracks (as so rearranged) and the south limit of the Grand Trunk right-of-way, to the Grand Trunk, and the remaining portion to the Canadian Pacific, as shown in pink and blue respectively on said plan No. 1 reserving all existing rights of the City to enter upon the same for the construction, reconstruction, inspection and repair of sewers and water mains along or under the said portion of said street, subject to the supervision respectively of the Grand Trunk and Canadian Pacific in the matter of the safety of their respective tracks. No building to be erected on the prolongation of Berkeley Street so conveyed. A new access from the north to Esplanade Street *via* Berkeley Street to be provided by deviating Berkeley Street, as shown on the said plan No. 1. The Canadian Pacific to acquire

acquire the land necessary for such deviation, and to indemnify the City in respect of all claims by any others than the parties hereto for compensation or damages (if any) incurred by reason of such deviation, rearrangement of yard and tracks, and closing of said street as aforesaid, including costs (if any) incident thereto. The Grand Trunk to have the right to place and maintain its tracks on that portion of Esplanade Street adjoining Berkeley Street, coloured green on said plan No. 1 marked by letters A, B, C, neither the Grand Trunk nor the City to be required to provide or pay for the land required for such deviation or to satisfy any claims in connection with the acquisition thereof, or any claims that may be made in consequence of the closing of part of Berkeley Street as aforesaid. Until the new street south of the old Windmill Line, between Parliament and Berkeley Streets, is constructed, the Grand Trunk is to provide, at its own expense, a temporary road south of its tracks from Parliament Street to Berkeley Street forty feet in width

3. The Grand Trunk to cause the removal forthwith of the Midland tracks on Esplanade Street, between Berkeley Street and Rogers's siding, and to connect the Midland track now on Esplanade Street, west of Rogers's siding, with their own tracks at or near Frederick Street, and no new track shall be laid on said street excepting that necessary for said connection, nor without the approval of the Railway Committee of the Privy Council of Canada. The tracks and connections as rearranged on the north 47 feet 6 inches of Esplanade Street to be subject to the provisions of the agreement made between the Grand Trunk, the Midland Railway Company of Canada and the City, bearing date the 14th day of January, 1889.

4. Any person or corporation who may now or hereafter, as owner or tenant, hold land abutting on the north side of Esplanade Street, and also on the south side of the Canadian Pacific tracks, or on the south side of the new street to the south thereof, such parcels of land being in whole or in part opposite each other, may, subject to the requirements and provisions of *The Railway Act* as to overhead bridges, erect, at his or its own cost, an overhead bridge or trestle or other structure connecting such lands, for handling goods or freight, or for passenger traffic, the plans and specifications of any such structure and of its supports to be first submitted to and receive the approval of the city engineer and of the engineer of any railway company whose tracks are crossed by such structure, who may first require the person erecting or maintaining any such structure to indemnify the City and such railway company against all liability which may be occasioned thereby.

5. The City hereby agrees to extinguish, at its own expense, all the present rights (if any) of the public and of property owners to cross the railway tracks on the Esplanade, between Yonge Street and the point where York Street, as deviated, connects with Esplanade Street, except at Bay Street, and in consideration thereof each of the companies agrees to

give up, without compensation, any right of crossing the said railway tracks between Yonge and York Streets, except at Bay Street, and for such consideration the Grand Trunk further agrees to waive its contention that it is not liable to contribute to the cost of making or protecting level crossings at Church Street, Yonge Street and Bay Street, and the Grand Trunk and the Canadian Pacific, without prejudice to their rights in any other transaction, agree to pay each one-half of the cost and maintenance of such crossings, and of their protection by watchmen at the two former crossings, and by gates and watchmen at the latter crossing, such protection to be subject to the approval of the Railway Committee of the Privy Council of Canada, or to be made in such a way as it may direct.

6. No buildings to be erected south of the Esplanade on the line of Lorne Street produced.

7. An overhead traffic bridge, with ramps and approaches for vehicles and foot passengers, to be constructed by the Canadian Pacific along the east side of York Street, according to plans and specifications to be approved by the city engineer of Toronto, and by the chief engineers of the Grand Trunk and Canadian Pacific (subject, in the event of the withholding of such approval or of any disagreement respecting the same, to the decision of the Railway Committee of the Privy Council of Canada) from the south side of Front Street to such points south of the Esplanade as are approximately shown on said plan No. 1. Such bridge to be a public highway and to be of sufficient width to accommodate a double street railway track, with side spaces for vehicles and foot walks, and to be so constructed as to give access for passengers by means of foot walks, stairways or otherwise to the platforms of the proposed union station herein referred to and also with foot walks extending to the ends of the ramps. In order not to interfere with the free use of York Street as a thoroughfare to the proposed union station the said bridge shall be so constructed that the westerly limit thereof shall coincide with the easterly limit of York Street, as at present laid down, and the Canadian Pacific and the Grand Trunk hereby each agrees to surrender to the City so much of the lands or its interest therein, south of Front Street and on the east side of York Street, now held by it, and of the "alternative site," as described in section 18 hereof, as shall be required for this purpose. The City hereby agreeing to make a fair abatement of rent for the future in respect of the land or the interest so surrendered, which abatement, in the case of the Canadian Pacific, is to be made by an extension for seven (7) years from the expiry thereof of the current lease of the Tinning property between Front Street and Esplanade Street, on the terms authorized by Report No. 5 of the Esplanade Committee of 1891. But no party hereto shall have or make against any other party hereto any claim in respect of any other land being injuriously affected by reason of the construction of such bridge.

8. The rights, if any, which the Grand Trunk have, or claim to have, under any existing agreements with the City, that they, the City, shall not require the Grand Trunk to build, find or procure any bridges, ramps, crossings, or other approaches, over, along, or under the Grand Trunk Company's tracks on the Esplanade, but that the City shall provide all such, if any, when required at their own expense, and that by said agreements the City guaranteed and indemnified the Grand Trunk of, from and against all claims and demands whatsoever for or by reason of the railway of the Grand Trunk Company being placed on said tracks in said agreements mentioned, also that they have the right and privilege to cross streets of the City on the level for the purpose of access to their stations and freight sheds in the city in such way and as often as their business requires, shall not be affected by this agreement; but all questions in regard to such rights and also as to whether any exemption or indemnity which the Grand Trunk may be entitled to thereunder includes exemption or indemnity in respect of the construction and maintenance of the said contemplated York Street bridge, shall in default of the parties agreeing in respect thereof, be determined by the submission, as soon as can be, of a special case, between the City and the Grand Trunk, to the Chancery Division of the High Court of Justice of Ontario, with the right to either party of appeal. And in the event of the final decision of said case being that the said agreements are in force and binding upon the City, and that under them or some one or more of them the Grand Trunk are entitled to exemption from such liability, or are entitled to indemnity against any such claim or claims as is or are mentioned above, including said liability in respect of contribution towards the said York Street bridge—the Grand Trunk claiming that they are so exempt and entitled to indemnity, and the City claiming that they are not—then the Grand Trunk shall not be held liable or be called upon to bear any part of the cost of the said overhead bridges, except the John Street bridge, which they have agreed to build, but the cost of the construction, reconstruction and maintenance of said York Street bridge, including compensation for property taken or injuriously affected thereby, and all costs incidental to any claims therefor, are to be assessed against and paid by the City and the Canadian Pacific in equal proportions. And in the event of the final decision being that the Grand Trunk is not so entitled, then the cost of the construction, reconstruction and maintenance of said York Street bridge, including compensation for property taken therefor and thereby, and all costs incidental thereto, are to be assessed against and paid by the City and the Grand Trunk and the Canadian Pacific in such proportions, and shall be payable at such times and in such manner as the parties may agree upon, or in default of such agreement, as may be determined by an arbitrator or arbitrators (not exceeding three in number), to be appointed by the Chief Justice of Ontario upon summary application by any of the said

parties after ten days' notice to the other parties proposed to be assessed therefor. If three arbitrators are appointed, the award of any two of them shall be final, and the provisions, as to arbitrations, of *The Municipal Act* and the Acts respecting arbitrations and references shall apply as if incorporated herein. The arbitrators to be governed by the terms, conditions and general effect of such final decision in determining the proportions so to be paid, the value of any lands given or of any interest therein surrendered by any of the parties hereto, for the purpose of enabling the said bridge to be so constructed, to be taken into account in determining the proportions so respectively payable. Nothing herein contained shall be construed as an admission on the part of the Grand Trunk of any liability to contribute to the cost of the said bridge by reason of the amalgamation of that company with the Great Western or the Northern Railway Company, or for any other reason, which liability the said Grand Trunk expressly denies; nor shall anything herein contained relieve the Grand Trunk from any liability or prevent the City from claiming upon the argument of the said special case that the Grand Trunk is liable by reason of said amalgamation or for any other reason.

9. Upon the said companies providing the land required for deviating York Street eastward, and which they agree to provide, as shown on the said plan No. 1, the City agrees to the said proposed deviation and abandons all claim to rent thereafter accruing due from the said companies, or any of them, to the City for the leasehold lands surrendered by the said companies to the City for the purpose aforesaid; and when such deviation has been carried out, the portion of Esplanade Street east of York Street shall be closed to the point where York Street, as so deviated, connects with Esplanade Street and the portion of York Street lying south of the said deviation and north of Esplanade Street shall also be closed and both said portions of said streets shall be conveyed to the Grand Trunk, who shall be free from all liability in respect of the closing of the said streets, but such conveyance shall be subject to all the rights of the City referred to in section two of this agreement.

10. The Grand Trunk agrees to construct and maintain for all time, according to plans and specifications to be approved of by the city engineer of Toronto and Edmund Wragge, C.E., or such other person as the Grand Trunk may nominate, and in case of disagreement between them the matter in difference is to be determined by Walter Shanly, C.E., (or in case of his death, refusal, or inability from any cause to act, then by such engineer as the parties may agree upon, or in the event of their disagreeing, then by such engineer as the Chief Justice of Ontario upon summary application by any of the said parties after ten days' notice to the other parties, may appoint), a suitable steel and iron overhead bridge, founded on masonry or steel and iron piers, for vehicles and foot passengers from the south side of Front Street along the line of

John Street to a point thereon south of the Esplanade to be determined by the city engineer, and high enough to permit the use under all that portion of it south of the Esplanade of railway tracks on the same level as those under it in the Grand Trunk yard, the Grand Trunk doing the necessary filling on John Street south of the Esplanade and to the level thereof for the purpose of constructing the bridge and necessary approaches thereto, but the Grand Trunk not to be liable to pay for any length of bridge beyond one hundred (100) feet from the present south side of the Esplanade, or for any filling which may be required owing to such extra length. The cost of such extra length, not exceeding, approximately, one hundred (100) feet and also the cost of any extra filling caused thereby, to be borne by the Canadian Pacific. The necessary southern ramp to be built by and at the cost of the City. Such bridge and the works in connection therewith to be commenced forthwith after the City has constructed the necessary crib-work protection on the south side of Lake Street, from the east side of John Street to the Water Works wharf, and the bridge and works to be completed within one year from the date of commencement thereof, and to be a public highway.

11. Before the erection of the proposed union station referred to herein is commenced, the City shall close Esplanade Street from the east side of York Street to the east side of Brock Street, and Simcoe Street southerly from the south side of the street described in the thirteenth section of this agreement westerly across Simcoe Street, and shall close Peter Street and John Street from the south side of Front Street to the north side of Esplanade Street, and shall convey the portions of such streets so closed, and the City's interest in the Esplanade west of the said deviation of York Street, to the Grand Trunk, who shall be free from all liability in respect of the closing of the said streets, or any of them, but subject to the rights of the City referred to in section two of this agreement, provided that no street west of Yonge Street shall be closed unless and until the City or the Canadian Pacific shall have acquired the interests of, or settled with the tenants and subtenants of lots 5 to 25 inclusive on registered plan D, 118.

12. Within two years after the completion of the exchange of sites and the closing and conveyance of streets as herein provided for, the companies shall erect, or reconstruct, so as to have the same open for traffic, a union passenger station of suitable design and capacity, on and adjoining the site of the present union station, the same to be in all respects such as the importance of the city may warrant, and the business of the railway companies using the same may require, and the companies shall enter into an agreement between themselves for the joint working and user of the same, and for the use thereof by all passenger trains running upon lines operated by the said companies, or either of them, and such union station



shall be approximately in accordance with the plans hereto attached and marked No. 2, and such agreement shall set forth the manner of carrying out the said undertaking, and the respective interests therein of the companies and the proportion in which the cost of erecting, reconstructing and of working the said station shall be borne by the companies, with all necessary covenants for joint working, using and occupation of the said station, and in case of any difference between the companies as to the said agreement, the points of difference shall be referred to arbitration. The term "union station" herein means at the least the station buildings with all their appurtenances, and all tracks therein and leading thereto, between Yonge Street and Peter Street.

13. The Grand Trunk will dedicate to the public a street not less than 66 feet wide extending along the north side of the Union Station block from Simcoe Street to York Street. The City agrees that at the request of the Grand Trunk and Canadian Pacific, a part of the said street shall be designated as a stand for cabs or express wagons, but this shall not be done except on such request.

14. The City hereby agrees that the water lots bounded on the south by the new Windmill Line, on the east by the east limit of lot 48, registered plan 5, A, produced southerly, on the north by the south side of the proposed Lake Street, and on the west by the east side of York Street, produced, marked block E on said plan marked No. 1, shall be held for all time to come by the City under such tenure as shall ensure its being made available for wharfs for the accommodation of passenger steamers of all classes, and the slips (being respectively prolongations of Lorne Street and of York Street) shall also be so set apart and used that steam-boats running in connection with or exchanging passengers with the Grand Trunk and Canadian Pacific, or either of them shall have equal facilities with any other steam-boats, and in consideration thereof the Grand Trunk agrees that for the sum or price of eighty thousand dollars it will sell and convey to the City the whole of its freehold property lying to the west of Simcoe Street, produced, and south of the Esplanade, and having a frontage thereon of about 250 feet, and will surrender to the City all its rights and interest in the leasehold property known as the Yacht Club lot, and in lots Nos. 1, 2, 3 and 4, registered plan D, 118, lying east of Simcoe Street, produced, and also in any southward extension of all the said property and lots as contemplated by the Windmill Line agreement, reserving to itself the right to remove within three months after the deeding to the Grand Trunk of Esplanade Street, as before set out, any buildings or tracks now upon the said freehold or leasehold property. In the event of any future extension into the harbour of the city's front similar to that contemplated by the Windmill Line agreement, the City may, in lieu of said block E, provide out of said extension a new block between Lorne and York Streets, produced, and access thereto, such new block to

be of at least equal frontage and area to that of block E, to be held on the same tenure and to be made available for wharfs and steam-boats in the same manner and for the same purpose as is provided for in reference to said block E, and on the City making such provision and providing as ample accommodation, frontage and area for wharfs and steam-boats as could be given by said block E, the City may deal with said block E as they deem best.

15. Upon the City passing valid by-laws for the closing and deviation of the streets as hereinbefore mentioned, and closing, deviating and conveying the same as herein provided, the companies agree to pay the City the sum of fifteen thousand dollars. Each of the said companies to pay one-half thereof.

16. Until the proposed rearrangement of yards and streets and the completion of the structures mentioned in this agreement are finally carried out, all reasonable access to the properties mentioned in this agreement, as well as to the City water works property, and to any other of the properties of any of the parties hereto, shall be given to each of the parties hereto, for the purpose of its business, and to enable it to do the work and complete the contemplated arrangements. In case of any dispute as to what access and facilities should be given, then the same shall be decided, as provided for in section 10 of this agreement.

17. The City hereby consents to the Grand Trunk obtaining a patent from the Crown of the prolongation of Peter Street, lying between the south limit of the Esplanade and the old Windmill Line, and the companies consent to the City obtaining from the Crown a patent of the prolongation of Simcoe and York Streets, south of the Esplanade, for the purpose of including the same in the alternative site as hereinafter described.

18. And whereas the Canadian Pacific has heretofore taken steps toward obtaining a site in Toronto, for its station grounds, tracks and appurtenances hereinafter called the "original site," and comprising an area bounded on the north by the Esplanade, on the east by Yonge Street, on the south by a line known as the new Windmill line, on the west by York Street, together with a parcel of land intended for tracks and sidings, and extending westward from the said area as far as the east limit of lot No. 4, plan D, 118, lying next south of the Esplanade, and widening from about 40 feet at the said east limit to about 110 feet at the east side of York Street, and has obtained the fee simple of lot 38, hereinafter called the Mowat lot, as well as the leasehold under the City of those parts of lots 39, 40, west half of 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, registered plan 5, A, lying south of the Esplanade, and the leasehold under the Baldwin estate of that part of the east half of lot 41 above mentioned.

And whereas the City has proposed that the Canadian Pacific shall, on the terms hereinafter contained, abandon the "original site" and take for the said purposes another further

west hereinafter called the "alternative site," and the Canadian Pacific has consented so to do, which "alternative site" comprises an area butted and bounded, or otherwise known as follows, that is to say: Commencing on the south side of the Esplanade at the north-west corner of the City water works property, thence easterly along the south boundary of the Esplanade to the west side of Yonge Street, thence southerly along the said west side to a point distant 50 feet southerly from the south limit of the Esplanade, and measured at right angles thereto, thence westerly parallel with the south boundary of the Esplanade to the production southerly of the east side of Bay Street, thence in a right line to a point on the production southerly of the west side of Bay Street, where it is intersected by the north boundary of the new street marked "proposed street" on said plan No. 1, and distant 70 feet from the south limit of the Esplanade measured southerly along said production, thence south-westerly along the north side of the said proposed new street to a point on the east limit of lot 48, registered plan 5, A, distant 290 feet measured southerly thereon from the south limit of the Esplanade, thence southerly along that limit to the north limit of Lake Street, thence westerly along said limit to the production southerly of the west side of York Street, thence southerly along that production to the line known as the new Windmill Line, thence westerly along that new Windmill Line to the production southerly of the east side of John Street, thence northerly along that production to a point distant on the same course 222 feet from the south side of the Esplanade, thence north-westerly on a right line to a point on the west boundary of part of the City water works property, distant along that boundary 28 feet southerly from the south side of the Esplanade, thence northerly along that boundary to the place of beginning, except thereout Lake Street and so much of the said lands as would be a prolongation of Bay Street, and also such portions of block F as may be necessary to be retained by the City in consideration of its carrying out the agreements with the Argonaut Boat-house Co., W. H. Clindinning, and the Toronto Yacht Club Company, hereinafter mentioned, and with such other subtenants of any of the lots numbered 5 to 25 inclusive, on registered plan D, 118, as it may be necessary to deal with in a similar way, the City reserving to itself the right to construct any portion of the east slope of the southern ramp of the John Street bridge on such parts of the above lands as may be necessary.

19. The City agrees, with the assistance of the Canadian Pacific as hereinafter mentioned, to obtain such title to the alternative site as will enable it to convey the same to the Canadian Pacific to the extent and in the manner hereinafter described, and the Canadian Pacific agrees to consent to and assist the City in obtaining the said alternative site with all convenient speed, and that it will, at the expense and upon the request of the City, exercise its powers of expropriation for

that purpose, except as regards the said property owned or held under lease by the Grand Trunk. The City agrees to indemnify the Canadian Pacific for all moneys, costs and charges that the company may have to pay for the expropriation of the outstanding interests of the leaseholders of lots 5 to 25 inclusive, registered plan D, 118 (being part of the alternative site), and to carry out the agreements that have been made by the Canadian Pacific, with the Argonaut Boat-house Co., W. H. Clindinning, and the Toronto Yacht Club Company, which are printed as schedules A, B and C hereto, and the City agrees to pay to the Canadian Pacific the cost of cribbing and filling on the alternative site of equal quantity to that which it shall have done on the original site, or any part of it, up to the time at which it surrenders possession of the same to the City under this agreement; also the cost of construction and erection of the wharfs and buildings on the original site. And the City further covenants and agrees to demise and lease the alternative site to the Canadian Pacific for successive terms of fifty years each, during all time to come. The rental for the first term of fifty years shall be eleven thousand dollars per annum, and the rental for each subsequent term of fifty years shall at each renewal be increased by two thousand seven hundred and fifty dollars per annum, and all rent shall be payable on the third days of July, October, January and April of each year. For the first quarter a proportionate amount to be paid, having regard to the time of possession under said lease.

20. And the Canadian Pacific covenants and agrees with the City that upon the execution of such lease and the payment of the cost of the said cribbing, filling, wharfs and buildings above referred to, and the closing and deviating of the streets as aforesaid, and conveying the portion of Berkeley Street as aforesaid, it will assign, transfer and convey to the City all its interest in the lands coloured blue upon the said plan No. 1, and which may be more particularly described as follows:—

#### BLOCK A.

Firstly, commencing at a point on the production southerly of the west limit of Yonge Street, where it is intersected by a line drawn parallel with the south limit of the Esplanade and distant one hundred and ten feet measured southerly therefrom and at right angles thereto; thence south-westerly along said line, being the southerly limit of new street marked "proposed street" on said plan No. 1, to the production southerly of the east limit of Bay Street; thence southerly along that production to the north limit of Lake Street; thence easterly and north-easterly along said limit of Lake Street to the production southerly of the west limit of Yonge Street; thence northerly along that production to the place of beginning.

## BLOCK B.

Secondly, commencing at the south limit of Lake Street where it is intersected by the production southerly of the west limit of Yonge Street; thence southerly along that production to the line known as the new Windmill Line; thence westerly along the new Windmill Line to the production southerly of the east limit of Bay Street; thence northerly along that production to the south limit of Lake Street; thence easterly and north-easterly along the south limit of Lake Street to the place of beginning.

## BLOCK C.

Thirdly, commencing at a point on the production southerly of the west limit of Bay Street where it is intersected by the southerly limit of the said proposed new street, as shown on said plan marked No. 1; thence south-westerly along the said south limit to the westerly limit of lot 47, registered plan 5 A; thence southerly along the said limit to the north limit of Lake Street; thence easterly along the north limit of Lake Street to the production southerly of the west limit of Bay Street; thence northerly along that production to the place of beginning.

## BLOCK D.

Fourthly, commencing on the south limit of Lake Street where it is intersected by the production southerly of the west limit of Bay Street; thence southerly along that production to the said new Windmill Line; thence south-westerly along the said new Windmill Line to the intersection of the production southerly of the west limit of said lot 47; thence northerly along the said production to the south limit of Lake Street; thence easterly along the south limit of Lake Street to the place of beginning.

## BLOCK E.

Fifthly, commencing on the south limit of Lake Street where it is intersected by the production southerly of the east limit of lot 48, registered plan 5 A; thence southerly along the said production to the said new Windmill Line; thence westerly along the said new Windmill Line to the production southerly of the east limit of York Street; thence northerly along that production to the south limit of Lake Street; thence easterly along the south limit of Lake Street to the place of beginning.

21. Except as herein otherwise provided, the provisions of *The Railway Act* and of *The Municipal Act*, so far as applicable to anything herein contained, shall form part of this agreement as if expressly set out herein.

22. Nothing herein contained and no action taken hereunder shall affect in any way the position or contention of any

of the parties hereto as to the question whether or not any streets running southward from Front Street, other than those referred to in this agreement, do or do not terminate at the north side of Esplanade Street, the Canadian Pacific and Grand Trunk contending that they do so terminate, and the City not admitting the said contention.

23. This agreement shall not be binding on either party unless and until ratified by the city council of Toronto and the boards of directors of the respective railway companies, and the parties hereto agree to unite in procuring legislation necessary to validate and confirm this agreement, if and when so ratified, and to empower each of the parties to do whatever may be requisite to give effect to the substance and intention thereof, and if this agreement be not executed and in force on or before the first day of September, 1892, next, then all parties shall be restored to their original rights as if no agreement on the subjects herein dealt with had been discussed between the parties.

In witness whereof the said parties have hereunto had affixed their corporate seals, and their officers, namely: L. J. Seargeant, general manager of the Grand Trunk, W. C. Van Horne, president, and Charles Drinkwater, secretary, of the Canadian Pacific, and Robert John Fleming, Esquire, mayor, and John Patterson, Esquire, deputy treasurer, of the City have hereunto set their hands the year and day hereinbefore mentioned.

Signed, sealed and delivered in presence of	CHAS. PERCY.	{	THE GRAND TRUNK RAILWAY OF CANADA per L. J. SEARGEANT, [L.S.] <i>General Manager.</i>
As to signature of C.P.R., in presence of	E. T. BARTLETT.	{	THE CANADIAN PACIFIC RAILWAY COMPANY. W. C. VAN HORNE, [L.S.] <i>President.</i> C. DRINKWATER, <i>Secretary.</i>
Executed by the City of Toronto in presence of	THOMAS CASWELL.	{	ROBERT J. FLEMING, [L.S.] <i>Mayor.</i> JOHN PATTERSON, <i>Deputy Treasurer.</i>





# 56 VICTORIA.

## CHAP. 49.

### An Act respecting the Grand Trunk, Georgian Bay and Lake Erie Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** the Grand Trunk, Georgian Bay and Lake Erie Railway Company have by their petition prayed that an Act be passed amending chapter sixty-three of the Statutes of 1890, as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1890, c. 63.

1. The sections substituted by chapter sixty-three of the Statutes of 1890 for sections two and three of chapter sixty-six of the Statutes of 1887 are hereby repealed and in lieu thereof it is hereby enacted as follows :—

Sections 2 and 3 repealed.

2. The Company may build and complete a branch from any point on their main line between the village of Invermay and the village of Warton into the town of Owen Sound, by such route as is found most convenient, and all the provisions of the Statute of the province of Ontario, forty-fourth Victoria, chapter sixty-nine, shall apply to the branch hereby authorized to be constructed.

Branch to Owen Sound.

3. The Company may build a branch from a point on their line between Strathallan and Woodstock to the village of Embro; and all the provisions of the said Act of the province of Ontario, forty-fourth Victoria, chapter sixty-nine, shall apply to the branch by this section authorized to be constructed.

Branch to Embro.

4. The time limited for building the said branches is hereby extended to the first day of July, one thousand eight hundred and ninety-five; and if the said branches are not then completed, the powers granted for such construction shall cease and be null and void as respects so much of the said branches as then remains uncompleted.

Time for construction.

2. Notwithstanding anything contained in the said Act of the province of Ontario, forty-fourth Victoria, chapter sixty-nine, or in this Act, or anything otherwise heretofore done by the

Issue of first mortgage bonds.



Mortgage to  
secure bonds.

company, the Company may make and issue first mortgage bonds upon each or either of the branches in this Act mentioned, for an amount not exceeding fifteen thousand dollars per mile of the said branches or either of them constructed or under contract to be constructed, and for that purpose may mortgage each or either of the said branches; and every such mortgage shall,—subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister of Railways and Canals, and next to the payment of the working expenditure of the railway,—be a lien and charge upon such branch and such of the lands, tolls, revenues and other property of the Company forming part of or connected with such branch, whether then existing or thereafter acquired, as is mentioned therein, in preference and priority to all other charges thereon; and no more than one mortgage shall be made over either of the said branches to be in force at the same time.

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most Excellent Majesty.



## 56 VICTORIA.

### CHAP. 50.

#### An Act respecting the Lake Erie and Detroit River Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Lake Erie and Detroit River Railway Com- Preamble.  
pany, incorporated by Act of the Parliament of Canada,  
and the company bearing the same name, incorporated by  
Acts of the Legislature of the province of Ontario, have by  
their petitions represented that they have, under the provisions  
of the Acts relating to such companies respectively, entered  
into an agreement for the amalgamation and union of the said  
two companies as one company, (which agreement is set out  
in the schedule to this Act), and have prayed that such agree-  
ment be confirmed, and that the works constructed or au-  
thorized to be constructed by the company incorporated by  
the Legislature of the province of Ontario be declared to be  
for the general advantage of Canada, and that the time for the  
completion of their lines of railway be extended ; and whereas  
it is expedient to grant the prayer of the said petitions :  
Therefore Her Majesty, by and with the advice and consent  
of the Senate and House of Commons of Canada, enacts as  
follows :—

**1.** The agreement between the two companies mentioned in Agreement confirmed.  
the preamble to this Act, dated the thirty-first day of January,  
one thousand eight hundred and ninety-three, and set out in the  
schedule to this Act, is hereby ratified and confirmed, and shall  
be taken and read as part of this Act, and the amalgamation  
thereby effected is hereby declared to be valid and operative as  
and from the date of the passing of this Act ; but nothing in  
this Act or in the said agreement shall be held to relieve either  
of the said companies from any of its duties or liabilities under  
the railway laws of Canada.

**2.** The amalgamated Company shall be liable for all debts, Liabilities of new company.  
duties and obligations of each of the said companies so amal-  
gamated ; and no proceedings of any nature, either by or  
against the said companies so amalgamated, or either of them,  
shall

shall be abated or discontinued by reason of the said amalgamation or of this Act, but they shall be continued to their natural and ordinary termination as if the said amalgamation had not been effected; and if any judgment is rendered therein such judgment shall be binding upon and executory against the amalgamated Company, or shall enure to the benefit thereof, and may be enforced thereby, as the case may be.

Declaratory.

**3.** All the lines of railway constructed or authorized to be constructed by the Acts of the Parliament of Canada and the Legislature of the province of Ontario relating to the said two companies respectively, are hereby declared to be works for the general advantage of Canada, and the amalgamated Company under the name of the Lake Erie and Detroit River Railway Company, is hereby declared to be a body corporate subject to the legislative authority of the Parliament of Canada.

Time for completion extended.

**4.** The time for the completion of the lines of railway authorized by the Acts relating to the said two companies is hereby extended for five years from the passing of this Act; and if the said lines of railway are not then completed the powers granted for such construction by the said Acts and this Act shall cease and be null and void as respects so much of the said lines of railway as then remains uncompleted.

Payment of subsidy voted by Parliament.

**5.** All grants heretofore voted by way of subsidy by the Parliament of Canada to the Lake Erie and Detroit River Railway Company may be paid to the amalgamated Company, subject to the provisions of the Act or Acts relating to such grants.

## SCHEDULE.

THIS AGREEMENT made the thirty-first day of January, A.D. 1893, between the Lake Erie and Detroit River Railway Company incorporated by Acts of the Parliament of the Dominion of Canada, hereinafter called "The Dominion Company," of the first part, and the Lake Erie and Detroit River Railway Company incorporated by Acts of the Legislature of the province of Ontario, hereinafter called "The Provincial Company," of the second part:

Whereas the Dominion Company are authorized to enter into an agreement with the Provincial Company for an amalgamation with that company on such terms and conditions as are agreed upon and subject to such restrictions as to the directors may seem fit, provided that such agreement has been first sanctioned by the shareholders, and has also received the approval of the Governor in Council;

And whereas the Provincial Company is authorized to agree with the Dominion Company for amalgamation with that

company provided the terms of such amalgamation are approved by the shareholders ;

And whereas the said two companies propose amalgamating and uniting together as one company, and the directors of the one company have agreed with the directors of the other company upon the terms of such amalgamation and other matters relating thereto, and it is desirable to embody the same in this agreement, but subject to ratification by the shareholders of the respective companies as provided by the Acts relating thereto respectively and to the approval of the Governor in Council ;

Now this indenture witnesseth, and the parties of the first and second parts respectively do mutually covenant and agree to and with each other in manner following :—

1. The said two railway companies do hereby agree to amalgamate and unite together, and that they shall become and be as one company to be styled and known as "The Lake Erie and Detroit River Railway Company," such united Company being hereinafter called and referred to as "the united Company."

2. The capital stock of the united Company shall be equal to the combined capital stock of the two companies, and the several shareholders of the Dominion Company and of the Provincial Company shall be entitled in lieu of the shares held by them respectively in these companies or either of them, to receive shares in the united Company to the like amount ; and the shares to which each shareholder shall be so entitled in the united Company shall be fully paid up shares or shares partly paid up according as the shares held by such shareholder in the Dominion Company or the Provincial Company were fully or partly paid up, and if partly paid up, then to the same extent as his shares in the original Company were paid up.

3. The board of directors of the united Company shall consist of seven members together with any *ex-officio* directors under the provisions of *The Railway Act* of Canada, and the qualification for directors shall be the same as provided in the Acts relating to the Dominion Company.

4. The first board of directors of the united Company shall be Hiram Walker, Edward Chandler Walker, Franklin Hiram Walker, James Harrington Walker, S. A. King, William Aikman and Charles R. Black, who shall hold office until the first Tuesday of May next, being the day appointed for the annual election of directors under the Acts relating to the Dominion Company. Hiram Walker shall be the first president, and S. A. King the first vice-president.

5. The united Company shall be invested with and have all the rights, powers and property, and be responsible for all the liabilities of the said respective companies, and any right or claim which could be enforced by or against either of them may, on and after the date of such union, be enforced by or against the united Company ; and any suit, action or proceeding

pending at the date of such union by or against either of the companies may be continued and completed by or against the united Company.

Provided always that the rights of any person or corporation having any special lien, charge or privileged claim upon the lands and buildings, tolls, revenues, or other property real or personal of either of such companies, or upon any part thereof, shall not be impaired by such union.

6. All the privileges, powers, rights and franchises possessed or enjoyed by either of the said companies under their respective Acts of incorporation and amendments in force at the date of such union shall be continued to and possessed by the united Company, who may use or exercise the same as fully as the company who, immediately before the date of such union, possessed or enjoyed the same, except as in this agreement expressly varied or herein otherwise expressly provided; but, generally, except as aforesaid, the united Company shall continue to be carried on and managed, and all by-laws, rules and regulations of the Dominion Company in use when this agreement takes effect, shall have effect, and shall, until changed or altered by the united Company, be binding on all the officers, agents, servants and employees of the united Company and all others affected thereby, as if the united Company were the same company as the Dominion Company, and as if the whole undertaking of the united Company had been originally the undertaking of the Dominion Company; and in case of any conflict between the provisions of the Acts relating to the Dominion Company and of the Acts relating to the Provincial Company, the Acts relating to the Dominion Company shall prevail and be applicable to the whole property of the united Company, but where there is no conflict the whole of the said enactments shall apply cumulatively.

7. The united Company shall be entitled to receive the subsidy authorized by the Act of the Parliament of Canada, 55 and 56 Victoria, chapter 5, in respect of fifty-eight miles of railway from a point at or near Cedar Creek to the town of Ridgetown, and both the said companies agree that from the date of such union the united Company shall be subject to the legislative authority of the Parliament of Canada.

8. This agreement is made subject to the same being sanctioned by the necessary number and proportion of the shareholders of the Dominion Company in accordance with the Acts relating to that company, and to the same being approved by the necessary number and proportion of the shareholders of the Provincial Company in accordance with the Acts relating to that company, and subject also to the approval of the Governor of the Dominion of Canada in Council.

In case of such approval by the shareholders of the respective companies, the two companies agree to assist by all lawful means in obtaining an Act of the Parliament of the Dominion of Canada confirming and approving of this agree-

ment and declaring the railway and undertaking of the Provincial Company to be a work for the general advantage of Canada.

9. This agreement shall take effect on the same being approved by the Governor-General in Council, or as soon as approved and confirmed by such Parliament, whichever shall first happen.

IN WITNESS WHEREOF the respective companies have hereunto set their respective corporate seals under the hands of the president and secretary of each company.

Signed, sealed and delivered in the presence of

J. HARRINGTON WALKER.

The Lake Erie and Detroit River Railway Company (Dominion Charter) by  
S. A. KING,  
*Vice-President.*

G. J. LEGGATT,  
*Secretary.*

{ Corporate Seal. }

The Lake Erie and Detroit River Railway Company (Provincial Charter).

E. CHANDLER WALKER,  
*President.*

G. J. LEGGATT,  
*Secretary.*

{ Corporate Seal. }

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## 56 VICTORIA.

### CHAP. 51.

#### An Act respecting the London and Port Stanley Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the London and Port Stanley Railway Company and the Corporation of the city of London have by their petition prayed that the said Company be authorized to enter into an agreement for the leasing of the said railway, and otherwise as hereinafter provided, and also that the lease hereinafter mentioned be declared to be valid and binding; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The lease, a copy of which (except the pamphlet marked "A" attached thereto) is set out in the schedule hereto is hereby amended by adding to the end of the third paragraph thereof the words following, that is to say:—"And provided also that the said parties of the second part shall be entitled to be reimbursed under the provisions of this paragraph only for and in respect of such repairs as shall have, before the same shall be made, been either agreed to by the said parties of the first part or determined by arbitration, under the provisions of paragraph twelve of this indenture to be necessary repairs, and that no deduction shall be made from the rent as hereinbefore provided in respect of any repairs unless the same shall have been so agreed or have been determined by arbitration to be necessary repairs as aforesaid and then only on production of the vouchers showing in detail the actual expenditure therefor, and, in case of dispute as to such expenditure, unless or until the amount thereof shall have been determined by arbitration under the provisions of the said paragraph twelve;" and the said lease by this section confirmed and validated is the said lease so amended and, as so amended, shall be valid and binding on the said Company and the other parties thereto according to the terms thereof; provided always that nothing herein or in the said lease contained shall affect the powers of

Preamble.

Lease amended.



the Governor in Council under section two hundred and twenty-six of *The Railway Act* and that sections two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act* shall apply to this Act and to the said lease except as to the tolls fixed by the said lease.

Cleveland,  
Port Stanley  
and London  
Transportation  
and Ry.  
Co.

**2.** The Cleveland, Port Stanley and London Transportation and Railway Company, incorporated by an Act passed in the present session of Parliament, the incorporation of which is referred to in the said lease, may, subject to the provisions of the Act passed in the present session of Parliament, intituled *An Act to incorporate the Cleveland, Port Stanley and London Transportation and Railway Company and to confirm an agreement respecting the London and Port Stanley Railway*, equip, maintain and operate the railway of the London and Port Stanley Railway Company during the term of the said lease and under and subject to the provisions thereof as fully and effectually as the said London and Port Stanley Railway Company might.

Arrangements  
with another  
company.

**3.** The said London and Port Stanley Railway Company may from time to time, but subject always to the provisions of the said lease and so that the agreement hereinafter mentioned shall not take effect until after the expiration or other determination of the said lease, enter into any agreement with any company having authority to enter into such agreement, or with any other railway company, or with any person, for the leasing of the Company's railway for such term and on such conditions as are agreed upon between the said railway company and such railway company or other company or person, or for the working of the said railway, or for running powers over it, on such terms and conditions as are agreed upon by the contracting parties, or for leasing or hiring from such other contracting company or person any portion of its railway, or for the use thereof, and generally to make any agreement with any such company or person, if so lawfully authorized, touching the use by one or the other or by both of the contracting parties of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one party to the other and the compensation therefor: Provided always, that every such lease or agreement shall be first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council: and for the purposes of this section the mortgage bonds or debentures of the Company shall be deemed stock, and the holders of such bonds or debentures shall be deemed shareholders of the Company.

Sanction of  
the share-  
holders and of  
the Governor  
in Council.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for approval.

4. If at any time, under the provisions of the next preceding section, the said railway is leased to any person or corporation which has not any corporate powers authorizing the leasing and operating thereof by such lessee, the lessee thereof shall transmit to the Minister of Railways and Canals within ten days from the date of such lease a notice in writing stating the fact that such lease has been made, describing the termini and line of route of the railway leased, and specifying the charter or Act of incorporation under which the same has been constructed and operated, including a copy of any writing preliminary to a lease of such railway which has been made as evidence of such lease, and immediately upon the execution of any deed of lease of such railway the lessee shall also transmit to the said Minister a duplicate or authenticated copy of such lease and shall furnish to the said Minister on request any further details or information which he requires.

If lessee is not authorized.

5. Until the lessee has given notice to the said Minister in manner and form as provided by the next preceding section, the lessee shall not run or operate the railway so leased, or take, exact or receive any tolls whatsoever in respect of any traffic carried thereon; but after the said conditions have been complied with, the lessee may continue until the end of the then next session of the Parliament of Canada to operate such railway and to take and receive such tolls thereon as the company previously operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter or Act of incorporation of the said company, until he has received a letter of license from the said Minister, which letter the said Minister is hereby authorized to grant, defining the terms and conditions on which such railway shall be run by such lessee during the said period.

Grant of license by Minister of Railways and Canals.

6. Such lessee shall apply to the Parliament of Canada at the next following session thereof after the lease of such railway for an Act of incorporation or other legislative authority to hold, operate and run such railway; and if such application is made to Parliament and is unsuccessful, the Minister may extend the license of such lessee until the end of the then next following session of Parliament, and no longer.

Ratification by Parliament necessary.

7. The said Company may from time to time enter into agreements with any company or person for the leasing, hiring

Agreements as to hiring of rolling stock, etc.  
OR

or use of any locomotives, carriages, rolling stock and other movable property, for such term and on such conditions as are agreed upon, and may also enter into agreements with any company authorized so to agree, or with any railway company, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms and conditions as to compensation and otherwise as are agreed on.

#### SCHEDULE.

THIS INDENTURE, made the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and ninety-three, between the London and Port Stanley Railway Company of the first part, and Charles R. Jones, of the city of Cleveland, in the state of Ohio, one of the United States of America, vessel owner; Frank S. Miller, of the same place, insurance agent; Lorenzo Dudley Dodge, of the same place, secretary of the Cleveland Steam Gauge Company; M. Silas Pettingill, of the same place, insurance agent; and Thomas W. Larwood, the younger, of the same place, stationer, of the second part,

Whereas the said parties of the second part have agreed to work the London and Port Stanley Railway, its plant and appurtenances upon the terms and conditions hereinafter set forth.

Now this indenture witnesseth:

1. The London and Port Stanley Railway Company hereby give, subject to all the rents, conditions, provisos and agreements hereinafter mentioned, the use, occupation and possession of their line of railway between London and Port Stanley, to the parties of the second part, for the period of twenty years from the first day of March, 1893, so that the same shall be worked by the said parties of the second part and all the receipts and earnings shall be collected by the said parties of the second part for their own use and benefit.

2. The said parties of the second part shall, within twenty-four months from the date hereof, put the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, and shall also, after putting the same in good repair, well and sufficiently at all times, during the said term of twenty years, repair, maintain, amend and keep the same and every part thereof in good and substantial repair and all fixtures and things thereto belonging, or which at any time during the said term shall be erected, put or made, when, where and so often as need shall be.

3. The necessary cost of putting the said line of railway of the said parties of the first part, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, as above provided, shall, in the

first place, be paid by the said parties of the second part who shall be reimbursed by the said parties of the first part by the application by the said parties of the second part, for the first two years of the said term of twenty years, of so much of the rents hereby reserved as shall be necessary to recoup them the amount of the said cost; provided however that, in case the parties hereto differ as to the amount necessarily expended by the said parties of the second part for the purposes aforesaid, the same shall be determined by arbitration in the manner provided by paragraph twelve hereof. Provided also that the erection by the parties of the second part of a passenger station at St. Thomas on the lands of the said parties of the first part, at a cost not to exceed twenty-five hundred dollars, shall be deemed a portion of the necessary cost aforesaid. Provided further that nothing shall be done by the said parties of the second part and that no money shall be expended by them for the purpose of putting the said line of railway of the said parties of the first part, its road, bridges, rails and all and every portion of its property, buildings, way, track and appurtenances in good repair, if the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada, who, the parties of the first part contend, are bound under the present lease to put the same in repair, do put the same in good repair on or before the first day of April next and that with the exception of the necessary repair of the icehouse at Port Stanley and any work absolutely necessary for the safe running of the railway, no sum shall be expended nor shall any expense chargeable under the provisions of this indenture to the parties of the first part be incurred by the said parties of the second part for the purposes aforesaid until the first day of April next and provided also that the amount which the said parties of the second part shall be at liberty to recoup themselves from the rent hereby reserved for the necessary cost of putting the said line of railway, its road, bridges and rails and all and every portion of its property, buildings, way, track and appurtenances in good repair including the erection of the passenger station at St. Thomas, the summer passenger station at Port Stanley and the temporary and permanent passenger stations at London, shall not in any event exceed the amount of the first two years rent hereby reserved.

4. The said parties of the second part shall, at the expiration, or other sooner determination of the said term of twenty years, peaceably surrender and yield up unto the London and Port Stanley Railway Company, their successors, or assigns, the said the London and Port Stanley Railway, its property, appurtenances and effects, together with all buildings, erections and fixtures thereon, in good and substantial repair and condition.

5. The parties of the second part shall pay to the parties of the first part, their successors or assigns, without any deduction whatever except as provided by paragraphs 3 and 19 hereof, the clear yearly rent or sum of twenty-eight thousand  
75  
dollars

dollars during the said term of twenty years, by equal quarterly payments of seven thousand dollars each on the first days of June, September, Decémber and March in each year for the first two years of the said term of twenty years, and thereafter the said clear yearly rent, or sum of twenty-eight thousand dollars, during the residue of the said term of twenty years, shall be paid by equal quarterly payments of seven thousand dollars each in advance on the first day of March, June, September and December in each and every year, and, should in any year during the said term of twenty years the gross receipts from all sources of the said railway exceed the sum of one hundred thousand dollars, the said parties of the second part shall pay to the said parties of the first part, as additional rent, at the end of each year in which the said gross receipts exceed the sum of one hundred thousand dollars, fifteen per cent, of the said gross receipts, in excess of the said sum of one hundred thousand dollars. The said parties of the second part covenant with the said parties of the first part that they will, at the end of each year of the said term of twenty years, furnish to the said parties of the first part accounts and statements of such receipts, certified by their secretary and verified by his statutory declaration as to the correctness thereof, and shall permit the parties of the first part and they the said parties of the first part shall be entitled at all times during the month of April in each year during the said term to inspect the books and accounts of the Company by the auditor of the city of London, or other officer from time to time appointed for that purpose by the said parties of the first part, and the said parties of the second part shall afford to the said parties of the first part all necessary or reasonable facilities for such inspection at the head office of the said parties of the second part at the said city of London.

6. The parties of the second part shall pay all taxes, rates, duties and assessments whatsoever, whether municipal, parliamentary or otherwise, now charged, or which may or shall, during the term aforesaid, be charged upon the said the London and Port Stanley Railway or its appurtenances, or upon the said parties of the first part on account thereof, or on account of any of its property, including five-sixths of the taxes for the year 1893, and one-sixth of the taxes for the year in which this lease terminates.

7. The said parties of the second part shall forward all trains and traffic with reasonable and proper despatch, and shall run daily, Sundays excepted, at least two passenger trains between Port Stanley and London, stopping at and starting from such points and at such hours as the exigencies of traffic may from time to time, during the said term of twenty years, require, and at least two passenger trains daily each way shall stop at the stations where the passenger trains of the Grand Trunk Railway Company, the present lessees of the said the London and Port Stanley Railway, now stop, if a passenger for such station be on board or if the train be flagged at such station.

8. The said parties of the second part shall not, during the said term, make any alteration in the location of the buildings on the London and Port Stanley Railway without the consent in writing of the said parties of the first part.

9. The weekly excursion trains from London to Port Stanley shall be continued one day in each week from the fifteenth day of May, to the fifteenth day of September in each year during the said term of twenty years by the said parties of the second part. The fare from London to Port Stanley and back on such trains shall not exceed thirty cents current funds for each person, and such fare shall include all charges for the use by the passengers by excursion trains of the grounds known as the London and Port Stanley Railway picnic grounds at Port Stanley, as has heretofore been customary, and such fare shall entitle the passengers to be carried to the terminus referred to in paragraph 19 hereof without extra charge.

10. The said parties of the second part, covenant with the said parties of the first part, that they will furnish sufficient, suitable and comfortable cars, and will keep the road properly supplied with suitable and comfortable rolling stock sufficient for the requirements of the traffic including the excursion traffic provided for by this indenture and the efficient working of the London and Port Stanley Railway, and that the passenger cars shall be at least as good as the first class passenger cars used in the year 1892 on the said railway by the Grand Trunk Railway Company of Canada.

11. And the said parties of the second part, further covenant with the said parties of the first part, that they will not assign or transfer this indenture or their rights thereunder, or any of them, or sublet the said railway or any part thereof, without the consent in writing of the said parties of the first part first had and obtained, except as provided by paragraph 15 hereof.

12. And it is hereby agreed that, in case any dispute shall arise relating to any matter herein contained and agreed to be settled by arbitration, the same shall be finally determined by two independent persons, one to be chosen by each of the said parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties, and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within four months after the appointment of the first of such arbitrators, and, in the further event of the two arbitrators appointed, as aforesaid, being unable or failing to agree upon a third arbitrator for two weeks after their appointment, or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the Queen's Bench Division of the High Court

of Justice for the province of Ontario ; or, in the event of the Chief Justice being sick, absent from the province, or otherwise unable or refusing to act, then such third arbitrator shall be appointed by the senior judge of the said Queen's Bench Division of the said court.

13. The said parties of the second part further covenant with the said parties of the first part, that they will place a line of vessels, sufficient to meet the business, to run between the ports of Ashtabula or Cleveland, in the state of Ohio, one of the United States of America, and Port Stanley, in Ontario, and will use all means and influence practicable in obtaining all the freight and passenger traffic between the ports named.

14. The said parties of the second part further covenant with the said parties of the first part, that the said parties of the second part will, before the first day of March, A.D. 1896, erect or purchase, and thereafter during the said term maintain a summer hotel at Port Stanley, and make the necessary improvements to place such hotel on an equal footing with the summer hotels of the United States, and, at the end or sooner determination of the said term, will remove the said hotel from the said property of the said parties of the first part, if erected thereon, within one year from the said end, or sooner determination of the said term, and leave the lands upon which the same was erected in as good a state and condition as before the erection thereof, unless the parties of the first part shall, six months before the determination of the said term, elect to purchase the said hotel from the said parties of the second part, which they shall be at liberty to do provided they give notice of such their intention to the said parties of the second part, at least six months before the determination of the said term, the price to be paid for the said hotel to be settled by arbitration by arbitrators, to be appointed as hereinbefore provided in case the parties differ about the same.

15. The said parties of the second part further covenant with the said parties of the first part, that the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Michigan Central Railway Company, and all railroads which do now or which, during the continuance of this agreement, may intersect or cross the London and Port Stanley Railway, shall have reasonable and the usual running powers for their traffic over the line of the London and Port Stanley Railway from St. Thomas or the point of intersection or crossing of such railway with the London and Port Stanley Railway to the terminus of the London and Port Stanley Railway in the said city of London during the said term of twenty years, or such other sooner determination of the said term, and the terms and the compensation to be paid for such running powers shall, in case the parties differ about the same, be determined by arbitration in the same manner as provided by paragraph 12 hereof, and the said parties of the second part shall as far as practicable provide and keep proper and sufficient sidings for loading and unloading.

16. The said parties of the second part further covenant with the said parties of the first part, that during the said term of twenty years the maximum rate for freight from Port Stanley to London, and *vice versa*, for special commodities, such as coal, sugar, syrup, pig iron, lead, nails, wire, etc., and other like commodities, will not exceed fifty cents per ton in car lots, and the said rates shall include handling from the boat to cars and from the cars to boat at Port Stanley; and that the rate for all other classes of freight (except as provided by the next succeeding paragraph hereof) shall be in just and fair proportion to the above rate; and for the handling from the boat to cars and from the cars to boat at Port Stanley of the said other classes of freight the actual cost thereof shall be added to the said rates; and, in case the parties hereto shall differ as to the rates for the said other classes of freight, the same shall be determined by arbitration in the manner provided by paragraph 12 hereof. And the said parties of the second part further covenant with the said parties of the first part that the classification of freight shall, during the said term of twenty years, be as provided in the Canadian Joint Freight Classification Number Eight Pamphlet hereto annexed and marked with the letter "A."

17. The said parties of the second part further covenant with the said parties of the first part that they will, during the said term of twenty years, carry from London to Port Stanley and *vice versa* the goods, wares and merchandise manufactured by any manufacturer, in the counties of Middlesex or Elgin, in the province of Ontario, or ordered or procured by him for such manufacture, at a rate not to exceed fifty cents per ton in car load lots, with the additional charge of the actual cost for unloading and reloading at Port Stanley, if done by the said parties of the second part.

18. The said parties of the second part further covenant with the said parties of the first part that they will pay advance charges on all freight offered at Port Stanley and provide for the prompt handling of the same to the destination of the goods.

19. The said parties of the second part further covenant with the said parties of the first part that at their own expense they will within one year from the date hereof lay the necessary tracks and do the other work necessary so that the trains can be taken around to the beach south of the present picnic grounds, and will before the end of the second year of the said term erect and build at the said terminus a suitable platform and summer passenger station the cost whereof, not to exceed \$1,000, shall be refunded to them by deduction from the rent in the same manner as provided by paragraph 3 hereof.

20. The said parties of the second part further covenant with the said parties of the first part that, during the summer months during the continuance of the said term of twenty years, a daily train, Sundays excepted, shall be put on and shall leave Port Stanley for London at about eight o'clock in the forenoon

and



and shall leave London for Port Stanley at about five o'clock in the afternoon for the convenience of the summer residents at Port Stanley, and that, between the fifteenth day of May and the fifteenth day of September in each year, the said parties of the second part will sell commutation tickets, not transferable, good for twenty-six single trips to be used within three months from the date of issue and good only during the period between the fifteenth day of May and the fifteenth day of September of the year in which the ticket is issued, to such parties as may desire to purchase the same at a cost not to exceed nineteen cents each way.

21. Provided always and it is hereby expressly agreed that if the rent hereby reserved, or any part thereof, shall be unpaid for thirty days after any of the days on which the same ought to have been paid, and after ten days' written notice requiring such payment has been given to them by mailing the same addressed to the said parties of the second part at the city of London in Ontario, or in case of the breach or non-performance of any of the covenants or agreements herein contained on the part of the said parties of the second part, their heirs, executors, administrators or assigns, then and in any of such cases it shall be lawful for the said parties of the first part into and upon the said railway, or any part thereof, in the name of the whole, to re-enter and the same to have, acquire, repossess and enjoy as of their former estate, anything herein contained to the contrary notwithstanding.

22. In consideration of the corporations of the city of London and of the city of St. Thomas assenting to the provisions of this agreement, the said the corporation of the city of London shall be entitled, in case of a breach on the part of the said parties of the second part, their heirs, executors, administrators or assigns, of any of the covenants on their part contained herein, to enforce the forfeiture clause hereinbefore contained, but nothing herein contained shall affect or prejudice the rights of the said corporations in respect of the mortgage bonds held by them against the London and Port Stanley Railway Company so as to prevent the said corporations or either of them from enforcing the same, or any right that they may acquire to the said road by means or in consequence thereof, in the event of default on the part of the said parties of the second part, their executors, administrators or assigns, in performing the covenants and agreements on their part contained in these presents.

23. And the said parties of the second part further covenant and agree with the said parties of the first part that they will lease to the present lessees of that portion of the lands of the London and Port Stanley Railway Company within the limits of the city of St. Thomas the same lands as are now leased to the said lessees, for a further term to continue as long as the said parties of the second part are the lessees of the said the London and Port Stanley Railway, and on the same terms and conditions as are contained in the present leases of the said

lands to the present lessees and will provide the said lessees with reasonable switching accommodation at the rate (if any) from time to time fixed by the Railway Committee of the Privy Council of Canada and if none be fixed by the said Railway Committee, then at a fair and reasonable price therefor to be settled by arbitration in the manner provided by paragraph 12 hereof, in case the parties differ about the said price.

24. Throughout this indenture the mention of the said parties of the first part is intended to include their successors and assigns and the mention of the said parties of the second part is intended to include their heirs, executors, administrators and assigns unless such meaning is inconsistent with the context.

25. This indenture is made subject to its being adopted and confirmed by the shareholders of the London and Port Stanley Railway Company representing or owning at least two-thirds of the subscribed capital stock of the Company, present or represented at an annual general meeting thereof or at a special general meeting duly called for the purpose and subject to its being approved by the Parliament of Canada and for the purposes of this paragraph the debenture debt shall be deemed subscribed capital stock and the holders of such debentures as shareholders.

26. In consideration of the said corporations assenting to this indenture, as provided by paragraph 22 hereof, it is further agreed by and between the parties hereto that, so long as the said corporations of the city of London and of the city of St. Thomas, or either of them, shall continue to be mortgagees of the London and Port Stanley Railway Company, the salaries of the officers of the said railway Company and the expenses of the board of directors, including remuneration to the president, vice-president and directors, shall not together exceed the sum of \$200 per annum during the term of this indenture, and that the said parties of the second part shall and may, during the term of this indenture and on demand, pay and divide, after the same shall become due from time to time, the whole annual rentals reserved by this indenture (save and except the amounts they are entitled to retain as provided by paragraphs 3 and 19 hereof), less the said sum of \$200 (which is to be paid to the said parties of the first part) to and among the first mortgage bondholders of the said the London and Port Stanley Railway Company, according to the respective amounts owned or held by such first mortgage bondholders, in lieu of paying the same to the London and Port Stanley Railway Company, such payments to be applied by the said bondholders in or towards the satisfaction of their said respective bonds.

27. The said parties of the second part further covenant with the said parties of the first part that their headquarters and offices during the said term of twenty years shall be and continue in the said city of London.

28. The said parties of the second part agree with the said parties of the first part that they will, immediately upon the municipal council of the corporation of the city of London, so far as they have the power so to do, approving by resolution of the terms of this indenture, and agreeing to use their best endeavours to have the same executed by the parties of the first part and confirmed by legislation as hereinbefore provided, deposit with the treasurer of the corporation of the city of London the sum of twenty-five thousand dollars cash, to be retained by the corporation of the city of London as security for the due execution by the said parties of the second part of this indenture so soon as it has been adopted and confirmed by the shareholders of the London and Port Stanley Railway Company, as provided by paragraph 25 hereof, and as security also for the fulfilment of the terms, conditions and provisos herein contained, on the part of the said parties of the second part, for three months from the deposit thereof and until the slip dock at Port Stanley, which the said parties of the second part propose to construct at their own expense, is substantially completed by them and at least one hundred thousand dollars of the capital stock of the company proposed to be incorporated by the said parties of the second part is paid in cash to the said Company, and, in case the said parties of the second part make default in the execution of this indenture as above provided, or fail to perform and fulfil the terms, conditions and provisos herein contained on their part until the said slip dock at Port Stanley has been substantially completed by them, or in case the said parties of the second part shall fail to complete the said slip dock before the 31st day of December, A.D. 1893, or fail, within 6 months from the incorporation of the said company, to pay in the said sum of one hundred thousand dollars of the capital stock as aforesaid, the said sum of twenty-five thousand dollars shall be forfeited as liquidated and ascertained damages to the corporation of the city of London. After the said parties of the second part have duly executed this indenture as above provided and after the said slip dock at Port Stanley has been completed, if completed within the time above mentioned, and after the said sum of one hundred thousand dollars of capital stock has been paid in as aforesaid, if paid in within the time hereinbefore mentioned, the said sum of twenty-five thousand dollars shall be returned to the said parties of the second part, with interest thereon from the date of the deposit at the rate of six per cent per annum, or, if this indenture shall not be approved by the Parliament of Canada and the said parties of the second part shall have used due diligence to obtain such approval, then the said sum of twenty-five thousand dollars, with interest as aforesaid, shall be returned to the said parties of the second part. Provided always that, if the said parties of the first part neglect or refuse to execute this indenture on or before the twenty-fifth day of January, A.D. 1893, the said sum of twenty-five thousand dollars, together with interest thereon

at the rate of six per cent per annum from the day of its deposit with the said treasurer, shall be repaid by the corporation of the city of London to the said parties of the second part.

29. The said parties of the first part do hereby covenant with the said parties of the second part, their executors, administrators and assigns, that they, paying the rent hereby reserved and performing the covenants hereinbefore on their part contained, shall and may peaceably possess and enjoy the said demised premises for the term hereby granted without any interruption or disturbance from the said parties of the first part, their successors or assigns, or any other person or persons lawfully claiming by, from or under them or any of them.

30. Nothing herein contained shall be taken to give to the parties of the second part any of the lands or property of the parties of the first part to which the Great Western Railway Company of Canada or the Grand Trunk Railway Company of Canada are entitled under the agreement made between the London and Port Stanley Railway Company and the Great Western Railway Company of Canada and dated the twenty-fifth day of April, A.D. 1870.

31. It is further agreed by and between the parties hereto that the said parties of the second part shall, during the continuance of the said term, insure and keep insured at their own expense (in the name and for the benefit of the said parties of the first part) the railway stations to be built by them as hereinbefore provided and the other buildings of the parties of the first part in some insurance company or companies, to be approved of by the parties of the first part from time to time, to the amount of not less than two-thirds of the value of the said respective buildings.

32. It is hereby further agreed by and between the parties hereto that the parties of the first part, will, on or before the first day of March, A.D. 1894, provide terminal facilities for the parties of the second part, either as the same were conferred by the Great Western Railway Company of Canada upon the said parties of the first part by the said agreement dated the twenty-fifth day of April, A.D. 1870, or by the use of the terminal facilities of the London and South-eastern Railway Company, or by a passenger station to be erected on one side or the other side of Bathurst Street, west of Wellington Street, in the said city of London, at the option of the said parties of the first part, or (at the option of the said parties of the first part, such option to be exercised on or before the said first day of March, A.D. 1894) the parties of the first part, will in lieu thereof, allow the said parties of the second part a reduction from the rent hereby reserved of three thousand dollars per annum, and will also allow them to retain out of the first two years' rent a sum, not to exceed the sum of five thousand dollars, towards the cost of a permanent passenger station on the site of the old London and Port Stanley station, if erected by the said parties of the second part, and a sum, not to exceed one thousand dollars, towards the cost

of a temporary passenger station on the said old site, if erected by the said parties of the second part, such permanent and temporary passenger stations to be completed on or before the first day of March, A.D. 1895, and the temporary station not to be commenced or any cost in respect thereof incurred before the first day of April, A.D. 1893, and the said permanent station not to be commenced or any cost in respect thereof incurred before the first day of March, A.D. 1894, both said stations, if and when erected, to become and be the property of the said parties of the first part and to be insured by and at the expense of the said parties of the second part in the same manner and to the same extent as is provided by paragraph 31 hereof in regard to the other buildings.

In witness whereof the parties of the first part have caused to be affixed their corporate seal and their president has set his hand and the parties of the second part have set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of	E. T. ESSERY,	[L.S.]
As to execution by L. & P. S. Ry. Co., W. J. HARVEY.	<i>President.</i>	
As to execution by F. S. Miller, I. F. HELLMUTH.	CHARLES R. JONES,	[L.S.]
As to execution by Charles R. Jones, Lorenzo Dud- ley Dodge, M. Silas Pettengill, and Thomas W. Larwood, jr., M. H. SOLLOWAY.	F. S. MILLER,	[L.S.]
	LORENZO DUDLEY DODGE,	[L.S.]
	M. SILAS PETTENGILL,	[L.S.]
	THOMAS W. LARWOOD, jr.,	[L.S.]



## 56 VICTORIA.

### CHAP. 52.

An Act to consolidate and amend certain Acts relating to the Manitoba and North-western Railway Company of Canada.

[Assented to 1st April, 1893.]

**W**HEREAS the Manitoba and North-western Railway Company of Canada have by their petition set forth that, as more fully appears by the Acts mentioned in schedule one to this Act, they were incorporated in the year 1880, by the Legislature of the province of Manitoba, under the name of "The Westbourne and North-western Railway Company"; that, in the year 1881, the said Act was amended by the said Legislature and the Company's name was changed to "The Portage, Westbourne and North-western Railway Company"; that, in the year 1882, by an Act of the Parliament of Canada, the Company's railway was declared to be a work for the general advantage of Canada and an extension thereof into the North-west Territories was authorized; that, by such declaration and extension the Company and their undertaking became subject to the exclusive legislative authority of the Parliament of Canada; that by the said Act of 1882, the aforesaid change of name was again enacted and *The Consolidated Railway Act, 1879* and all amendments thereto, were applied to the Company and their undertaking instead of *The Railway Act of Manitoba*; that, in the year 1883, by an Act of the Parliament of Canada, the Company's name was further changed to "The Manitoba and North-western Railway Company of Canada"; that numerous other amendments of the Company's Act of incorporation have been made by the said and by other Acts of the Parliament of Canada, so that provisions as to the powers, rights and obligations of the Company are contained in a number of Acts; that it is expedient to consolidate and amend these Acts so as to embody the said provisions in one Act; and whereas the Company have prayed for such consolidation and also for an extension of the time within which a certain portion of their railway is by law to be built; and whereas it is expedient to grant

grant the prayer of their petition: Therefore Her 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 Manitoba and North-western Railway Company's Act, 1893.*
- Repeal. **2.** The Acts mentioned in schedule one to this Act, but as respects the Acts of the province of Manitoba therein mentioned only so far as any provisions of such Acts are within the legislative authority of the Parliament of Canada, are hereby repealed to the extent in the said schedule mentioned; and in lieu of the said Acts and provisions, this Act, and, in matters not provided for by this Act, *The Railway Act* and its amendments, shall apply to the Manitoba and North-western Railway Company of Canada, hereinafter called "the Company," and to the undertaking of the Company.
- Application of this Act. **3.** The said repeal shall not in any way affect—
- Effect of repeal. Continuance of the corporation. Saving clauses. **(a.)** The corporate existence of the Company, which, together with all such persons as hereafter become shareholders in the Company, shall continue to be the same body corporate; or **(b.)** Any obligation, debt or liability of the Company now existing; or **(c.)** Any right now existing, accruing, accrued or established; or **(d.)** Any suit, action or proceeding at law or in equity now pending.
- Head office. **4.** The head office of the Company shall be at the town of Portage la Prairie, and may be changed to such other place in Canada as is fixed by by-law passed at any annual general meeting or at any special meeting of shareholders duly called for that purpose; and the Company may from time to time by
- Other offices. by-law appoint and fix other places within or beyond the limits of Canada, at which the business of the Company may be transacted and at which the directors or shareholders may meet when called, as determined by the by-laws.
- General meetings. **5.** General meetings of the Company, whether annual or special, may be held at the city of Winnipeg, or elsewhere as may be appointed by by-law.
- Annual meeting. **2.** The annual general meeting of the Company shall be held on such day, once in every year, as the directors from time to time by by-law determine, and notice of the day so determined shall be given in the manner provided by *The Railway Act* with respect to meetings of shareholders.
- Adjournments. **3.** If the majority of the shareholders present in person or by proxy at any annual or special general meeting so determine by vote, such meeting may be adjourned to be held in either the city of Montreal, the city of Toronto or the city of Ottawa, whichever, and at such time as, the said majority determine.

6. The capital stock of the Company shall be twelve millions of dollars divided into two hundred and forty thousand shares of fifty dollars each. Capital stock.

2. The directors may make and issue as paid-up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls; and all paid-up stock heretofore made and issued in accordance with the provisions of section three of chapter eighty-six of the Statutes of 1888, is legalized and confirmed. Paid-up stock may be issued. Previous issues confirmed.

3. The capital stock of the Company may, with the approval of the Governor in Council, be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder served on him personally, or properly directed to him and deposited in the post office, at least twenty days previous to such meeting, stating the time and place and object of the meeting and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount sanctioned by such a vote. Increase of capital.

4. No call upon shareholders in respect of capital stock shall exceed ten per cent on the amount subscribed. Calls.

7. The present board of directors of the Company shall continue to be the directors of the Company until replaced by others elected under the provisions of *The Railway Act* and of this Act. Directors.

2. The number of directors of the Company shall be, from time to time, determined by by-law, but shall not exceed eleven nor be less than seven, of whom a majority shall form a quorum. Number and quorum.

3. No person shall be a director unless he is a shareholder, owning twenty shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen. Qualification.

4. The directors may annually appoint from among themselves, an executive committee at Winnipeg, or elsewhere, for such purposes and with such powers and duties as the directors by by-law determine; and the president shall be *ex-officio* a member of such executive committee. Executive committee.

5. The directors may employ one or more of their number as a paid director. Paid director.

6. Meetings of the directors may be held, either in Canada or in Great Britain, at such place or places in either country or in both, as the Company by by-law determine; but in the event of a meeting of directors being called to be held in Great



Notice.

Britain, one month's previous notice of such meeting shall be given to each of the directors by registered letter posted in the city where the head office of the Company is situated.

Directors' power to act by proxy.

7. If not otherwise provided by by-law of the Company, the directors may act and vote by proxy, such proxy to be held by a director only; but no director shall hold more than two such proxies, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person, the remaining number of directors required to form a quorum being represented by proxies.

Operation of lines now built.

8. The Company may maintain and operate:—

Main line.

(a.) The portion of its main line now constructed, running north-westerly from the town of Portage la Prairie in the province of Manitoba to Yorkton Station in the district of Assiniboia in the North-west Territories, about two hundred and twenty-three miles in all.

Shell River branch.

(b.) The portion of the branch line now constructed, from the main line at Binscarth Station north to Russell Station, about eleven and one-third miles, hereinafter called "the Shell River Branch." 50-51 V., c. 79, s. 1 *part*.

Saskatchewan and Western Railway.

(c.) The line of the Saskatchewan and Western Railway Company connecting with the main line of the Company at the town of Minnedosa in Manitoba, leased by the Company under a certain deed of agreement with the above mentioned company, dated the twenty-eighth of May, A.D. 1887.

Gauge.

2. The gauge of the said portions now constructed shall be maintained at four feet eight and one-half inches.

Powers to build and operate.

9. The Company may lay out, construct and operate the following lines of railway of the gauge of four feet eight and one-half inches:—

Main line.

(a.) An extension of the main line from the present terminus thereof at Yorkton, in a north-westerly direction to a point at or near Prince Albert, on the north branch of the Saskatchewan River.

Shell River branch.

(b.) An extension of the Shell River Branch from the present terminus thereof at Russell to the northern or western boundary of the province of Manitoba, at a point north of the main line.

Branch to northern or western boundary of Manitoba.

(c.) A branch line from some point on the main line between Portage la Prairie and Arden, thence running northerly, eastward of the Riding Mountains to the northern or western boundary of Manitoba.

Branch to Lake Dauphin, etc.

(d.) A branch line from the main line at some point between Westbourne and Beautiful Plains, north-westerly in the direction of Lake Dauphin or Duck Mountains.

Proviso.

2. Nothing in this section shall be held to limit the right of the Company to lay out, construct and operate branch lines under the provisions of *The Railway Act*.

Limitation of time for construction.

3. The Company shall construct and complete to the satisfaction of the Governor in Council, not less than twenty miles

of railway on or before the thirty-first day of December in each calendar year after the year eighteen hundred and ninety-three, otherwise their powers under this section shall cease as regards so much of the said lines of railway as is not completed by the said date in each calendar year.

**10.** The Company may lay out, construct, maintain, work, manage and use a railway bridge over any navigable stream on the line of the railway. Bridges.

**11.** The Company may construct and operate such lines of telegraph and telephone in connection with and along the line of their railway and branches, as are necessary or useful for the purposes of their undertaking. Telegraphs.

**12.** The Company may build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable waters, for such purposes in connection with their undertaking, as they deem proper and expedient, and may enter into arrangements and agreements with owners of steam and other vessels for such purposes. Steamers and other vessels.

**13.** The Company, for the purpose of aiding the construction, equipment or maintenance of their undertaking, may purchase lands from the Government of Canada, or from the Government of any province of Canada, or from any corporation, company or person, and may hold, dispose of, sell, pledge or mortgage such lands. Power to acquire and deal in lands.

**14.** Conveyances of land to the Company for the purposes of and exercise of the powers given by this Act, made in the form in schedule three to this Act or to the like effect, shall be sufficient conveyance to the Company, their successors and assigns, of the estate and interest, and sufficient bar of dower (where the same exists), respectively of all persons executing the same; and such conveyance shall be registered in such manner and upon such proof of execution as is required by the registry laws of the province or territory where the land is situate. Conveyances. Form. Registration.

**15.** All lands sold and conveyed by the Company or trustees for the Company and paid for in cash shall be for ever released and discharged from all mortgages, liens and charges of any kind or nature by any Act relating to the Company or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage, lien or charge thereon created by the Company, and after payment of any such mortgage, lien or charge created by the Company thereon, shall be applied for the general purposes of the Company. Mortgages discharged by sale of lands. Application of price.

Land grants from Government, powers to deal with.

**16.** Notwithstanding anything contained in any Acts relating to the Company, any lands acquired by the Company from the Government of Canada, under the provisions of any Order in Council heretofore passed or hereafter to be passed, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged or disposed of in such manner as the directors, under the authority of the shareholders, think necessary or advantageous for the purposes of the Company and the carrying out of its undertaking; and the said lands shall not be subject to any mortgage, lien or charge for the bonds issued by the Company, unless so made by a deed executed by the Company.

Such lands not subject to charge by bonds, etc.

Existing issues of bonds, etc., described.

**17.** The bonds, debentures or other securities, debenture stock and preference stock, which have been issued by the Company before the passing of this Act, and are set out in schedule two to this Act, which schedule is hereby for the avoidance of doubts declared to be part of this Act, are hereinafter respectively called "scheduled bonds," "scheduled debenture stock" and "scheduled preference stock," or, collectively, "scheduled securities."

"Scheduled securities."

Existing securities to continue unimpaired.

**18.** The "scheduled securities" shall remain, until cancellation or redemption thereof, or until payment or discharge in full of the principal and interest thereby secured, the first preferential claims and charges upon the respective portions of the Company's undertaking or property affected or charged as security for such payment in each case, and according to the tenor and effect of any by-law or of any deed of mortgage, conveyance or assurance in each case; and nothing in this Act shall impair any power, right, remedy, privilege or priority now existing in respect of such "scheduled securities."

Powers to issue bonds, etc., debenture stock and preference stock.

**19.** The Company may issue, from time to time, bonds, debentures or other securities, according to the provisions of *The Railway Act* and of this Act; and may also, as in this Act provided, issue, from time to time, debenture stock and preference stock.

Limit of issues.

2. The total amount of all such issues, together with the amount of any "scheduled securities" unpaid or unredeemed, shall not exceed at any time the sum of twenty thousand dollars per mile of the Company's railways constructed or under contract to be constructed.

Issue of debenture stock to replace bonds, etc.

3. The Company may, from time to time, issue debenture stock in lieu of such "scheduled bonds," bonds, debentures, or other securities as are paid off or redeemed, to such amount as has been so paid off or redeemed, which debenture stock shall be issued as hereinafter provided and shall rank in priority

Priority.

next after any "scheduled bonds," bonds, debentures or other securities, of the issue in lieu of which such debenture stock is issued.

**20.** Bonds, debentures or other securities issued by the Company may bear such rate of interest as the Company thinks fit. Interest on bonds.

2. Such bonds, debentures or other securities, shall not create any mortgage, privilege, lien, claim or charge upon any property of the Company heretofore or hereafter acquired by way of bonus from any municipality, or upon any lands acquired by the Company for sale in aid of its undertaking and sold and conveyed by the Company or by trustees for the Company, and paid for in cash, or upon any lands acquired by the Company from the Government of Canada, and not required for the right of way or actual working of the Company's railways, unless such mortgage, privilege, lien, claim or charge is constituted by deed executed by the Company. Certain lands not charged by bonds, unless expressly so by deed.

3. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage, or privilege purporting to appertain to or to be created by any bond issued or security deed executed under the authority of any Act relating to the Company, that such bond or deed should be registered in any manner or in any place whatsoever. Registration of bonds not necessary to preserve priority.

**21.** If the Company make default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, becomes due and payable, then at the next ensuing annual general meeting of the Company, and at all subsequent meetings, all holders of such bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights, privileges and qualifications for being directors and for voting at general meetings as if they were shareholders holding fully paid-up shares of the Company to a corresponding amount; Provided nevertheless, that the rights given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he claims to exercise such rights have been first registered in his name, in the same manner as is provided by law for the registration of shares of the Company; and for that purpose the Company shall be bound on demand to register any of the said bonds, in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares; Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any of the rights or remedies to which the holders of the said bonds are entitled. Provision for enforcing bondholders' rights in case of default.

**22.** All bonds, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that Proviso. Proviso. Transfer of bonds.

case, be transferable by delivery, unless and until registration thereof in manner provided in the next preceding section ; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares ; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

Issue of debenture stock.

**23.** The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person or represented by proxy, may from time to time make and issue debenture stock.

Form, etc.

2. Such debenture stock may be made either perpetual or terminable, and may be executed in such form and under such provisions as to issue, transfer and registration, and with such rights and privileges, as are determined by the by-laws of the Company ; and may be issued in sterling money of Great Britain, and without being under the seal of the Company ; but no share of such debenture stock shall be for a less sum than one hundred dollars, if in currency of Canada, or than twenty pounds sterling, if in sterling money of Great Britain.

Charges created thereby.

3. Such debenture stock shall, except as otherwise provided by this Act, constitute the first lien and charge upon the undertaking of the Company, and upon any extension thereof, and upon the property, franchises, plant and rolling stock thereof, acquired or to be hereafter acquired by the Company, and upon the tolls and revenues thereof, subject, however, in the first instance to the payment of any penalty imposed for non-compliance with the provisions of *The Railway Act* respecting returns to be made to the Minister, and after deduction of the working expenses of the railway, but always subsequent to and subject to the rights of any bonds upon the whole or any division of the said railway which are then outstanding and unpaid and have been created a first charge on the railway by any deed executed by the Company.

Holders' rights may be defined by deed.

4. The Company may execute a deed or instrument securing such debenture stock and declaring and defining the rights, privileges, ranking and remedies of the holders of such debenture stock, and may thereby fix the rate of interest on such debenture stock and the place and plan of payment of such interest ; and among other things shall incorporate therein all by-laws declaring and regulating the rights and privileges to be enjoyed by the holders of such debenture stock.

By-laws to be in deed.

And to remain unaltered.

5. Any such by-laws whether incorporated in any such deed or not, which are in force and applicable to such debenture stock at the time of the issue thereof, or of any part thereof, shall remain in force and shall not be altered or amended so long as any of such debenture stock remains unredeemed.

6. Every such deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*. Deposit of deed.

**24.** The directors, under the authority of the shareholders to them given at the annual general meeting or at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person or represented by proxy, may issue preference stock to an amount not exceeding in all, together with the "scheduled preference stock," five thousand four hundred dollars per mile of the Company's railway constructed or under contract to be constructed, entitling the holders thereof, in priority to all other shareholders, to a non-cumulative dividend, payable thereon at such rate not exceeding five per cent per annum as the directors think fit, out of the net earnings of the Company, after the interest on the first mortgage bonds and on the debenture stock is paid. Issue of preference stock. Limit. Dividend.

2. The holders of such preference stock shall not have the rights, privileges and qualifications of holders of capital stock, for voting at meetings of the Company or for being directors. Rights of holders.

**25.** The Company may enter into any agreement with any other railway company within the province of Manitoba for purchasing or leasing the railway of the Company, or any part thereof, or the use thereof at any time or times, or for any period, to such other company, or for purchasing or leasing or for hiring from such other company any railway, or part thereof, or the use thereof, or for purchasing or leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway, or movable property, of one or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof. Agreements with other companies.

**26.** The Company may amalgamate with any other railway company and may accept and receive such company as forming part of the Company; and such amalgamation may be by deed, which however shall not have any force or effect until it has been submitted to the shareholders of both companies at meetings of such shareholders respectively, duly called for the purpose thereof, and approved by them. Amalgamation with other companies.

**27.** By such deed of amalgamation it may be agreed that the amalgamating companies shall thereafter form one company under the name of "The Manitoba and North-western Conditions of amalgamation

Railway Company of Canada” of which change of name notice shall be given by advertisement, published for one month in the *Canada Gazette*; and after such amalgamation, all debts due and owing by the companies parties to such amalgamation shall become due and owing by the amalgamated company in the same manner as if they had been originally contracted by it; and upon being approved of by the Governor in Council, all the assets and property of the companies parties to such amalgamation shall become vested in the amalgamated company, in the same manner and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges and charges thereon; and by such deed the proportion of stock which shall be represented by each company shall be settled, and provision shall be made for giving the voting power to such stockholders of each of the companies as shall be entitled thereto, either by the retention of the stock originally issued to them, or by the conversion thereof, on terms which shall be agreed upon by the said deed, into stock of the amalgamated company; and by such deed also the number of directors to constitute the board of directors of the amalgamated company shall be fixed, and the mode of appointing the first board of such directors shall be established, leaving subsequent boards of directors to be elected at the annual meetings of the amalgamated company, in the manner provided by law for the election of the directors of the Manitoba and North-western Railway Company of Canada.

Approval by  
Governor in  
Council.

Effect of am-  
algamation.

Capital stock.

Directors.

## SCHEDULE ONE.

Acts of the Parliament of Canada and of the Legislature of Manitoba repealed by this Act.

Year.	Title.	Extent of Repeal.
<i>Acts of Manitoba.</i>		
43 Vict., c. 35.	An Act to incorporate the Westbourne and North-western Railway Company.....	The whole.
44 Vict., c. 41.	An Act to amend 43 Vic., cap. 35, intituled: "An Act to incorporate the Westbourne and North-western Railway Company," and to legalize the by-laws of the Corporation of the Municipality of the Town of Portage la Prairie granting aid to the said company by the issue of debentures.....	The whole except section nine.
<i>Acts of Canada.</i>		
45 Vict., c. 80.	An Act respecting the Portage, Westbourne and North-Western Railway Company.....	The whole.
46 Vict., c. 68.	An Act to amend the several Acts incorporating the Portage, Westbourne and North-western Railway Company, and to change the name thereof to the "Manitoba and North-western Railway Company of Canada.".....	The whole.
47 Vict., c. 69.	An Act to amend the Acts relating to the Manitoba and North-western Railway Company of Canada.....	The whole.
48-49 Vict., c. 86.	An Act respecting the Manitoba and North-western Railway Company of Canada.....	The whole.
49 Vict., c. 75.	An Act respecting the Manitoba and North-western Railway Company of Canada.....	The whole.
50-51 Vict., c. 79.	An Act respecting the Manitoba and North-western Railway Company of Canada.....	The whole.
51 Vict., c. 86.	An Act to amend the Acts relating to the Manitoba and North-western Railway Company of Canada.....	The whole.
53 Vic., c. 78.	An Act respecting the Manitoba and North-western Railway Company of Canada.....	The whole.
55-56 Vict., c. 45.	An Act respecting the Manitoba and North-western Railway Company of Canada.....	The whole.

## SCHEDULE TWO.

Bonds, debenture stock and preference stock now existing and charged upon the railway, all prior issues having been cancelled and surrendered.

1. Bonds to the amount of £540,000 sterling, being the first lien and charge upon the first division of the Company's railway, being 180 miles thereof, commencing at Portage la Prairie, which bonds are secured by a mortgage on such first division, dated the 16th day of April, 1886.

2. Bonds to the amount of £34,500 sterling, being the first lien and charge upon the branch of the Company's railway, commencing at Binscarth, in the province of Manitoba, and running to the northern or western boundary of Manitoba, at a point north of the main line, which bonds are secured by a mortgage on such branch line, dated the 17th day of February, 1887.

3. Debenture stock issued to the extent of £3,000 sterling per mile, in respect of 42 miles of the Company's railway, west of Langenburg, and constituting a first lien and charge upon



the Company's railway and upon any extension thereof, and upon any plant and rolling stock acquired and to be acquired by the Company, and upon the tolls and revenues thereof, after deduction of the working expenses thereof, subsequent to and subject to the right of the said £540,000 sterling first mortgage bonds upon the first division of the railway mentioned in this schedule and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the said first division as above set forth, and subsequent to and subject to the right of the said £34,500 sterling first mortgage bonds upon the Shell River branch, and which may be outstanding and unpaid, which said first mortgage bonds are a first charge upon the Shell River branch, as above set forth.

4. Preference stock issued to the extent of \$415,000 in lieu of and upon the cancellation of all the second mortgage bonds issued under section two of chapter 86 of the Statutes of 1885.

### SCHEDULE THREE.

#### FORM OF CONVEYANCE.

KNOW all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of

dollars paid to me (or us) by the Manitoba and North-western Railway Company of Canada, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name or names of any party or parties*) in consideration of

dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land situated (*describe the land*), the same having been selected and laid out by the said Company for the purposes of the said railway, to hold the same with the appurtenances unto the said the Manitoba and North-western Railway Company of Canada, their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we), the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*),  
this day of one thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

C. D. }

A. B. [L.S.]



## 56 VICTORIA.

### CHAP. 53.

An Act respecting the Manitoba and South-eastern Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented by the Manitoba and South-eastern Railway Company praying for the passing of an Act to amend, as hereinafter set forth, the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Section one of chapter forty-six of the Statutes of 1892, is hereby repealed, and the following substituted therefor:—

S. 1 of c. 46, 1892, repealed.

“1. Notwithstanding anything contained in the Acts relating to the Company or in *The Railway Act*, the Company shall have until the first day of July, one thousand eight hundred and ninety-five, to complete that portion of their line of railway between the town of St. Boniface and the parish of Ste. Anne, and the Company shall construct not less than twenty miles additional each year after the said date until the whole line of railway is completed; and upon the failure to construct the several lengths of line within the times above mentioned, then the power to continue the construction of the said railway thereafter shall cease and determine; but the right of the Company to the portion constructed and to the rights and privileges arising therefrom shall not thereby be affected.”

Time for construction extended.

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56 VICTORIA.

CHAP. 54.

An Act to revive and amend the Act to incorporate the Moncton and Prince Edward Island Railway and Ferry Company.

[Assented to 1st April, 1893.]

WHEREAS the Moncton and Prince Edward Island Railway and Ferry Company have, by their petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the said Company, and it is expedient to revive the said Act and to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provisions of this Act, the Act incorporating the Moncton and Prince Edward Island Railway and Ferry Company, being chapter seventy-five of the Statutes of 1890, is hereby revived and declared to be in force, and the time for the commencement of the undertaking and the expenditure of fifteen per cent on the amount of the capital stock as required by section eighty-nine of *The Railway Act*, is hereby extended for the period of two years from the passing of this Act; and if such expenditure is not so made, and the railway completed within five years from 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 railway as then remains uncompleted.

2. Section five of the said Act is hereby repealed and the following substituted therefor:—

“5. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.”

3. Section eight of the said Act is hereby repealed and the following substituted therefor:—

“8. The Company may issue bonds, debentures or other securities to the extent of one million five hundred thousand dollars,

Preamble.

1890, c. 75.

Act revived and time for completion of works extended.

Section 5 repealed.

Capital stock.

Section 8 repealed.

Amount of bonds, etc., limited.

dollars, on the security of the railway, ferry-boats and all the property of the Company, provided that such issue, though covering the whole undertaking, shall not exceed in amount twenty thousand dollars per mile of the railway and branches constructed or under contract to be constructed, in addition to one million dollars in respect of the ferry ; or the Company may issue such bonds, debentures or other securities to the extent of one million dollars (part of the said one million five hundred thousand dollars), on the security of the ferry-boats and property connected with the ferry of the Company ; or the Company may issue such bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches constructed or under contract to be constructed, and not exceeding in the aggregate five hundred thousand dollars (the same being the remaining part of the said one million five hundred thousand dollars).

Section 9  
amended.

4. Section nine of the said Act is hereby amended by striking out the word "Kent" on line two thereof and substituting therefor the word "Northern."

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## 56 VICTORIA.

### CHAP. 55.

An Act to amend the Act to incorporate the Montreal and Atlantic Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented representing that Preamble.  
the possibility of such a sale of the railway of the Montreal and Atlantic Railway Company as is provided for in section sixteen of chapter sixty-eight of the Statutes of 1891, C. 68, 1891.  
is likely to prevent the raising of funds in the manner and for the purposes provided for in other portions of the said Act, and praying that the said section be repealed; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section sixteen of chapter sixty-eight of the Statutes of 1891, intituled *An Act to incorporate the Montreal and Atlantic Railway Company, and for other purposes*, is hereby repealed. Section 16 repealed.

**2.** Section fourteen of the said Act is hereby amended by adding thereto the following words:—“in any action commenced within four years from the passing of this Act.” Section 14 amended.

2. A copy of the said section fourteen, as hereby amended, shall, within six months after the passing of this Act, be published by advertisement for four consecutive weeks in two newspapers published in the counties through which the said railway runs, and if there are not two newspapers published therein, then in one such newspaper for eight consecutive weeks. Publication of section 14.

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## 56 VICTORIA.

### CHAP. 56.

An Act to incorporate the Nakusp and Slocan Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** Charles G. Major, of the city of New Westminster, Johann Wulffsohn, of the city of Vancouver, and Arthur William Jones, of the city of Victoria, together with such other persons and corporations as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the "Nakusp and Slocan Railway Company;" hereinafter called the Company.

**2.** The head office of the Company shall be in the city of Victoria, British Columbia, or at such place in Canada as a majority of the shareholders at any annual or general meeting determine.

**3.** The Company may lay out, construct and operate a railway of the standard gauge of four feet eight and one-half inches, or the narrow gauge of not less than three feet, from a point at or near the town of Nakusp to some point at or near the forks of Carpenter Creek, in the district of West Kootenay; and the undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

**4.** The Company may, in connection with their railway construct, acquire, maintain and employ steam and other vessels to ply on the lakes and rivers of the province of British Columbia.

**5.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.



- Capital stock. **6.** The capital stock of the Company shall be one million two hundred thousand dollars, and may be called up by the directors from time to time as they may deem necessary ; but no one call shall exceed ten per cent on the shares subscribed.
- Annual meeting. **7.** The annual general meeting of the shareholders shall be held on the first Wednesday in September in each year.
- Directors. **8.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose not more than nine persons to be directors of the Company.
- Issue of bonds. **9.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches ; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.
- Agreement with the C. P. R. Co. **10.** The Company may enter in an agreement with the Canadian Pacific Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and 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 two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the approval of the Governor in Council.
- Approval required. **2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in the electoral district through which the railway of the Company hereby incorporated runs.
- Notice of application for approval.



## 56 VICTORIA.

### CHAP. 57.

#### An Act respecting the Nelson and Fort Sheppard Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Nelson and Fort Sheppard Railway Company was incorporated by an Act of the Legislature of the province of British Columbia passed in the fifty-fourth year of Her Majesty's reign, chapter fifty-eight, intituled *An Act to incorporate the Nelson and Fort Sheppard Railway Company*; and whereas the said Company is thereby authorized to build its railway from a point on the outlet of Kootenay Lake, at or near the town of Nelson, in the province of British Columbia, thence by way of the valleys of the Cottonwood-Smith Creek and the Salmon River to a point at or near Fort Sheppard, in the said province; and whereas the said Company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and the said Company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers, as hereinafter set forth, be conferred upon the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** The railway of the Nelson and Fort Sheppard Railway Company is hereby declared to be a work for the general advantage of Canada. Declaratory.

**2.** The Nelson and Fort Sheppard Railway Company, hereinafter called the Company, is hereby declared to be a body corporate and politic within the legislative authority of the Parliament of Canada, and to have all the franchises, rights, powers, privileges and authorities conferred upon it by virtue of the said recited Act of the Legislature of the province of British Columbia, but subject to all debts, obligations or liabilities of the Company, and to any rights in any suit or action now pending in any of the courts of British Columbia: Incorporation and powers.

Proviso: Rail-  
way Act to  
apply.

Notices.

Extension of  
line to inter-  
national  
boundary.

Time for com-  
pletion ex-  
tended.

Steam and  
other vessels.

Land for ware-  
houses, ele-  
vators, etc.

Arrangements  
with any other  
company.

Proviso: sanc-  
tion of share-  
holders.

Approval of  
Governor in  
Council.

Notice of ap-  
plication for  
approval.

Provided that *The Railway Act* of Canada, shall apply instead of *The British Columbia Railway Act* to all matters and things to which *The Railway Act* would apply if the Company had originally derived its authority to construct and operate its railway from the Parliament of Canada, and as though it were a railway constructed or to be constructed under the authority of an Act passed by the Parliament of Canada; and all notices, which by the said recited Act are required to be given in the *Government Gazette* of the said province, shall hereafter be published in the *Canada Gazette* instead.

**3.** In addition to the powers conferred upon the Company by its Act of incorporation, the Company may construct and operate its line of railway to the international boundary line between Canada and the United States and connect its railway with the railway system of the state of Washington and the United States.

**4.** Notwithstanding anything contained in the Act incorporating the Company, the time limited for the completion of its railway is hereby extended for a period of two years from the passing of this Act; and if not so completed, then the powers granted in that behalf shall cease and be null and void as respects so much of the railway as then remains uncompleted.

**5.** The Company may also acquire, build, own, mortgage, dispose of, charter, work and run steam and other vessels for cargo and passengers upon any navigable waters which the railway of the Company reaches or with which it connects; and may accept, acquire, purchase, own, hold, mortgage, sell and dispose of such land as is required for the purpose of constructing elevators, warehouses, docks, wharfs and other such erections for the uses of the Company, and may construct and operate the same.

**6.** The Company may enter into an agreement with the Spokane Falls and Northern Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, and any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and 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 two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner

manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties or districts through which the railway of the Company runs, and in which a newspaper is published.

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# 56 VICTORIA.

## CHAP. 58.

An Act to revive and amend the Act to incorporate the North Canadian Atlantic Railway and Steam-ship Company and to change the name thereof to "The Quebec and Labrador Railway and Steam-ship Company."

[Assented to 1st April, 1893.]

**WHEREAS** the North Canadian Atlantic Railway and Steam-ship Company has by its petition prayed that the Act incorporating the Company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

**1.** Subject to the provisions of this Act, the Act incorporating the North Canadian Atlantic Railway and Steam-ship Company, being chapter seventy of the Statutes of 1890, is hereby revived and declared to be in force ; and if the railway of the Company is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within two years, and if the undertaking is not completed within five years, from the first day of July next, then the powers granted by the Act of incorporation and this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Preamble.

Chapter 70, 1890, revived and amended.

Time for construction extended.

**2.** The name of the Company is hereby changed from "The North Canadian Atlantic Railway and Steam-ship Company" to "The Quebec and Labrador Railway and Steam-ship Company"; but such change in name shall not, in any way, impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Name changed.

Existing rights not to be affected.





# 56 VICTORIA.

## CHAP. 59.

### An Act respecting the Port Arthur, Duluth and Western Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying that certain additional powers, as hereinafter set forth, be conferred on the Port Arthur, Duluth and Western Railway Company; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

**1.** In this Act the expression “the Company” means the Port Arthur, Duluth and Western Railway Company. Interpretation.

**2.** The Company may enter into working arrangements with or may enter into a lease of or acquire running powers over or the right to work the line of the Ontario and Rainy River Railway Company, upon such terms and conditions and for such period or periods as are from time to time agreed upon by the boards of directors of the two companies; and among such terms and conditions may provide for and guarantee the payment of the principal and interest, or either, of mortgages, bonds, debentures, debenture stock, and other railway securities of such other railway company: Provided, however, that such agreement or arrangements have been first sanctioned by two-thirds of the votes at an annual general meeting, or at a special general meeting of the shareholders of the Company duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy. Arrangements with another company in Canada.  
Proviso: sanction of shareholders.

**3.** The Company may make working arrangements with, or may lease or acquire running powers over or the right to work the line of, the Port Arthur, Duluth and Western Railway Company, the Duluth and Iron Range Railway Company and the Messabe and Northern Railway Company (being companies incorporated under the laws of the state of Minnesota), or any one or more of them, upon such terms and conditions as the Arrangements with companies outside of Canada.



Proviso :  
sanction of  
shareholders.

Company's board of directors considers advantageous, and among such terms and conditions may provide for and guarantee the payment of the principal and interest, or either, of mortgages, bonds, debentures, debenture stock or other railway securities of the said three railway companies or any one or more of them : Provided, however, that such agreement or arrangements have been first sanctioned by two-thirds of the votes at an annual general meeting or at a special general meeting of the shareholders of the Company, duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and thereafter the Company may acquire and hold shares, bonds and other securities of the said three railway companies or of any one or more of them.

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56 VICTORIA.

CHAP. 60.

An Act respecting the St. Lawrence and Adirondack Railway Company.

[Assented to 1st April, 1893.]

WHEREAS the St. Lawrence and Adirondack Railway Company have by their petition prayed that an Act be passed to amend, as hereinafter set forth, their Act of incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
1888, c. 64.

1. Section nineteen of chapter sixty-four of the Statutes of 1888 is hereby repealed and the following substituted therefor:—

Section 19 repealed.

“19. The Company may enter into an agreement with the Champlain Junction Railway Company, the Canada Atlantic Railway Company, the Beauharnois Junction Railway Company, the Central Vermont Railroad Company or the Ogdensburg and Lake Champlain Railroad Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and 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 two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:

Agreement with another company.

Sanction of shareholders and of Governor in Council.

“2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in

Notice of application for sanction.

one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.”

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OTTAWA : Printed by SAMUEL EDWARD DAWSON, Law Printer to the Queen's  
most Excellent Majesty.



56 VICTORIA.

CHAP. 61.

An Act respecting the Temiscouata Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Temiscouata Railway Company has by its petition prayed for an Act to confer upon it certain additional powers, as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

**1.** The Temiscouata Railway Company, hereinafter called the Company, may lay out, construct and operate an extension of its line of railway from Edmundston to St. Leonard, in the province of New Brunswick; and all the provisions of *The Railway Act* and of chapter seventy-one of the Statutes of 1887, intituled *An Act to confirm and amend the charter of incorporation of the Temiscouata Railway Company*, shall apply to the extension and the bridge authorized by this Act to be constructed.

Extension from Edmundston to St. Leonard.

Railway Act and c. 71 of 1887 to apply.

**2.** The extension hereby authorized shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Time for construction of extension.

**2.** The Company may erect, construct, complete, maintain, work, manage and use a railway bridge, with the necessary approaches, over the St. John River, from some convenient point on the Canadian side at or near the village of St. Leonard, to a point on the American side, and may connect the same with any railway or railways on either side of the said river; but the Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the state of Maine, has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved such bridging;

Railway bridge over St. John river.

Approval of United States authorities.

When lands may be acquired, etc.

but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.

Plans of bridge to be approved by Governor.

**3.** The Company shall not commence the bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with; nor shall any such plans be altered, or any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Arrangements with other companies.

**4.** The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of *The Railway Act*, and subject to the provisions contained in sections five and six of this Act—

In the United States.

(a.) Unite with any other company incorporated in and under the laws of the state of Maine or of the United States, in building the bridge and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

In Canada.

(b.) Unite with any other company incorporated under the laws of Canada or of the province of New Brunswick, or with any body corporate, in building the said bridge and approaches and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof.

No discrimination in rates of toll.

**5.** So soon as the bridge is completed and ready for traffic, all trains of all railways connecting with the same, either in Canada or the United States, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in tariff rates for such passage, shall be made in favour of or against any railway whose trains or business pass over the said bridge.

In case of disagreement, section 11 of Railway Act to apply.

**6.** In case of any disagreement as to the rights of any railway company whose trains or business pass over the bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in section eleven of *The Railway Act*.

7. In case the state of Maine or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the state of Maine or the United States.

Joint commission to regulate working of bridge.

8. The Company may issue bonds, debentures or other securities to an amount not exceeding one million dollars in aid of the construction of the bridge; and such bonds may be secured by a deed of mortgage; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls 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.

Issue of bonds.

9. The Company may construct and use the said bridge for general traffic as well as for railway purposes, in which event the construction and operation thereof shall be subject to the aforesaid conditions and restrictions, and the tolls to be charged for the passage of foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council, but the Company may at any time reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge.

Bridge may be used for general traffic.

Tolls for foot passengers, etc.

10. The bridge hereby authorized to be constructed shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

Time for construction of bridge.





## 56 VICTORIA.

### CHAP. 62.

#### An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Toronto, Hamilton and Buffalo Railway Company (hereinafter called the Company), and the corporation of the city of Brantford, have by their respective petitions prayed that an Act be passed to make further provisions in relation to the said Company, as hereinafter set forth, and whereas, under the provisions of chapter eighty-six of the Statutes of 1891, the undertaking of the Company was declared to be a work for the general advantage of Canada, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The by-law of the corporation of the city of Brantford comprised in schedule "A" to this Act, and also the by-law of the corporation of the city of Hamilton, comprised in schedule "B" to this Act, are hereby ratified and confirmed so far as such confirmation is within the powers of the Parliament of Canada; but nothing herein contained shall affect or impair any powers conferred by *The Railway Act* on the Railway Committee of the Privy Council or on the Minister of Railways and Canals, and such confirmation shall also be subject to existing rights as to the validity of the said by-laws.

Certain by-laws of Brantford and Hamilton confirmed.

**2.** The time limited by section four of the Act of the Legislature of the province of Ontario, passed in the fifty-second year of Her Majesty's reign, chaptered eighty-three, intituled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*, for the completion of the said railway is hereby continued and extended so that the railway shall be completed within three years from the passing of this Act; and if the said railway is not completed as herein specified then the powers granted for such construction by the said Act and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Limit of time for construction under s. 4, c. 83, 1889, Ont., extended.



Extension of  
line to Lake  
Erie autho-  
rized.

**3.** The Company may extend its line of railway from a point at or near the village of Waterford, in the county of Norfolk, to a convenient point on or near the shores of Lake Erie.

Time for con-  
struction of  
extension.

**4.** The work on the extension authorized by section three of this Act, shall be commenced within two years, and completed within four years from the passing of this Act; otherwise the powers granted for such extension shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Declaratory  
as to Brant-  
ford by-law  
No. 468.

**5.** It is hereby declared that by-law number four hundred and sixty-eight, schedule A, passed by the municipal council of the said city of Brantford, on the first day of August, one thousand eight hundred and ninety-two, and all the conditions contained therein, are and shall be binding on the Toronto, Hamilton and Buffalo Railway Company, and all who may claim under them, and that the said railway Company shall be and continue to be controlled and operated independent of the Grand Trunk Railway Company, and the line of the said railway shall extend from the Michigan Central Railway or the Canada Southern Railway at Waterford to Hamilton and Toronto, as aforesaid, and that in case the said line of railway shall at any time become the property of the Grand Trunk Railway Company, or shall in any manner be controlled or operated by the said Grand Trunk Railway Company by lease or otherwise, then the grant of the bonus shall, if the same has not been paid, be and become void, and if the same has been paid to the said Company or its assigns by the said debentures or otherwise, the amount of debentures delivered shall be repaid to the said city of Brantford, and the amount thereof shall, subject to the limitations contained in section ninety-four of *The Railway Act*, form a first lien and charge upon the line of railway in said by-law number four hundred and sixty-eight described; and the said by-law may be registered in such counties on the line of the said railway as the said corporation may elect; and it is also hereby declared that should the said railway Company at any time after the completion of the said road fail to regularly operate the same as in the ordinary course of business the said road would be operated, or should the said railway Company commit violation of section number ten of the said by-law number four hundred and sixty-eight passed by the municipal council of the said city of Brantford after the delivery to them of the said debentures therein provided for, then the said railway Company shall and will repay to the said city of Brantford, the said sum of seventy thousand dollars, and the said corporation of the city of Brantford shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered as for money had and received by the said company for the use of the said corporation or money loaned or otherwise, and the amount thereof shall, subject to the limi-

tations contained in section ninety-four of *The Railway Act*, form a first lien and charge upon the line of railway mentioned in said by-law number four hundred and sixty-eight as aforesaid.

6. It is hereby declared that by-law number six hundred and thirty-eight, passed by the municipal corporation of the said city of Hamilton on the twentieth day of September, eighteen hundred and ninety-two, and all the conditions and provisions contained therein, are and shall, subject to the limitations contained in section ninety-four of *The Railway Act*, be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and in the event of the lines proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, and from the city of Hamilton to the city of Toronto, or the connecting line from Hamilton through Brantford to Waterford mentioned in the said by-law, or any part of the said lines, coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interests of either of those companies, or being operated as part of or in alliance with any of the said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company, or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto, or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, their successors or assigns, under or by virtue of the grant made by said by-law number six hundred and thirty-eight to the Toronto, Hamilton and Buffalo Railway Company, shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall, subject to the limitations contained in section ninety-four of *The Railway Act*, form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway and upon all the franchises and property of the said Company.

Hamilton by-law to be binding on the company.

7. Nothing herein contained shall affect the rights of the corporation of the city of Brantford under the provisions of the by-law set out in the schedule to this Act and marked "A." Saving.

8. Nothing herein contained shall affect the rights of the corporation of the city of Hamilton under the provisions of the by-law set out in the schedule to this Act and marked "B." Saving.

9. Nothing in this Act contained shall be construed to affect the application now pending in the Court of Appeal for the

province of Ontario, in the matter of Foster and the municipal corporation of the city of Hamilton, or any other application which may be lawfully made to quash the said by-law number six hundred and thirty-eight.

Railway  
crossing.

**10.** The crossings of the tracks of the Hamilton Street Railway Company and the Hamilton and Dundas Street Railway Company shall be in such a manner and upon such terms, as to compensation or otherwise, as may be fixed and determined upon by the Railway Committee of the Privy Council under the provisions of *The Railway Act*.

Saving.

**11.** Nothing in this Act contained shall be taken to affect any right or claim to compensation which any person or persons may now or hereafter have by reason of the works of construction of and in connection with the said railway.

## SCHEDULE "A."

### BY-LAW No. 468

To authorize the amalgamation of the Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company, and to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving \$70,000.00 by way of bonus to the Company, and to issue debentures therefor, and to authorize the levying of a special rate for payment of the debentures and interest thereon.

Whereas by an Act of the Legislature of the province of Ontario, passed in the forty-seventh year of Her Majesty's reign, chapter seventy-five, and intituled *An Act to incorporate the Toronto, Hamilton and Buffalo Railway Company* and a certain other Act of the said Legislature of Ontario, passed in the fifty-third year of Her Majesty's reign, chapter one hundred and twenty-six, the powers conferred on the said railway Company, by their said original Act, were extended, among other things, conferring authority upon the said Company to extend its line from or near the city of Hamilton to a point in the county of Brant at or near the city of Brantford, there to connect with the line of the Brantford, Waterloo and Lake Erie Railway Company, and

Whereas by an Act of the Parliament of the Dominion of Canada, passed in the fifty-fifth year of Her Majesty's reign, chapter eighty-six and entitled *An Act respecting the Toronto, Hamilton and Buffalo Railway Company*, it is in said Act, among other things, provided that the proprietors of the Brantford, Waterloo and Lake Erie Railway Company may sell to or

amalgamate with the Toronto, Hamilton and Buffalo Railway Company, or the said last mentioned Company may purchase or otherwise acquire the railway works, capital stock and assets, rights, privileges, property and franchises of the Brantford, Waterloo and Lake Erie Railway Company upon such terms and conditions as may be agreed upon by the directors of the said respective companies, and

Whereas negotiations are now in progress for the proposed amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the said Toronto, Hamilton and Buffalo Railway Company and proceedings have been taken by the said railway companies towards the completion and ratification of such amalgamation or purchase as in the manner in the said last mentioned Act of the Parliament of Canada is provided, and

Whereas the said Company is authorized to receive from any municipal or corporate bodies having power to grant the same aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money or debentures or securities for money, and

Whereas the corporation of the city of Brantford has determined to aid and assist the said railway Company in the construction of the said railway by giving to the said Company debentures as hereinafter mentioned, to the amount of \$70,000.00 under the authority of *The Consolidated Municipal Act of 1892*, and

Whereas in order to carry out the last recited object it will be necessary for the said municipal corporation to issue debentures to the amount of \$70,000.00 as hereinafter mentioned payable at twenty years at the farthest from the day when this by-law shall take effect, and

Whereas it will be necessary for the said municipal corporation to raise an annual sum of \$2,800.00 for the payment of the interest on the said debentures, and an annual sum of \$2,475.27 to form a sinking fund to pay off the said debentures at the expiration of twenty years, to be raised by a special rate annually on the whole ratable property of the said city in the year 1893 and in each of the next nineteen succeeding years, and the sum so required to be raised in each of such years to pay the debentures hereinafter authorized to be issued and the interest thereon at four per cent per annum is the sum of \$5,275.27, and

Whereas the amount of the whole ratable property of the city of Brantford according to the last revised assessment roll of the said city is the sum of \$6,439,530.00, and the amount of the existing debenture debt of the said city is the sum of \$724,638.88, no part of which or its interest being in arrears, and

Whereas for paying the interest on the said debentures which is the sum of \$2,800.00 every year, and for creating a sinking fund to pay the said debentures, which is the sum of \$2,475.27 every year, and which together form the said sum

of \$5,275.27, it will require the said sum of \$5,275.27 to be raised annually by special rate on all the ratable property of the said municipality in addition to all other rates and assessments to be levied in each year on the whole of the said ratable property during the said period :

*Be it therefore enacted* by the municipal corporation of the city of Brantford in council assembled as follows :

1. That it shall be lawful for the said corporation of the city of Brantford to aid and assist the Toronto, Hamilton and Buffalo Railway Company by giving the said Company the debentures hereinafter mentioned, by way of a bonus, subject nevertheless to the provisions and conditions hereinafter severally expressed, the due performance of all of which said provisions and conditions are hereby expressly declared to be conditions precedent to the delivery of the said debentures to the said railway Company, and upon the further condition that the amalgamation or purchase of the said Brantford, Waterloo and Lake Erie Railway Company with or by the Toronto, Hamilton and Buffalo Railway Company, is first duly and legally completed by the said railway companies. And to such amalgamation with or purchase and acquisition by the Toronto, Hamilton and Buffalo Railway Company, the consent of the ratepayers of the city of Brantford, entitled to vote on this by-law, is hereby given and expressed.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation to cause the requisite number of debentures to be issued for such sums of money as shall be required for such purposes of not less than one hundred dollars and not exceeding the sum of one thousand dollars each and not exceeding in the whole the said sum of \$70,000.00, which debentures shall be sealed with the seal of the said corporation, and signed by the mayor, and countersigned by the treasurer of the said municipal corporation.

3. The said debentures shall be made payable within twenty years from the day on which this by-law shall take effect, namely, on the first day of September, 1892, and shall be made payable at the office of the treasurer of the said corporation of the city of Brantford and shall bear interest at the rate of four per centum per annum, payable annually on the first day of September in each year, at the office of the said treasurer, and shall have attached to them coupons for the payment of the said interest as aforesaid.

4. That for the purpose of paying said debentures and interest the sum of \$5,275.27 shall, in addition to all other rates be assessed, raised, levied and collected upon all the ratable property in the municipality of the said city of Brantford in each year during the currency of the said debentures by a special rate sufficient to raise the said sum annually.

5. That none of the said debentures to be signed and issued as aforesaid shall be delivered to the said Company until the said railway Company shall have fully and completely bridged

and graded the whole of the said line of railway from the city of Brantford to the city of Toronto, and the ties and rails have been laid thereon.

6. That the said railway Company will erect and equip at a point within a radius of six hundred feet from the corner of Erie Avenue and Market Street, in the city of Brantford, a suitable passenger station, and a freight warehouse within a radius of twelve hundred feet from the corner of said streets, and will also maintain a station with waiting room and platform and sufficient side track on the west side of the river, in the city of Brantford, suitable to transact all business tributary to such station, and will cross the Grand River at the said city of Brantford, and in crossing will erect and maintain a first-class steel railway bridge, said bridge to have a footpath for passengers, on the north side thereof, at least four feet wide, to be maintained by the railway Company in a satisfactory and safe condition for travel by foot passengers, and the approaches to the said foot bridge outside of the right of way of railway to be maintained by the said city of Brantford, and the approaches to the said foot bridge within the right of way of the said railway to be maintained and kept in proper condition for travel by the said railway Company.

7. That as soon as the said railway Company shall have fully bridged and graded and laid the ties and rails on the whole of their line of railway from the city of Brantford by way of the city of Hamilton to the city of Toronto, and otherwise have done and performed the other requisites of this by-law and shall have produced to the said corporation the certificate of the chief engineer and president of the said railway Company countersigned by such engineer as may be appointed by the said corporation of the city of Brantford, then the said corporation shall deliver over to the treasurer of the said railway Company for the use of the said Company, the said debentures with the relative unaccrued coupons issued under and by virtue of this by-law or any principal money which has been paid thereunder.

8. All the coupons accrued due on the said debentures prior to the delivery of the same to the said railway Company shall be the property of the said corporation and shall not be delivered to the said railway Company.

9. It is a further condition of this by-law that the said railway Company shall commence the work of grading and bridging the said railway line on or before the first day of October, 1892, and the said road shall be graded, bridged and the ties and rails laid thereon from Brantford to the city of Toronto, on or before the thirty-first day of December, 1893, and the said corporation of the city of Brantford shall be entitled to the same representation, rights and privileges on the board of directors of the said railway Company as they formerly had in connection with the Brantford, Waterloo and Lake Erie Railway Company, notwithstanding any amalgamation of

the said Brantford, Waterloo and Lake Erie Railway Company with the Toronto, Hamilton and Buffalo Railway Company.

10. The said railway Company shall be and continue to be controlled and operated independent of the Grand Trunk Railway Company, and the line of the said railway shall extend from the Michigan Central Railway or the Canada Southern Railway at Waterford to Hamilton and Toronto as aforesaid, and that in case the said line of railway shall at any time become the property of the Grand Trunk Railway Company, or shall in any manner be controlled or operated by the said Grand Trunk Railway Company by lease or otherwise, then the grant of the bonus shall, if the same has not been paid, be and become void, and if the same has been paid to the said Company or its assigns by the said debentures or otherwise, the amount of debentures delivered shall be repaid to the said city of Brantford, and the amount thereof shall form a first lien and charge upon the line of railway hereinbefore described and this by-law may be registered in such counties on the line of the said railway as the said corporation may elect.

11. That should the said railway Company at any time after the completion of the said road fail to regularly operate the same as in the ordinary course of business the said road would be operated, or should the said railway Company commit violations of section No. 10 of this by-law after the delivery to them of the said debentures herein provided for, then the said railway Company shall and will repay to the said city of Brantford the said sum of \$70,000, and the said corporation shall not be compelled to prove damages in order to the recovery thereof, but it may be sued for and recovered as for money had and received by the said Company for the use of the said corporation or money loaned or otherwise.

12. The said railway Company and the said corporation shall jointly petition the House of Commons of the Dominion of Canada and the Legislature of the province of Ontario to ratify the provisions of this by-law, or such parts thereof as may be required, at their next ensuing sessions and the said Company shall bear the expense of such legislation.

13. Unless the ratification of the last mentioned clause is obtained, the council of the said corporation may declare this by-law void, and of no effect.

14. This by-law shall take effect from and after the first day of September, A.D. 1892.

15. That a poll be held and the votes of the electors of the said city entitled to vote thereon shall be taken on Thursday, the 21st day of July, A.D. 1892, on the said proposed by-law, at the hour of nine o'clock in the forenoon and continue until the hour of five o'clock in the afternoon at the following places, by the following persons hereby appointed deputy returning officers, namely :

In Ward No. 1, for Polling Subdivisions 1 and 2, at the shop of Peter Casey, on West Mill Street; Cornelius F. Cox, deputy returning officer.

In Ward No. 1, for Polling Subdivisions 3 and 4, at the shop of John Callis, on Colborne Street; John Callis, deputy returning officer.

In Ward No. 2, for Polling Subdivisions 5 and 6, at the house of Jerry Buckley, No. 15 Bond Street; R. Walter Brooks, deputy returning officer.

In Ward No. 2, for Polling Subdivisions 7 and 8, at the house of Robert Mackenzie, No. 66 William Street; William Harvie, deputy returning officer.

In Ward No. 3, for Polling Subdivisions 9, 10, 11 and 12, at the City Hall, on Market Square; F. J. Grenny, deputy returning officer.

In Ward No. 3, for Polling Subdivisions 13, 14 and 15, at the shop of L. B. Carey, on Market Street; L. B. Carey, deputy returning officer.

In Ward No. 4, for Polling Subdivisions 16 and 17, at the house of John Fisher, No. 288 Dalhousie Street; James W. Tutt, deputy returning officer.

In Ward No. 4, for Polling Subdivisions 18 and 19, at the house of William Draper, No. 210 Chatham Street; Joseph Thomas, deputy returning officer.

In Ward No. 5, for Polling Subdivisions 20 and 21, at the house of Catherine A. Kerr, No. 55 Canning Street; John A. Leach, deputy returning officer.

In Ward No. 5, for Polling Subdivisions 22 and 23, at the Baptist mission school on Eagle Avenue; Joseph Hartley, deputy returning officer.

16. That the clerk of the said municipal corporation shall sum up the number of votes given for and against this by-law at the hour of ten in the forenoon on the twenty-second day of July, A.D. 1892, at the city hall, in the said city of Brantford, and the mayor of the said city shall attend at the office of the said clerk, in the said city, on the 19th day of July, A.D. 1892, at ten o'clock in the forenoon, which time and place are hereby fixed for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of persons interested in promoting and opposing the above by-law.

Passed on the first day of August, 1892.

(Signed) JAMES WOODYATT,  
*City Clerk.*

(Signed) L. SECORD,  
*Mayor.*



## SCHEDULE "B."

## BY-LAW No. 638

For granting a Bonus of \$275,000 in aid of the Toronto, Hamilton and Buffalo Railway Company.

Whereas the Toronto, Hamilton and Buffalo Railway Company have, by failure on their part to fulfil the terms and conditions contained in by-law No. 504 of the city of Hamilton, forfeited the bonus granted to them by that by-law, and they have now applied again to this council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and seventy-five thousand dollars should be granted to the said railway Company upon the terms and conditions agreed upon between this corporation and the said railway Company, which terms and conditions are hereinafter set forth.

And whereas, in order to provide the said bonus, it will be necessary to issue debentures of this municipality for the sum of two hundred and seventy-five thousand dollars, payable as herein provided, if all the conditions hereinafter contained are fulfilled, or for the sum of two hundred and twenty-five thousand dollars if the first only of such conditions shall have been fulfilled.

And whereas, if the said debentures for \$275,000 be issued, it will be requisite to raise by special rate, during the term of twenty years from the first day of January, 1894, for paying the said debt and interest, the sum of \$20,235 during each year of the said term, or if the said debentures for \$225,000 only be issued, the sum of \$16,556 in each of such years as hereinafter provided.

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is \$24,269,420.

And whereas the existing debenture debt of this municipality amounts to \$2,970,541, and no principal or interest is in arrear.

Therefore the municipal council of the city of Hamilton enacts as follows:—

1. It shall be lawful for the corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality to the amount of two hundred and seventy-five thousand dollars, or for the sum of two hundred and twenty-five thousand dollars only, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty years from the first day of January, 1894: such debentures to bear interest at four per cent per annum from the first day of January, 1894, the interest on all said debentures to be payable half-yearly, on the first days of July and January in each year.

2. The said debentures, as to principal and interest, shall be payable at the office of the treasurer of the said city of Hamilton.

3. It shall be lawful for the mayor of the said municipality, upon the fulfilment by the said Company of the terms and conditions in that behalf hereinafter contained, and he is hereby authorized and instructed upon such fulfilment thereof, to sign the said debentures hereby authorized to be issued and to cause the same and the interest coupons attached thereto, to be signed by the treasurer of the said municipality; and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures upon the fulfilment by the Company of the said terms and conditions, and such debentures, when so signed and sealed, shall be delivered to the Company.

4. There shall be raised and levied by special rate on all the ratable property in the said municipality, during the term of twenty years from the first day of January, 1894, for payment of the interest on the said debentures, the sum of \$11,000 during each year of the said term, and for payment of the principal of said debentures, the sum of \$9,235, during each year of said term of twenty years, or if by reason of any condition hereinafter contained \$225,000 only of said debentures shall be issued the sum of \$9,000 during each year of said term for the interest thereon, and for payment of the principal of said debentures the sum of \$7,556 during each year of said term of twenty years.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Friday, the second day of September, 1892, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon, at the under-mentioned places:

Ward.	Division.	Place.	Returning Officer.
1	1	166 King Street East.	Alex. Turnbull.
1	2	204 King Street East.	W. P. Smith.
1	3	61 Ferguson Avenue South.	Rich. Ellicott.
2	1	146 King Street East.	J. M. Ellicott.
2	2	28 Main Street East.	F. R. Hutton.
3	3	209 John Street South.	A. C. Beasley.
2	4	24 Jackson Street.	Wm. Herman.
3	1	219 King Street West.	M. A. Pennington.
3	2	307 Main Street West.	Chas. Reid.
3	3	137 Hannah Street West.	E. A. Smith.
3	4	495 King Street West.	Wm. Holton.
3	5	299 Herkimer Street.	Jos. Kent.
4	1	58 Caroline Street North.	Robt. Bryce.
4	2	136 Cannon Street West.	Chas. Blackman.
4	3	440 King Street West.	M. Richardson.
4	4	Corner York and Queen.	T. Tribute.
4	5	378 York Street.	J. Hinchcliffe.
4	6	S. S. King's shop, Dundurn.	L. McDonald.
5	1	13 MacNab Street North.	Adam Hunter.
5	2	City Hall, James Street.	L. Hills.
5	3	21 Hughson Street North.	Robt. Leask.
5	4	149 MacNab Street North.	Jas. Clark.
5	5	363 James Street North.	J. B. Nelligan.
5	6	503 James Street North.	Wm. Buckingham.

Ward.	Division.	Place.	Returning Officer.
6	1	14 John Street North .....	H. A. Martin.
6	2	70 Cannon Street East .....	Jas. Byrnes.
6	3	113 Rebecca Street .....	Wm. Turnbull.
6	4	225 King William Street .....	Wm. Allen.
6	5	Corner John and Barton Streets, Houlden's shop .....	Jas. Houlden.
6	6	364 Mary Street .....	Thos. Smith.
6	7	83 Picton Street East .....	Alex. McPherson.
7	1	47 West Bvenue North .....	Sam. Robins.
7	2	28 Tisdale street .....	Hedley Mason.
7	3	Corner Barton and East Avenue .....	Sam. Scott.
7	4	361 Cannon Street East .....	Ed. Hawke.
7	5	Corner Victoria Avenue and Albert Road .....	W. H. Martin.
7	6	Town Hall, Barton .....	A. W. Swazie.

6. On Monday, the 29th day of August, 1892, the mayor shall attend at the council chamber at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the city clerk, on behalf of the persons interested in opposing or promoting the passing of this by-law.

7. The clerk of the council of the said municipality shall attend at his office in the city hall, in the city of Hamilton, at 11 o'clock in the forenoon of Monday, the 5th day of September, 1892, and sum up the number of votes given for and against the by-law.

#### TERMS AND CONDITIONS.

The following are the terms and conditions agreed on between this corporation and the said Toronto, Hamilton and Buffalo Railway Company, and the grant made by this by-law is hereby declared to be subject thereto and to be payable to the said railway Company in the manner and at the time set forth therein, and not otherwise, and no part thereof shall be paid over to the said Company except in accordance with and upon fulfilment of such terms and conditions :

1. The sum of \$225,000 of the grant made by this by-law shall be paid to the Company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the Company, until the completion of their railway as a first-class road from Hamilton to a point on the Canada Southern Railway, at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton from a point in the north-westerly part of the city west of the line of Inchbury Street to Bay Street, and thence in a tunnel from the west side of Bay Street to James Street, and thence to the easterly limits of the city by a northerly route, substantially according to the description and specification thereof, herein-

after contained, or passing through said city by a southerly route, substantially according to the description and specification thereof, hereinafter contained, such southerly route to be adopted by the Company, and the adoption thereof notified by them in writing to the city clerk of Hamilton within two months after the final passing of this by-law or within such further time as the council of the city of Hamilton may by resolution grant for such adoption, otherwise the Company to be restricted to the northerly route; nor until the Company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such connecting line from Waterford to be not more than 650 feet west of Garth Street at its intersection with Main Street in the city of Hamilton, or if the main line be beyond that distance from Garth Street at such intersection, a spur track from the main line to be built, passing not more than 650 feet west of Garth Street at its intersection with Main Street; nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern and Michigan Central systems, at or near to or east of Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and it has been provided in the Company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland and from Hamilton to Toronto, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company, or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated in connection with the Canada Southern Railway, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to

the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the Company.

2. The sum of \$50,000, being the balance of the grant made by this by-law shall be paid over to the Company by the delivery to them of debentures to that amount, issued under this by-law and bearing interest at four per cent per annum from the first day of January, 1894, but none of such debentures shall be so delivered to the Company until after the fulfilment of the foregoing conditions, nor until the completion of the Company's line as a first-class road passing through the city of Hamilton, by one of the routes hereinbefore mentioned, and continuing on from the north-westerly part of the city of Hamilton into the city of Toronto, nor until such line between Hamilton and Toronto has been actually opened for traffic and is being operated in connection with the Canada Southern Railway and independently of the Grand Trunk Railway Company, the Canadian Pacific Railway Company and the South Ontario Pacific Railway Company, or of any control by or alliance with any of said companies, and is being so operated as to give adequate and regular daily train service both for passengers and freight between Hamilton and Toronto, and such balance of said grant shall be subject also to the further terms and conditions which are contained in next preceding paragraph hereof, as to the repayment in certain events of the grant made by this by-law, and as to the amount of such grant forming a first lien upon the railway and upon all the franchises and property of the Company.

3. The Company shall build and shall always maintain a principal passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto or from Toronto to or through Brantford shall stop at such principal passenger station of the Company in Hamilton and all regular passenger trains running through Hamilton shall stop at such station.

If the Company's line from Brantford shall enter the city of Hamilton at a point south of King Street, and shall pass through the city by the northerly route hereinafter described, the Company shall build and always maintain a second passenger station within the limits of the city of Hamilton at some point on their line west of Queen Street and south of King Street, and if said line shall pass through the city by the southerly route herein-

after described the Company shall build and always maintain such second passenger station at some point between Queen and Garth Streets south of Main Street.

4. The debentures issued under this by-law shall bear interest at four per cent per annum, from the first day of January, 1894, but no debentures shall be issued under this by-law or be handed over to the Company, nor shall the Company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the Company have been fulfilled on their part, nor until the Company shall have entered into an agreement with the city corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded with at that date, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned or discontinued, then in any of such events this by-law shall become void and shall not take effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day of December, 1893, the grant made by this by-law shall be forfeited, and upon such forfeiture the debentures, if any, which may have been signed or sealed under this by-law, shall be cancelled, and time is hereby declared to be of the essence of this condition.

7. If, notwithstanding that the portion of the said railway mentioned in the next preceding paragraph shall have been duly completed within the time in said paragraph mentioned, the line of said railway from Hamilton to Toronto shall not have been fully and completely bridged and graded to the city of Toronto and the ties and rails laid thereon before the thirty-first day of December, 1893, or the said railway from Hamilton into the city of Toronto shall not be completed, opened and

operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, then in either of such events that portion of the grant hereby made which might otherwise become payable under said second condition, consisting of debentures to the amount of \$50,000, bearing interest at four per cent per annum from the first day of January, 1894, shall be forfeited by the Company, and upon such forfeiture, the debentures, if any, which may have been signed or sealed under this by-law, and which the Company may not have become entitled to under the first condition hereinbefore contained, shall be cancelled, and the interest, if any, levied for such debentures shall be paid over to the city treasurer for the general purposes of the municipality, and the proportion applicable to such debentures of the amounts, if any, levied for principal under this by-law, shall be appropriated by the city corporation for general purposes, and the amounts to be thereafter levied under this by-law shall be reduced by the proportion which would be applicable for interest and principal to such sum of \$50,000, it being hereby declared that if the railway from Hamilton to Toronto shall have been so completely bridged and graded and the ties and rails laid thereon before the thirty-first day of December, 1893, such debentures for \$50,000 may be signed and sealed and placed in the hands of the city treasurer of Hamilton, but that such debentures shall be cancelled as hereinbefore provided, if such railway from Hamilton into the city of Toronto be not completed, opened and operated in the manner set forth in the second condition of this by-law before the thirty-first day of December, 1894, and time is hereby declared to be of the essence of this condition.

8. If, before the delivery over to the Company of the whole of the debentures authorized by this by-law, notice shall be given to the city corporation of Hamilton of any claim or claims for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise within the city of Hamilton of any of the powers granted for the railway, the said city corporation shall retain out of any of said debentures to which the Company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims, and shall have the right to pay any of such claims when agreed upon or legally ascertained, and to use so much of such debentures as may be necessary to enable them to make such payment or payments.

9. If the Niagara Central Railway Company shall build their line of railway to the easterly limits of the city of Hamilton, and shall, when their line has been so built, apply to the Toronto, Hamilton and Buffalo Railway Company, or their assigns, for the right to run trains for passengers and freight through the city of Hamilton over the main tracks, and passing sidings of the line to be built, as hereinbefore designated, by the

Toronto, Hamilton and Buffalo Railway Company, such right to run trains shall be granted to the Niagara Central Railway Company, upon such terms as may be mutually agreed on, or as may, in case of failure to agree, be determined by three arbitrators, one of whom shall be appointed by each of said companies, and the third by the arbitrators so chosen, and in case of the failure of such two arbitrators to choose a third within two weeks after the last of such two arbitrators has been appointed, such third arbitrator may be appointed by one of the judges of the High Court of Justice for Ontario, or by the judge or junior judge of the county of Wentworth, upon application of either of said companies, one week's notice of such application being given to the other said companies of the motion for such appointment, and the award of the said arbitrators, or any two of them, shall be binding on said railway companies, and if either of said companies shall after two weeks' notice in writing from the other, of the appointment of an arbitrator fail to appoint another arbitrator herein, the other company may, upon one week's notice, apply to a judge of the High Court of Justice for Ontario, or the judge or junior judge of the county of Wentworth, for the appointment of a sole arbitrator, and the award of any sole arbitrator to be so appointed shall be binding on said railway companies.

10. In settling the terms upon which such right to run trains shall be granted, and the compensation to be paid by the Niagara Central Railway Company, no value shall be put upon the land within the city of Hamilton, between Sherman Avenue and the north-westerly limits of the city of Hamilton, over which the main tracks and passing sidings of the Toronto, Hamilton and Buffalo Railway shall be built, but such compensation shall be based on the cost of construction and maintenance of such main tracks and passing sidings within the limits of the city of Hamilton and the relative use to be made thereof by the Niagara Central Railway Company and the Toronto, Hamilton and Buffalo Railway Company or their assigns.

11. The Toronto, Hamilton and Buffalo Railway Company or their assigns shall not be bound to grant any such right to run trains to the Niagara Central Railway Company unless that Company's road is operated as an independent line or to grant any such right except for such period as it shall continue to be an independent line and shall not be under the control of the Grand Trunk Railway Company or the Canadian Pacific or South Ontario Pacific Railway Company, or any company, person or persons acting for or in the interest of any of those railway companies, or shall be operated as a part of or in alliance with any of those systems, either directly or indirectly.

12. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line of the Toronto, Hamilton and Buffalo Railway Company, the Company shall allow any such street or streets to be so opened up across their lands and tracks without receiving any compensation



therefor, and either by a level crossing or by a bridge or sub-way as may be most convenient to the city corporation, provided that in opening up any such street the city corporation shall not interfere with the working of the railway and if such crossing shall render necessary the removal of any switches or semaphores, or their wires or other appurtenances, they shall be removed by the Company at the request of the city corporation, the cost of such removal to be paid by the city; and if the city corporation shall desire to construct any sewers or lay any water pipes across or through the lands of the said railway Company they shall be at liberty to do so without paying compensation to the Company, provided that the work is so done as not to injure or materially interfere with the working of the railway.

13. All works of construction, repair or maintenance of the Toronto, Hamilton and Buffalo Railway, and of the bridges and tunnels thereon, and of the approaches thereto upon or along the streets of the city of Hamilton shall be done under the supervision and to the satisfaction of the city engineer.

#### DESCRIPTION AND SPECIFICATION.

The following is the description and specification of the northerly route hereinbefore referred to:

The line will extend from a point in the north-westerly part of the city, west of the line of Inchbury Street, thence running in an easterly direction near the foot of the bluffs and south of the tracks of the Grand Trunk Railway to Barton Street, thence across Barton Street at or near the intersection of Queen Street, thence continuing in an easterly direction and curving slightly to the north and crossing Hess and Caroline Streets immediately south of Barton Street, and continuing to a point on the west side of Bay Street not less than 100 nor more than 200 feet north of Sheaffe Street, and connecting there with a tunnel for a double track railway which is to be constructed from the west side of Bay Street to the west side of James Street; the said tunnel is to be commenced at a point in the west limit of Bay Street, from 100 to 200 feet north of Sheaffe Street, and is to be built thence in an easterly direction to and across Park Street to a point south of St. Joseph's Convent and not less than 120 feet north of St. Mary's Roman Catholic Cathedral, passing on the north side of the Separate (Model) School to MacNab Street; thence in a direct line to the western limit of James Street, where the tunnel will end not less than 100 feet north of Robert Street. A steel bridge is to be constructed over the railway the full width of James Street, and at an elevation of not more than two feet above the present travelled way. This bridge will be calculated to carry a load equal to 100 pounds per superficial foot of the floor thereof and James Street at each approach to the bridge is to be paved as at present. Thence the railway is to continue easterly in an open cutting, curving slightly towards the south, passing 60 to 100 feet south of

the English Church known as Christ Church Cathedral; crossing Hughson Street at Robert Street, or at a point not more than 100 feet north thereof and at such crossing a bridge similar to that described for James Street, is to be erected the full width of Hughson Street, at an elevation above the present roadway of not more than 9 feet. the railway Company is to ramp or embank and macadamize Hughson Street, at an easy grade on the northerly and southerly approaches to the bridge and render the roadway and side-walks easy for passage of teams and pedestrians. The Company is to erect a bridge over Robert Street, should the cutting across Robert Street exceed ten feet in depth, and such bridge shall be similar to that described for James Street, and the Company shall ramp or embank, and macadamize the approaches to such bridge in the same manner as required for the Hughson-street bridge. The railway is to cross Robert Street at an acute angle to John Street, entering upon John Street north of the present residence of Bishop Hamilton, thence to the east side of John Street in a cutting not to exceed six feet deep, at a point not more than 200 feet south of Robert Street; the John-street roadway and side-walks to be sloped down to the tracks at an easy grade, and to be paved as at present; thence to Catharine Street 50 to 150 feet north of Cannon Street, in a cutting about three and a half feet deep, and over Cannon Street between Catharine and Mary Streets, thence crossing Mary Street, where the cutting will be about three feet deep, and not more than 100 feet south of Cannon Street; thence to Elgin Street at or near its interception with Kelly Street, and not more than 100 feet north thereof, thence to and over Ferguson Avenue on the level of the Grand Trunk Railway tracks, to a point about midway between Wilson and Kelly Streets; thence continuing easterly through the blocks immediately north of Wilson Street; thence about parallel to Wilson Street across Cathcart Street, Wellington Street, West Avenue, Victoria Avenue, East Avenue, Emerald, Tisdale and Stevens Streets at grade or nearly so; thence over Ashley Street immediately north of Nightingale Street; thence to and across Wentworth Street south of Wilson Street, thence eastwardly to a point south of Mountain Avenue on Sherman Avenue, the present eastern city limits, crossing all intervening streets between Wentworth Street and Sherman Avenue at grade or nearly so, or on an alternate route from Wentworth Street at or near the intersection of Wilson Street eastwardly to a point north of King Street on Sherman Avenue crossing all intervening streets between Wentworth Street and Sherman Avenue at grade or nearly so. All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner. The railway Company shall

shall lay down double tracks from some point west of Bay Street to Wentworth Street, exclusive of necessary sidings and switches.

The following is the description and specification of the southerly route referred to in this by-law :

The line will extend from a point in the present located and partly graded line of the Toronto, Hamilton and Buffalo Railway on the eastern edge of the marsh (known as Coote's Paradise) and west of the city cemetery and between the Desjardins Canal and said city cemetery, thence southwardly along said marsh and Beasley's Hollow, crossing King and Main Streets, overhead by an iron or steel bridge, thence curving to the eastward by an open cutting and crossing Garth Street immediately north of Hunter Street at a depth of not less than 12 feet below present grade of Garth Street, thence continuing eastwardly parallel with Hunter Street, and immediately north of it, crossing Poulette Street 27 feet below present grade, Locke Street 19 feet below, Pearl Street 21 feet below, Ray Street 21 feet below, and Queen Street 20 feet below present grade of Queen Street; the grade of Queen Street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen Street through the centre of Hunter Street, passing under Hess, Caroline, Bay and Park Streets to the east side of Park Street, where the tunnel ends. The railway will thence continue from the centre line of Hunter Street at Park Street, along Hunter Street, but keeping to the north thereof as much as practicable, leaving as much of the street on the south side of railway as practicable for the use of teams and pedestrians.

The railway Company shall wall up the south side of their track between Charles and Park Streets, and place a good and substantial fence upon the wall so as to leave the street safe and free on the south side of the railway track. The line thence continuing eastwardly and crossing Charles street not more than seven feet below present street grade, and MacNab Street with a cutting not to exceed three feet; thence along the north half of Hunter Street (leaving the south half of said Hunter Street for a driveway) crossing James, Hughson and John Streets practically at grade, thence curving slightly southward, crossing Catharine Street and entering upon the block south of Hunter Street and between Catharine and Walnut Streets, not more than 200 feet east of the east side of the said Catharine Street; thence crossing Walnut, Ferguson Avenue, Liberty, Aurora and Wellington Streets, and West and Victoria Avenues, to a point not more than 200 feet immediately north of the Grand Trunk Railway; thence eastwardly along the foot of the mountain and north of the said Grand Trunk Railway, not more than 250 feet from said railway to Wentworth Street; thence across Wentworth Street and continuing eastwardly to Sherman Avenue, the eastern limits of the city, to a point in said Sherman Avenue south of Mountain Avenue.

Overhead wooden bridges, well and substantially built, the full width of streets, shall be constructed and maintained over Garth, Poulette, Locke, Pearl and Ray Streets with the necessary guard rails.

The railway Company shall lay down double tracks from some point near Garth Street to Wentworth Street exclusive of all necessary sidings and switches.

All the grade crossings of streets and avenues and all railway tracks along the surface of the streets on either route are to be made good up to the railway, and planked between and alongside of the tracks in a substantial and workmanlike manner.

The highway above the tunnel on Hunter Street shall, immediately upon the completion of the tunnel, as it progresses, be filled in and the roadway, ditches, side-walks and street crossings thereon be made good by and at the expense of the Company and to the satisfaction of the city engineer. And no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

The Company shall, at their own expense, sufficiently protect by watchmen and gates, MacNab, James, Hughson and John Streets where they are crossed by railway.

The pipe sewer on Queen Street shall at the crossing of that street by the railway be turned westerly through the railway cut and laid in that cut, the city corporation to be at liberty to lay the sewer there at the expense of the Company, and all sewers and water pipes on the southerly route which may be interfered with by the railway Company in the construction of their line may be made good, or substitutes may be made therefor by the city corporation at the expense of the Company, and the supply of water and the flow of the sewers may be so maintained in the cut during the construction of the work, and all such expenses of changing or relaying sewers or water pipes and of maintaining the supply of water and the flow of the sewers, shall be paid by the Company to the city corporation on demand, and if at the time the Company may become entitled to any debentures under the terms of this by-law, any such expenses shall remain unpaid by the Company to the city, the amount thereof with interest from the time of demand of payment, may be deducted from such debentures.

Passed this 20th day of September, A.D. 1892.

P. C. BLAICHER,  
*Mayor.*

T. BEASLEY,  
*City Clerk.*





## 56 VICTORIA.

### CHAP. 63.

An Act respecting the Western Counties Railway Company and to change the name of the Company to the Yarmouth and Annapolis Railway Company.

[Assented to 1st April, 1893.]

**WHEREAS** it is expedient that the name of the Western Counties Railway Company be changed, and that, from the passing of this Act, it be known as "The Yarmouth and Annapolis Railway Company," and whereas the Western Counties Railway Company has by its petition prayed that the agreement set forth in the schedule to this Act be confirmed and the powers hereinafter mentioned be conferred upon the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** In this Act the expression "the Company" means "The Western Counties Railway Company" under the name of "The Yarmouth and Annapolis Railway Company."

Interpretation.  
New name.

**2.** The agreement set forth in the schedule to this Act is hereby ratified and confirmed and declared to be valid and binding on the parties thereto.

Agreement confirmed.

**3.** The two hundred and seventy-five thousand pounds debenture stock agreed to be issued, by the agreement set forth in the schedule hereto, may be created and issued as one issue ranking *pari passu*, or in two or more issues or classes with such priorities and at such rate of interest as the Company and the parties to the said agreement other than the Company may agree, but so that the Company shall not be liable to pay, and its railways, franchises, property, plant and rolling stock shall not be charged with interest thereof exceeding four per cent per annum upon the sum of two hundred and seventy-five thousand pounds.

Form of issue of debentures under agreement.

Alternative issue of debentures and preference stock.

4. In lieu of issuing the said two hundred and seventy-five thousand pounds debenture stock the Company may create and issue debenture stock and preference shares, in such amounts as the Company and the parties to the said agreement other than the Company may agree, provided that the total aggregate nominal amount of such debenture stock and preference shares shall not exceed two hundred and seventy-five thousand pounds, such last mentioned debenture stock may be created and issued as one issue ranking *pari passu*, or in two or more issues or classes with such priorities and at such rate of interest as the Company and the parties to the said agreement other than the Company may agree, but so that the Company shall not be liable to pay, and its railways, franchises, property, plant and rolling stock shall not be charged with, interest in respect of the aggregate amount of the said debenture stock taken together exceeding four per cent per annum upon the aggregate amount of such debenture stock. The said preference shares may bear such rate of interest not exceeding five per cent as the directors by resolution determine.

First charge if issued as one class.

5. If the said two hundred and seventy-five thousand pounds debenture stock or any less amount of debenture stock, issued under the agreement set forth in the schedule hereto, be created and issued as one class or issue ranking *pari passu*, the same shall, subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister of Railways and Canals, and subject also, as provided by section eight of chapter seventy-seven of the Statutes of 1887, to the payment, satisfaction, or cancellation by agreement between the Company and the holders of all existing bonds, debenture stock and liens, constitute a first charge upon the entire railway owned by the Company, and upon the franchises, property, plant and rolling stock thereof, now or at any time hereafter owned by the Company, and upon the tolls and revenue thereof after deduction of the working expenses therefrom; and such debenture stock and the interest thereon may be secured by deed as authorized by the said section eight.

If issued in two or more classes.

6. If the said debenture stock for two hundred and seventy-five thousand pounds or any less amount of debenture stock issued under the agreement set forth in the schedule hereto, and under the authority of this Act, be created and issued as two or more classes, then the debenture stock of each class or issue shall, subject to the limitations in the next preceding section contained, constitute a charge upon the said entire railway, franchises, property, plant and rolling stock in such order of priority as may be agreed between the Company and the parties to the agreement set forth in the schedule hereto other than the Company, and subject to such priorities,

may be secured by one or more deed or deeds to the effect of the deed authorized by the said section eight of chapter seventy-seven of the Statutes of 1887.

**7.** Subject as hereinbefore mentioned the debenture stock, or debenture stock and preference shares as the case may be, to be issued under the agreement set forth in the schedule hereto, shall be deemed to be created and issued in exercise of the powers conferred by section seven of chapter seventy-seven of the Statutes of 1887, provided that the Company shall not by the creation or issue of any debenture stock, or in any other manner, create or make any charge or lien upon any franchises or property now or at any time hereafter owned by the Company ranking equally with or in priority to the said debenture stock for two hundred and seventy-five thousand pounds or such less amount as aforesaid or any part or class thereof.

Form of issue, etc.

Proviso.

Proviso: as to future issue of stock, etc.

**8.** The Company may for any purpose in connection with their undertaking acquire, equip and own, or may hire, or charter, or freight any ship or vessel, and may use the same in any manner, and may contract for and undertake the transport by sea of passengers and animals, goods and other things, and may acquire by agreement, take on lease, or hire, or contract for the use of warehouses, wharfs, quays and docks.

Power to own and work ships, etc.

**9.** The Company may enter into contracts with owners, charterers or freighters of any ship or vessel, for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railway, whether such traffic originates at or is destined for any station on the Company's railway or not; and such contracts may include provisions for charging through rates for such traffic.

Working agreements with ship-owners, etc.

**10.** The Company may enter into an agreement with any duly incorporated steam-ship company for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railway, or for amalgamation with such company on such terms and 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 two-thirds of the votes at a general or special meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock of the Company are present in person or represented by proxy, and that such agreement has also received the approval of the Governor in Council.

Agreement with steam-ship company.

Approval required.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and

Notice.



thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs and in which a newspaper is published.

Name  
changed.

Existing  
rights not to  
be affected.

11. The name of the Company is hereby changed from "The Western Counties Railway Company" to "The Yarmouth and Annapolis Railway Company"; but such change in name shall not, in any way, impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

## SCHEDULE.

MEMORANDUM of Agreement made this thirty-first day of January, in the year of our Lord 1893, between the Western Counties Railway Company hereinafter called the Company of the one part and Arthur Anderson & Co., Brunton Bourke & Co., James Capel & Co., W. Gramshaw & Co., Linton Clarke & Co., and Wedd Jefferson & Co., all of the Stock Exchange, London, England, and who are hereinafter collectively referred to as the Syndicate of the second part.

Whereas in the month of July, 1888, an action was commenced in the Chancery Division of the High Court of Justice, England, by the Company and Edmund Walter Plunkett as plaintiffs against the Syndicate and the Trustees, Executors and Securities Insurance Corporation as defendants for the specific performance of an agreement dated the 23rd March, 1888, for the purchase by the Syndicate of the sum of £678,000 debenture stock of the Company part of a proposed issue of £860,000 debenture stock.

And whereas for the purpose of enabling the Company to carry out the said agreement certain sums were advanced to the Company and the said Edmund Walter Plunkett by the Bank of British North America upon the security of £55,000 B debenture stock and £100,000 A debenture stock of the Company.

And whereas the Syndicate have with the view of carrying out a compromise of the questions at issue in the said action paid to the Bank of British North America the amount due to it including all interest and costs and have taken over from the bank the said £55,000 B stock and £100,000 A stock.

And whereas the Company is indebted to the Government of Nova Scotia and to the municipalities of Digby and Annapolis in certain sums amounting altogether to £50,000 or thereabouts

thereabouts and may become indebted to the said Government and municipalities for further amounts for interest and otherwise.

And whereas there is deposited with the said Government as security for the said sums £35,000 B, debenture stock and £110,000 A, debenture stock of the Company and the said Government claims to be entitled to sell the said stocks and also the Company's railway for the purpose of obtaining payment of the said sums.

And whereas the interest on the said £100,000 A, debenture stock is largely in arrear and the Company has requested the Syndicate to refrain from taking any immediate steps to enforce payment of the said interest which the Syndicate has agreed to do upon the terms and conditions hereinafter appearing.

And whereas it has been agreed between the parties hereto that the judgment of the Court of Appeal which has been given in the said action should not be appealed from but that all questions and claims between the parties hereto shall be compromised on the terms hereinafter contained.

Now it is hereby agreed as follows :—

1. The Syndicate shall not take any immediate steps to enforce payment of any part of the large arrears of interest due upon the said £100,000 A, stock transferred to them as aforesaid by the bank.

2. The Company will forthwith cancel the resolutions passed by the Company and by the directors respectively on the 6th March, 1888, and the 28th March, 1888, respectively authorizing the creation and issue of the aforesaid sum of £860,000 debenture stock.

3. The Company will forthwith pass the necessary resolutions and do all other acts and things necessary to authorize the creation of the sum of £275,000 debenture stock bearing interest at 4 per cent per annum and secured by a mortgage on the Company's property and undertaking as a first charge in priority to all other sums. The interest on the said stock shall be payable in London, England, half-yearly and the said stock shall be transferable in London, England, at the office of some banker or other agents to be appointed by the Company and approved of by the Syndicate.

4. The Company will upon being required by the Syndicate so to do, execute a proper deed of mortgage to secure the said sum of £275,000 debenture stock as a first charge on the Company's property and undertaking including all lands, buildings, materials, rolling stock and every other property of every description now owned or which may hereafter be owned by the Company and such mortgage shall be deposited or recorded in all such registries and offices in Nova Scotia or elsewhere in Canada as may be necessary to give full effect thereto. The Company will also enter into a covenant not to create or issue any other debenture stock or any debentures or other security of any kind ranking or purporting to rank *pari passu* with or in priority to the said sum of £275,000 debenture stock and

will do all such things as the Syndicate may require to obtain any Act whether of the Parliament of Canada or the Legislature of Nova Scotia to authorize the creation of the said sum of £275,000 debenture stock or otherwise to give effect to this agreement.

5. The Syndicate will pay to the Government of Nova Scotia and to the said municipalities of Digby and Annapolis the amounts owing to them as aforesaid and will take over from the said Government the said sums of £35,000 B, debenture stock, and £110,000 A, debenture stock, and will deliver up to the Company the certificates of the said sums of £55,000 B, debenture stock, £35,000 B, debenture stock, £100,000 A, debenture stock and £110,000 A, debenture stock to be cancelled and thereupon the whole of such stock shall be cancelled accordingly and the Company shall execute and do all documents and things necessary to release the Company's property and undertaking and so clear the Company's title and all registers and records from any charge or notice of charge in respect of the said A and B debenture stock.

6. The Syndicate will further at its option either expend the sum of £30,000 to the satisfaction of the Company in the improvement and equipment of the Company's railway in substantial accordance with the report dated the 7th day of October, 1892, of Frank Grundy or will provide as required such sum not exceeding £30,000 as may be necessary to carry out the works and to provide the equipment and the materials mentioned in the said report such sum of £30,000 being in that case paid to the contractor employed by the Company upon monthly certificates of work done and materials supplied to be given by an engineer appointed by the Syndicate but to be paid by the Company provided that if the latter course be adopted the contractor and the terms of the contract to be entered into with him shall be approved by the Syndicate before the commencement of the works.

7. The Syndicate shall also pay to each of the seven present directors of the Company on or before the issue to the Syndicate or their nominees of the said debenture stock the sum of fifteen hundred dollars in cash in satisfaction of their claims for fees as such directors.

8. In consideration of the premises and upon delivery up to the Company for cancellation as aforesaid of the certificates for the said £55,000 B stock, £35,000 B stock, £100,000 A stock, and £110,000 A stock, the Company shall allot to the Syndicate or to such persons and in such amounts as the Syndicate may appoint the whole of the said sum of £275,000 debenture stock to be created as aforesaid and will issue to the allottees proper certificates for the same and cause the allottees to be duly registered as the holders of the debenture stock so allotted. In further consideration of the premises the Company will also allot to the Syndicate or to such persons and in such amounts as the Syndicate may appoint the whole of the unissued stock or shares of the Company amounting to

\$1,499,200 in nominal value credited as fully paid up and will execute any deeds, agreements or other documents that the Syndicate may require for giving effect to such allotment and to ensure that the shares or capital stock so allotted shall be free from assessment for any calls.

9. For the purpose of regulation of the allotment of the said capital stock the works to be executed and the materials to be provided shall be deemed to be of the value of £30,000 and to be divided into ten equal parts and one-tenth of such capital stock shall be allotted as often as the Syndicate shall have expended the sum of £3,000 in the improvement and equipment of the Company's railway or shall have provided that amount upon certificates of the said engineer appointed as aforesaid.

10. The Syndicate hereby covenants with the Company to purchase at the price of \$20 for each share of \$100 each the 1,000 shares of the Company now held by the township and town of Yarmouth and will pay the purchase money thereof on or before the issue to the Syndicate or their nominees of the said debenture stock.

11. If any question shall arise between the parties hereto as to the form of any of the deeds, Acts of Parliament, agreements or other documents which may be necessary to give full effect to the provisions of this agreement the same shall be settled by Sir John Rigby, Q. C., or him failing Mr. Cozens Hardy, Q. C., both of the English Bar, and failing both the said Sir John Rigby and Mr. Cozens Hardy then by some member of the English Bar to be nominated by the said Sir John Rigby and Mr. Cozens Hardy or either of them.

12. The directors of the Company will use their best endeavours to give effect to the terms of this agreement.

13. This agreement shall be considered as having been entered into in England and all questions arising thereunder shall be decided by the English courts and the Company will submit to the jurisdiction of such courts upon all matters arising out of this agreement.

In witness whereof the Company has hereunto caused its common seal to be affixed pursuant to a resolution of the board and the parties of the second part have hereunto set their hands the day and year first above written.

The common seal of the Western Counties }  
 Railway Company was hereunto affix- } [L.S.]  
 ed in pursuance of a resolution of the }  
 board by }

Witnesses :	}	FRANK KILLAM,
GEORGE BINGAY,		<i>President W. C. Ry. Co.</i>
Yarmouth, N.S.		HUGH CANN,
RONALD M. HATFIELD.		<i>Vice-President.</i>
		JAS. WENT. BINGAY,
		<i>Sec. W. C. Ry. Co.</i>
		Signed,

Signed, sealed and delivered by the said Arthur Anderson & Co., Brunton Bourke & Co., James Capel & Co., W. Gramshaw & Co., Linton Clarke & Co., and Wedd Jefferson & Co., respectively in the presence of

JOSEPH A. CHISHOLM,  
119 Hollis Street, Halifax,  
Solicitor.

ARTHUR ANDERSON & Co.

by ROBERT L. BORDEN,  
*their Attorney.*

BRUNTON BOURKE & Co.,

by ROBERT L. BORDEN,  
*their Attorney.*

JAMES CAPEL & Co.,

by ROBERT L. BORDEN,  
*their Attorney.*

W. GRAMSHAW & Co.,

by ROBERT L. BORDEN,  
*their Attorney.*

LINTON CLARKE & Co.,

by ROBERT L. BORDEN,  
*their Attorney.*

WEDD JEFFERSON & Co.,

by ROBERT L. BORDEN,  
*their Attorney.*

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56 VICTORIA.

CHAP. 64.

An Act to amend the Act to incorporate the Buffalo and Fort Erie Bridge Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Buffalo and Fort Erie Bridge Company have by their petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of their undertaking, and for certain other amendments to their Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Section one of chapter sixty-five of the Statutes of 1891, incorporating the Buffalo and Fort Erie Bridge Company, is hereby repealed and the following substituted therefor:—

Section 1 of c. 65 of 1891 repealed.

“**1.** John Ferguson, A. G. Hill, M. E. Dunlap, George M. Porter, Peter A. Porter, Alexander Logan, and Frederic W. Hill, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of ‘The Buffalo and Fort Erie Bridge Company’ hereinafter called the Company.”

Incorporation.

Corporate name.

**2.** Section three of the said Act is hereby amended by adding the following subsection thereto:—

Section 3 amended.

“**3.** The Company may construct, maintain, work and manage a tunnel under the waters of the Niagara River for railway and other purposes, at some point above Grand Island, and may lay and place therein one or more tracks for the passage of engines and cars and street cars, and may construct a railway not exceeding six miles in length as an approach to the said tunnel, and such other approaches as are necessary, and may work trains by steam, horse or other power through the said tunnel, and connect such trains with other railways; and the said tunnel may be double, either in whole or in part, with a third tunnel, if necessary, for drainage purposes, and with branch tunnels, if necessary, from points near the ends of the main tunnel.”

Tunnel under Niagara River.

Sections 4, 5,  
6, 8 and 13  
amended.

**3.** Sections four, five, six, eight and thirteen of the said Act are hereby amended by inserting after the word "bridge" wherever it occurs in the said sections, except in the last line of the said section six, the words "or tunnel."

Section 6 fur-  
ther amended.

**4.** Section six of the said Act is hereby further amended by adding after the word "bridge" in the last line thereof the words "or through the said tunnel."

Section 7  
amended.

**5.** Section seven of the said Act is hereby amended by inserting after the word "bridge" in the second line thereof the words "or through the said tunnel."

Section 10  
amended.

**6.** Section ten of the said Act is hereby amended by substituting the words "one million" for the words "ten millions" in the first line thereof.

Section 13  
amended.

**7.** Section thirteen of the said Act is hereby amended by substituting the words "one million" for the words "five millions" in the second line thereof.

Railway Act  
to apply.

**8.** *The Railway Act*, when not inconsistent with the said Act or with this Act, shall apply to the Company and to the undertaking of the Company.

Time for con-  
struction ex-  
tended.

**9.** If the undertaking of the Company is not commenced and fifteen per cent on the amount of the capital stock is not expended thereon within two years, and if the said undertaking is not completed within six years, from the passing of this Act, then the powers granted by the Act incorporating the Company and by this Act shall cease and be null and void.

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## 56 VICTORIA.

### CHAP. 65.

#### An Act to incorporate the Canada Atlantic and Plant Steam-ship Company, Limited.

[Assented to 1st April, 1893.]

**W**HEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Henry B. Plant, Morton Freeman Plant, of New York; Edward Cyrenius Richardson, of Boston, in the state of Massachusetts, Edmund Goudge Smith, William James Butler, James A. Leaman, and Harry Lewis Chipman, of the city of Halifax, in the province of Nova Scotia, together with such persons as become shareholders in the Company hereby created, are hereby constituted and declared to be a body politic and corporate by the name of "The Canada Atlantic and Plant Steam-ship Company, Limited," hereinafter called the Company.

Incorporation.

Corporate name.

**2.** The Company may—

(a.) Own, purchase, build, hire, charter, navigate, operate and maintain steam-ships, sailing vessels, and all other kinds of craft, including tugs and barges for the carrying and conveyance of passengers, goods, chattels, wares and merchandise, between the ports of Canada and to and from any port or ports of Canada and the port or ports of any other country or countries; and may carry on the business of common carriers of passengers, goods, forwarders, and of wharfingers and warehousemen; and may sell and dispose of the said vessels or any of them or grant or consent to bottomry or other bonds on the same; mortgage the property of the Company, or any part thereof, when deemed expedient and make and enter into contracts and agreements with any persons whatsoever, for the purpose of carrying out any of the objects of the Company or any of the purposes aforesaid;

Powers.

As to steamships, sailing vessels, etc.

Mortgaging property of company.



Wharfs,  
docks, eleva-  
tors, etc.

(b.) Purchase, rent, erect, hold and enjoy, so far as is necessary for any of the purposes aforesaid, either in the name of the Company or in the name of a trustee for the benefit of the Company, such lands, wharfs, docks, warehouses, offices, elevators or other buildings, but not to exceed in value at any one part the sum of two hundred thousand dollars, and may sell, mortgage and dispose of the same ;

Express and  
delivery busi-  
ness.

(c.) Purchase, construct, operate and maintain or contribute to the purchase, construction, operation and maintenance of any hacks, express, omnibusses, cabs or transfers, wharfs, bridges, piers or roads, calculated to afford any facility for the carriage of passengers, freight or baggage to or from any steamer or vessel of the Company to or from any other steamer, vessel, station, or railway, or with power to carry on any express, parcel, or delivery business over the Company's lines.

Good-will of  
other com-  
panies.

(d.) Acquire the good-will of any business within the objects of the Company ;

Patent rights.

(e.) Acquire any exclusive rights in letters patent, franchises, patent rights or privileges in connection with the business of the Company ;

Purchase of  
property.

(f.) Purchase, take over, or otherwise acquire from any person any property, real and personal, movable and immovable, subject to the obligations, if any, affecting the same, and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares or in partly paid-up shares of the Company, and also undertake, assume, pay or guarantee all or any of the obligations or liabilities in connection therewith.

Capital stock  
and increase  
thereof.

**3.** The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each ; but after the whole amount of the capital stock has been subscribed for and fifty per cent paid thereon, the directors may increase the capital stock to such amount, not exceeding in all two million dollars, as the wants of the Company require, upon a vote of the shareholders representing at least two-thirds in value of the subscribed stock of the Company, at a special meeting duly called for the purpose or at any general annual meeting of the Company.

Provisional  
directors.

**4.** The persons named in the first section of this Act are hereby constituted provisional directors of the Company, and of such provisional directors four shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock, 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, on account of the Company, and shall withdraw the same for the purposes of the Company only.

**5.** The head office of the Company shall be at Halifax in the province of Nova Scotia, or such other place in Canada as is determined by the by-laws of the Company. Head office.

**6.** So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed and fifty per cent paid thereon, or within three months thereafter, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situate, at such day and hour as they think proper, giving at least ten days' notice thereof by publishing the same in a newspaper in the city of Halifax, at which meeting the shareholders who have paid the said fifty per cent on the amount of stock subscribed for by them shall elect the directors; and no person shall be elected or continue a director unless he is a shareholder owning at least ten shares of stock and has paid all calls due thereon. First election of directors.

**7.** At the annual general meeting the shareholders assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company; but the Company may, by by-law, first approved of by the shareholders, increase the number of directors to any number not exceeding fifteen, and a majority of such directors shall be a quorum. Annual election of directors.

2. The directors may annually appoint from among themselves, an executive committee, for such purposes and with such powers and duties as the directors by by-law determine; and the president shall be *ex officio* a member of such executive committee. Quorum.

**8.** The directors of the Company may issue paid-up stock of the Company whether subscribed for or not, and may allot and hand over such stock in payment of any property which it is authorized to hold and also for the payment of contractors. Executive committee.

**9.** For any or all of the purposes of the Company, the Company may from time to time under the authority of a vote of the shareholders representing at least two-thirds in value of the subscribed stock of the Company at a meeting called for that purpose, or at any annual meeting of the Company, issue at one or more times, or in one or more series, bonds or debentures under its seal and signed by its president, or other authorized officer of the Company, and countersigned by its secretary; and such bonds or debentures may be made payable at such time, in such places in Canada or elsewhere, and bear interest at such rate per annum as the Company may at such meeting decide; provided that the total amount so issued for all the purposes above mentioned shall not exceed seventy-five per cent of the actual paid-up capital of the Company. Issue of paid-up stock.

**10.** The Company may from time to time secure any of the bonds or debentures of the Company by a mortgage or deed to secure bonds. Issue of bonds, etc.

deed of trust in favour of a trustee for the bondholders or debenture holders, covering all or any of its property, whether real, personal or mixed, and including any ships or shares therein, or securities, powers, rights and franchises owned or enjoyed by it at the date of such mortgage or deed of trust.

Time for commencing business.

**11.** If the Company does not *bonâ fide* commence business under the provisions hereof, within two years from and after the passing of this Act, then this Act shall become and shall be utterly null and void and of no effect.

Aliens.

**12.** Aliens, whether resident in Canada or elsewhere, as well as British subjects, may be shareholders, bondholders, directors, trustees or officers of the Company ; but a majority of the directors shall at all times be British subjects.

R.S.C., c. 118 to apply.

**13.** Sections seven, nine and eighteen of *The Companies Clauses Act* shall not apply to the Company.

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## 56 VICTORIA.

### CHAP. 66.

#### An Act to incorporate the North American Canal Company.

[Assented to 1st April, 1893.]

**WHEREAS** a petition has been presented praying for the Preamble. incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows :—

**1.** The word “canal” wherever used in this Act shall mean Interpreta-  
tion. “canal or navigation” and “any branch canal,” and shall, unless the context otherwise requires, include every kind of “Canal.” work necessary or done in respect of the canals for the purpose of carrying out the objects of this Act.

(a.) The word “land” wherever used in *The Railway Act* or “Land.” in this Act shall include land covered or partly covered with water.

(b.) The word “vessel” shall mean and include any ships, “Vessel.” barges, boats, rafts, or vessels navigating or passing through any of the canals hereby authorized.

(c.) The word “goods” shall mean and include any goods, “Goods.” wares, merchandise and commodities of whatsoever description passing through any of the canals hereby authorized.

**2.** The works hereinafter authorized to be constructed are Declaratory. hereby declared to be works for the general advantage of Canada.

**3.** John W. McRae, Thomas Beament, Robert W. Shannon, Incorporation. Warren Y. Soper, all of the city of Ottawa, in the province of Ontario, Arthur Prieur of the city of Montreal, in the province of Quebec, and Chauncey N. Dutton of Pittsburg, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of “The North American Canal Company,” hereinafter called the Company. Corporate name.

- Head office.** **4.** The head office of the Company shall be at the city of Ottawa, in the province of Ontario, or at such other place in Canada as the Company may from time to time by by-law determine.
- Capital stock.** **5.** The capital stock of the Company shall be twenty million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.
- Provisional directors.** **6.** The persons named in the third section of this Act shall be the provisional directors of the Company.
- First meeting of shareholders.** **7.** So soon as twenty per cent of the amount of the capital stock has been subscribed, and ten per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the city of Ottawa, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a shareholders' meeting; and notice in writing signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting shall be deemed sufficient notice of such meeting.
- Notice.**
- Powers.** **8.** The Company may—
- (a.) Lay out, construct, maintain and operate a canal from some point on Lake Erie at or near Port Colborne to some point on Lake Ontario at or near Port Dalhousie, or to some point on the Niagara River at or near Queenston; also another canal from some point at or near Dickinson's Landing to some point at or near Cornwall; also another canal from some point at the eastern end of Lake St. Francis to some point on the northern end of Lake Champlain, with a branch or arm therefrom to Lake St. Louis; also another canal from some point at or near Lachine to Montreal Harbour; of such dimensions as to make and construct a navigable channel of at least twenty feet in depth between the said above mentioned terminal points, and so that the said channels so constructed shall be of sufficient dimensions to admit of two of the largest vessels drawing twenty feet each passing one another in the said channels at full speed; provided that the canal from Lake St. Francis to some point on the northern end of Lake Champlain, shall not be opened for traffic until the said general canals from Lake Erie to Montreal shall be completed and opened for traffic.
- Proviso.**
- (b.) Construct, erect, maintain and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders

feeders to supply water from any lakes or rivers, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the said canals, and such locks shall be at least each sixty feet wide, four hundred and fifty feet long, and twenty feet on the sills; and the number of locks so to be erected, constructed and operated for the purposes of such canals shall not exceed seven in number between Lake Erie and Montreal Harbour; and the lock or locks in the last above mentioned proposed canal connecting with Montreal Harbour, shall be of a sufficient depth of water to admit and lock a vessel drawing twenty-seven feet of water;

(c.) Enter upon and take such lands as are necessary and proper for the making, preserving, and maintaining, and operating and using the canals and other works of the Company hereby authorized; and 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 intended canals and other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the said intended canals or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using, or completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act;

(d.) Make, maintain and alter any places or passages over, under, or through the said canals or any of their branches or connections;

(e.) Obtain, take and use, during the construction and operation of the said canals, from the rivers, lakes, brooks, streams, watercourses, reservoirs and other sources of water supply, adjacent or near to any such canals, water sufficient for the purposes of constructing, maintaining, operating and using the said canals and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour throughout the navigable channels of the Company;

(f.) Construct, maintain and operate, use or lease, or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators and warehouses, upon the said canals or upon lands adjoining or near the same;

(g.) Lay out and lease or otherwise dispose of water lots, and use, sell, lease or otherwise dispose of water brought by or for the said canals or works but not requisite for the same, and produce, lease and supply, or otherwise dispose of hydraulic, electric and other kinds of power in connection with the works hereby authorized;

(h.) Build or acquire and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals; and propel vessels of all kinds in and through the said

canals by any kind of power or force ; and for such last mentioned purpose construct, erect, maintain and operate such structures, machinery and appliances as are necessary to produce or operate the said force or power ;

(i.) Acquire by license, purchase or otherwise, the right to use any patented invention for the purposes of the works hereby authorized and to again dispose of the same ;

(j.) Construct, make and do all such matters and things whatsoever necessary or proper for the making, completing and properly maintaining and operating the said canals, and carrying out in other respects the objects in this section mentioned, subject however to all the provisions of this Act.

In case of disagreement.

2. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the 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 regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience may prove to be expedient.

Interpretation.

3. In this section the expression "lands" means the lands the acquiring, taking, or using of which is incident to the exercise of the powers given by this Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure.

Urgent repairs to works.

9. In case of any accident requiring immediate repair on the said canals or any part thereof, the Company, their agents or workmen, may enter upon the adjoining land (not being an orchard or garden), and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as may be to such land and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purposes aforesaid, the Company shall in case the consent of the owner is not obtained thereto, pay into the office of one of the superior courts for the province in which the land is situated, such sum, with interest thereon for six months, as is fixed, on the *ex-parte* application of the Company, by a judge of a superior court in the province of Quebec, for the district in which the land is situate, if such land is in such province, or by a judge of a county court for the county in which such land is situate, if such land is in the province of Ontario.

Basins, docks, etc.

10. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels, boats or rafts

using the said canals and at such portions thereof as they deem expedient, and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing such vessels as they think proper, and may lease or hire the same on such terms as they deem expedient, or may operate the same by their servants or agents as the Company shall decide from time to time.

**11.** The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lakes which the said canals may cross, start from, or terminate at, as may be required for the wharfs and other works of the Company for making easy entrances to their said canals and other works hereby authorized, and they may also construct such dams and works as they deem requisite to stop the waste of water from the lakes and rivers and to economize the same for the use of the said canals. Beaches and water lots.

**12.** The Company may in connection with the works hereby authorized improve, widen, deepen, and straighten the summit levels of the Welland Canal, the Cornwall Canal and the Lachine Canal, or any of them, but shall carry out the said works of improvement in such a way as not to impair or impede navigation therein or to impair the efficiency of the existing locks in the said canals; and the Company may also dredge and open a suitable navigable channel in the Niagara River and the St. Lawrence River and the waters connecting the same wherever it may be advisable so to do to carry out the objects authorized by this Act; but the Company shall carry out the work necessary to dredge and open such channel in the said rivers and the waters connecting the same in such a way as not to impair or impede navigation therein. St. Lawrence canals.

**13.** The Company shall at each and every place where any of the said canals shall cross any highway or public road construct and maintain to the satisfaction of the Governor in Council such bridges, tunnels, ferries, or other means of passage over or under said canals, so that the public thoroughfare may be as little impeded as reasonably necessary, and the Company shall not in making the said canals cut through or interrupt the passage on any highway or public road until they shall have made a convenient road past their works for the use of the public; and for every day on which they shall neglect to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars. Crossing highways. Penalty.

**14.** The land, ground or property to be taken or used without the consent of the proprietors for the said canals and works, and the ditches, drains and fences to separate the same from the adjoining lands shall not exceed twelve hundred feet in breadth, except in places where basins and other works are required Breadth of land on each side of works.



required to be cut or made as necessary parts of the canals as shown on the plan to be approved as hereinafter provided by the Governor in Council.

Taking over of Government works.

**15.** If any lock, canal, dam, slide, boom, bridge, or other work the property of the Government of Canada, and whether now in their possession or leased to any corporation or person, is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Government, take such lock, canal, dam, slide, boom, bridge or other work for the purposes of its undertaking.

Plans of works to be approved by Governor in Council.

**16.** Before the Company shall break ground or commence the construction of any of the canals or works hereby authorized, the plans, locations, dimensions, and all necessary particulars of such canals and other works hereby authorized shall have been submitted to and have received the approval of the Governor in Council.

Annual meeting.

**17.** The annual general meeting of the shareholders shall be held on the first Tuesday in February in each year.

Directors.

**18.** At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose nine persons, each of whom shall hold at least twenty shares of the capital stock of the Company, to be directors of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

By-laws.

**19.** In addition to the general powers to make by-laws under *The Railway Act*, the Company may make by-laws, rules or regulations for the following purposes, that is to say :

(a.) For regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled ;

(b.) For regulating the hours of the arrival and departure of such vessels ;

(c.) For regulating the loading or unloading of such vessels and the draught thereof ;

(d.) For preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property ;

(e.) For regulating the travelling and transportation upon and the using and the working of the canals ;

(f.) For regulating the conduct of the officers, servants and employees of the Company ;

(g.) For the maintaining, preserving and using the canals and all other works hereby authorized to be constructed or connected therewith, and for the governing of all persons and vessels passing through the said canals ; and

(h.) For providing for the due management of the affairs of the Company in all respects whatever.

**20.** The Company may issue and pledge or dispose of bonds, debentures or other securities, as provided in *The Railway Act*, to the extent of two hundred million dollars. Issue of bonds.

**21.** The Company being first authorized so to do, by at least two-thirds of the votes of the shareholders, present or represented at a special general meeting duly called for the purpose, may also from time to time issue and dispose of debenture stock, to the extent of forty million dollars, bearing interest at such rate as the shareholders may determine, which debenture stock shall, subject to the securities authorized to be issued under section twenty of this Act and to the payment of working expenditure, become and be a first charge upon and over the canals, undertaking, works, plant, property, and effects of the Company, or such of them or such portion thereof as shall be so determined upon by the shareholders as aforesaid, and the proceeds of the said stock shall be used for the purposes of the Company. Issue of debenture stock.

2. The holders of such debenture stock shall have such rights as regards voting at meetings of shareholders of the Company, as shall be determined upon by the Company at the time of the issue of the stock. Votes of holders.

**22.** The Company may from time to time ask, demand, take and recover to and for their own proper use, for all passengers, goods, wares, merchandise, and commodities of whatever description transported upon the said canals or vessels using the same, such tolls as the Company or its directors may from time to time by by-law determine ; but no tolls shall be levied or collected under the provisions of this Act that are in excess of the tolls authorized, at the time of the passing of this Act, to be charged upon vessels passing through or using any of the canals now under the control of the Government of Canada, except on the canal hereinbefore authorized to be constructed from some point on the eastern end of Lake St. Francis to some point on the northern end of Lake Champlain, with a branch or line therefrom to Lake St. Louis ; and no tolls of any description shall be levied or taken upon the said last mentioned canal and branch, until the same are approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof. Tolls may be charged.

2. All tolls shall under the same circumstances be charged equally to all persons and upon all vessels and goods ; and no

reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company using the said canals.

Tolls, how fixed

**23.** Every by-law fixing and regulating tolls with respect to such last mentioned canal and branch shall be subject to revision by the Governor in Council from time to time after approval thereof; and after an Order in Council altering the tolls fixed and regulated by any by-law has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked.

Tariff to be posted up.

**24.** The Company shall from time to time cause to be printed and posted up in its offices and in every place where the tolls are to be collected, in some conspicuous position, a printed board or paper exhibiting all the rates of tolls payable and particularizing the price or sum of money to be charged or taken.

Tolls, how levied.

**25.** Such tolls shall be paid to such persons and at such places near to the canals, in such manner, and under such regulations as the by-laws direct.

Special rates.

**26.** The Company shall not make or give any secret special toll, rate, rebate, drawback, or concession to any person, and the Company shall on the demand of any person make known to him any special rate, rebate, drawback or concession given to any one.

Recovery of tolls.

**27.** In case of denial or neglect of payment on demand of any such tolls or any part thereof, the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the Company may seize the vessel or goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said vessel or goods shall be at the risk of the owners thereof.

Sale of vessel and cargo.

**28.** If the tolls are not paid within six weeks from the time of such detainer the Company may sell the vessel or the whole or any part of such goods, and out of the moneys arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or the vessel or such of the goods as remain unsold, to the person entitled thereto.

Sale of unclaimed vessel and goods.

**29.** If any vessel or goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the province in which such vessel or goods are, and in such other newspaper as it deems necessary, sell such vessel or goods by

public auction at a time and place which shall be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for keeping, storing, advertising and selling such vessel or goods, and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months to be paid over to any person entitled thereto.

Disposal of proceeds.

**30.** In default of such balance being claimed before the expiration of the time last aforesaid, the same shall be paid over to the Minister of Finance and Receiver-General for the public uses of Canada until claimed by the person entitled thereto.

Disposal of unclaimed balance.

**31.** In all cases where there shall be a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the said canals, such fraction shall in ascertaining the said rates be deemed and considered as a whole mile; and in all cases where there shall be a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rates shall be demanded and taken by the Company calculated upon the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Calculation of distance and of weight.

**32.** Every vessel of whatsoever kind using the said canals shall have her draught of water legibly marked, in figures of not less than six inches long, from one foot to her greatest draught, upon the stem and stern posts; and any wilful misstatement of such figures so as to mislead the officers of the Company as to any vessel's true draught shall be punishable as a misdemeanour on the part of the owner and master of such vessel, and the Company may detain any such vessel upon which incorrect figures of draught shall be found until the same are corrected, at the expense of her owner.

Draught to be marked on vessels.

Penalty for incorrect marks.

**33.** Every owner or master of every vessel navigating the said canals or any of them shall permit the same to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the said canals or any of them, and his decision shall be final in respect to the tolls to be paid thereon, and he may mark the tonnage or measurement on every vessel using the said canals or any of them, and such measure so marked by him shall always be evidence respecting the tonnage in all questions respecting the tolls or dues to be paid to the Company by virtue thereof.

Measurement of vessels.

Powers of officers of company.

Conveyance  
of H. M.'s  
mails, forces  
and servants.

**34.** The Company shall at all times when thereunto required by the Postmaster-General of the Dominion of Canada, the Commander of the Forces, or any person having the superintendence or command of any police force, carry Her Majesty's mails, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's service on the said canals, on such terms and conditions and under such regulations as the Governor in Council appoints and declares.

Power reserv-  
ed to Parlia-  
ment.

**35.** Any enactments which the Parliament of Canada shall hereafter deem it expedient to make, or any order which the Governor in Council may hereafter deem it expedient to pass, with regard to the exclusive use of the canals by the Government at any time, or the carriage of Her Majesty's mails or Her Majesty's forces and other persons and articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Lands to be  
fenced.

**36.** The Company shall within six calendar months after any lands shall be taken for the use of the said canals or any of them, divide and separate, and shall keep constantly divided and separated the lands so taken from the lands or grounds adjoining thereto with a sufficient post and rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep, and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the Company as aforesaid, and shall at their own costs and charges from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Milestones  
along canals.

**37.** So soon as conveniently may be after the said canals shall be completed, the Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, to be erected and maintained at distances convenient from each other.

Obstructions  
in canals, etc.

**38.** Every person who obstructs, interrupts or impedes the navigation of any of the said canals, or interferes with any of the works belonging thereto, by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to exceed four hundred dollars, one-half of which penalty shall go to the Company and the other half to Her Majesty.

2. If any vessel is sunk or grounded in any part of any of the said canals or in any approach thereto, and if the owner or

master thereof neglects or refuses to remove the same forthwith, the Company may forthwith proceed to have the same raised or removed, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and removing the same are paid and satisfied, or the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

**39.** If any action or suit be brought or commenced against any person or the Company for anything done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, such action or suit shall be brought or commenced within twelve calendar months next after the act committed, or in case there shall be a continuation of damage, then within twelve calendar months next after the doing or committing such damage shall cease, and not otherwise.

Limitation of actions.

**40.** Her Majesty, her heirs and successors, may at any time assume the possession and property of the said canals and works, and of all the rights, privileges and advantages of the Company, all of which shall after such assumption be vested in Her Majesty, her heirs and successors, on giving to the Company one week's notice thereof and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third arbitrator by the two arbitrators; and the arbitrators may in such valuation take into account the expenditure of the Company, its property, the business of the canals and other works hereby authorized, and its past, present and prospective business, with interest from the time of the investment thereof.

Works may be taken over by Government.

Arbitration.

**41.** If the construction of the canals hereby authorized to be constructed, or some one of them, is not commenced, and ten per cent of the capital stock is not expended thereon, within four years after the passing of this Act, or if the said canals are not finished and put in operation within ten 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 of the said canals and works hereby authorized as then remain uncompleted.

Time for construction limited

**42.** *The Railway Act* shall, so far as applicable, and when not inconsistent with the provisions of this Act, and except sections three to twenty-five inclusive, thirty-six, thirty-seven, thirty-eight, eighty-nine, one hundred and three, one hundred and four, one hundred and five, one hundred and twelve, one hundred and sixteen, one hundred and twenty, one hundred and twenty-one, one hundred and seventy-three to one hundred and seventy-seven inclusive, one hundred and seventy-nine, one

1888, c. 29.

hundred and eighty, one hundred and eighty-two to one hundred and ninety-nine inclusive, two hundred and nine, two hundred and ten, two hundred and fourteen, two hundred and twenty-three to two hundred and sixty-four inclusive, two hundred and seventy-one to two hundred and seventy-four inclusive, two hundred and seventy-six to two hundred and ninety-seven inclusive, and three hundred and six to three hundred and eight inclusive, apply to the Company hereby incorporated, and to the undertaking of the Company; and the Company shall have and may exercise all the powers conferred by *The Railway Act*, in so far as the said Act is applicable to the Company hereby incorporated.

2. Wherever in *The Railway Act* the expression "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act or to the Company hereby incorporated, mean the "canals or any one or more of the canals" hereby authorized to be constructed.

R.S.C., c. 118. **43.** *The Companies Clauses Act* shall not apply to this Act, or to the Company hereby incorporated.

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## 56 VICTORIA.

### CHAP. 67.

#### An Act relating to the Harbour of Thornbury on Georgian Bay.

[Assented to 1st April, 1893.]

**W**HEREAS certain harbour works, including a pier or break-water, were constructed at the mouth of the Beaver River, in the town of Thornbury, in the county of Grey, at the joint expense of the Government of Canada and of the corporation of the township of Collingwood, at a time when the said town formed part of the corporation of the township of Collingwood; and, whereas the corporation of the township of Collingwood and the corporation of the town of Thornbury have entered into the agreement set out in the schedule hereto, bearing date the fifth day of September, one thousand eight hundred and ninety-two, providing amongst other things that all the harbour works at the mouth of the said Beaver River, now or hereafter acquired and used in connection therewith, shall be under the joint jurisdiction and control of the said corporations; and whereas, by chapter forty-five of the Statutes of 1870, the corporation of the township of Collingwood, upon the construction by it of the works therein mentioned was amongst other things empowered to impose and collect tolls or harbour dues at the mouth of the said Beaver River; and whereas the corporation of the township of Collingwood and the corporation of the town of Thornbury, have jointly petitioned to be allowed to impose and collect the tolls mentioned and provided in the said Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
1870, c. 45.

1. Chapter forty-five of the Statutes of 1870, is hereby declared to be in force and to relate to the harbour works and breakwater or pier as at present constructed and erected at the mouth of the said Beaver River, except in so far as the same is inconsistent with, or is varied by the provisions of this Act, and all the powers, rights, privileges and franchises given thereunder to the said corporation of the township of Collingwood (save and except as aforesaid) are hereby vested in the said

Powers vested in corporations of Collingwood and Thornbury.



said corporation of the township of Collingwood and the corporation of the town of Thornbury, to be exercised as is agreed upon between them.

Sections 1 and 2 repealed.

**2.** Sections one and two of the said chapter forty-five of the Statutes of 1870, are hereby repealed.

Agreement confirmed.

**3.** The agreement between the said corporations, comprised in the schedule to this Act, is hereby legalized and confirmed so far as is within the powers of the Parliament of Canada.

#### SCHEDULE.

THE INDENTURE made in duplicate the fifth day of September, A. D. 1892, between the corporation of the township of Collingwood, in the county of Grey, of the first part, and the corporation of the town of Thornbury, in the said county of Grey, of the second part.

Whereas, by indenture of agreement dated the 11th day of November, 1887, and made by and between the said parties hereto, it was among other things in effect provided that the wharf and harbour at the mouth of Beaver River, in the said town of Thornbury should be under the joint jurisdiction and control of the said parties, and that all expenditures in connection therewith should be borne by the said parties in the proportions of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury and that the proceeds arising from the said wharf and harbour should also be shared in the like proportion.

And whereas, the said parties have since the date of the said agreement and in pursuance thereof, jointly expended large sums of money in the construction of a storehouse adjoining the said wharf, and in repairs to the said wharf and in the maintenance of the said harbour.

And whereas the said parties desire to make better provisions for carrying out the intention of the said agreement as hereinafter expressed and mentioned, and have agreed to pass such by-laws and procure such legislation as may be necessary to render this agreement valid and binding upon the said parties.

Now this indenture witnesseth that the said parties hereto of the first and second parts, hereby covenant and agree each with the other of them in manner following, that is to say:—

1. The said wharf, storehouse and harbour at the mouth of Beaver River, in the said town of Thornbury, and all other works, buildings, lands, roads and easements now used and enjoyed or that may at any time hereafter be acquired jointly by the said parties and used in connection therewith, shall be under the joint jurisdiction and control of the said parties

hereto, and the said parties shall jointly have and exercise such jurisdiction and powers over, and shall be subject to all such duties and responsibilities in respect to the same as are or may be conferred or imposed by the municipal or other laws of the province of Ontario or the Dominion of Canada now in force or hereafter to come into force upon a sole municipality in respect to any harbour within its limits, or relating to said harbour and works specially.

2. Until further or other provisions shall be made by the said parties, the reeve and first deputy reeve of the said township of Collingwood, and the mayor of the said town of Thornbury and their successors in office shall be a joint committee on behalf of the said parties for the carrying out of all regulations made by the joint by-laws of the said parties hereto respecting the said harbour and the rebuilding, repairing, maintaining and improving the same and any building or buildings erected thereon, and the premiums of insurance thereon, and the collection of all rents, tolls and dues, and the general management of the said harbour, and each of the said parties may change or add to the number of the member or members representing them on the said committee, provided always that the said corporation of the township of Collingwood shall at all times have two such representatives for each one appointed by the corporation of the said town of Thornbury; and the said committee shall have power from time to time to employ and hire such help as may be required to manage the said business and look after said buildings.

3. All expenditures in connection with the said harbour, including insurance premiums and salaries of employees, as well as the cost of this agreement and the expenses of procuring the necessary legislation to render the same valid, shall be borne and paid by the said parties in the proportion of two-thirds thereof by the said corporation of the township of Collingwood, and one-third thereof by the said corporation of the town of Thornbury, each party, however, to pay the expenses of their own deputations which may be sent to Ottawa or elsewhere in the interests of the said wharf; and all proceeds from said works shall be shared by the said parties in the like proportions, and the said parties shall also contribute in the like proportion to the payment of all damages, penalties, costs, charges and expenses which they or either of them shall incur or be put to, or which shall be recovered against them or either of them in respect of any neglect or breach of duty, or any other matter or thing relating to the management of the said harbour by the said joint committee; and the said joint committee shall keep proper books of account in which shall be entered under the proper heads, all expenses incurred by, and amounts received by the said committee from any source whatever connected with the said works, and shall each year immediately after the close of navigation and not later than the first day of December in each year, make out in duplicate a detailed statement of all such payments and receipts, and shall by said date

certify to the same by their chairman and deliver one copy to the clerk of each of the said municipalities, and thereafter in case the receipts are more than the expenses shall pay to the parties entitled thereto their said proportion thereof.

4. In the event of the said storehouse being damaged or destroyed by fire, tempest or other casualty, the said parties shall forthwith rebuild or reinstate the same in a good, substantial and workmanlike manner, equal in all respects to the present storehouse now erected at the said wharf, and will keep the said storehouse in good and substantial repair, and in case the rebuilding or repairs shall not be commenced and prosecuted with all due speed within four months after a notice in writing requiring the same to be done or the same prosecuted shall be served by the members or member of the joint committee of the other party, then the members or member so serving said notice shall have power and authority to proceed with the said work, and the party whose member or members of the said committee shall so cause the said work to be done, shall have power to collect from the other party hereto their proportion of the cost of the said work.

5. The said parties shall mutually pass by-laws for the imposition and collection of tolls as hereafter, to be employed after the expenses of collection, for the purpose of assisting in liquidating the debt incurred or which may hereafter be incurred in constructing, improving and keeping in repair the said harbour and the works connected therewith, on all goods, wares, merchandise and chattels shipped on board or landed out of any vessel, boat or other craft from or upon any part of the said Beaver River or elsewhere within the limits of the said harbour, also upon all logs, timber, spars and masts going through the same or any part thereof, and on all vessels, boats or other craft entering the said harbour in accordance with the provisions of any Act of the Dominion Parliament which is or may hereafter be passed; and the said parties shall also pass joint by-laws to regulate the charges on goods, chattels or merchandise, for the use of the said storehouse or any other building erected or to be erected on the lands of either of the said parties adjacent to the said wharf; or for the use of the lands in connection with the said wharf and harbour.

6. The said parties shall proceed to obtain an Act of the Legislature of the province of Ontario at the next session thereof to confirm and render valid this agreement, and shall also proceed to obtain an Act of the Dominion of Canada at the next session of the Parliament thereof, to confirm the said agreement in so far as relates to matters in their control for the granting of the power to levy tolls and harbour dues as set out in the preceding paragraph hereof.

7. The said agreement of the 11th November, 1887, so far as the same relates to the joint control of the said wharf, storehouses and harbour, is hereby declared to be replaced by this agreement.

8. All disputes between the said parties in respect of this agreement or arising therefrom, shall be referred to arbitration under the provisions of *The Municipal Act*.

In witness whereof, the said corporations have hereto affixed their corporate seals and the reeve and mayor thereof respectively have set their hands.

(Signed) ARCHD. CAMPBELL,  
*Reeve, Tp. Collingwood.*



(Signed) E. RAYMOND,  
*Mayor, Town Thornbury.*



Signed, sealed and delivered }  
in presence of }  
EDWD. RORKE,  
*Town of Thornbury.*

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## 56 VICTORIA.

### CHAP. 68.

#### An Act to incorporate the British Columbia Dock Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying for the Preamble.  
incorporation of a company to construct and operate a dry dock or floating dock and ship-building and repairing yards, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Francis Carter Cotton, H. T. Ceperley and J. W. Prescott, all of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The British Columbia Dock Company," hereinafter called the Company. Incorporation.  
Corporate name.

**2.** The head office of the Company shall be in the city of Vancouver, or such place in Canada as the Company from time to time determines by by-law. Head office.

**3.** The Company may lay out, construct and operate a dry dock or floating dock, wharfs, breakwaters, ship-building and repairing yards, and iron works in connection therewith, at some point on Burrard Inlet in the province of British Columbia, either within or without the limits of the city of Vancouver, with power to construct and operate a railway or tramway to connect the said dock and works with the Canadian Pacific Railway; and the undertaking hereby authorized is declared to be a work for the general advantage of Canada. Company's works.  
Declaratory.

**4.** The persons named in the first section of this Act shall be the provisional directors of the Company, two of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only. Provisional directors.

Capital stock and shares.

**5.** The capital stock of the Company shall be one million dollars divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary, but no call shall exceed ten per cent on the shares subscribed.

Preference stock may be issued.

**6.** The directors may, by by-law, issue one-third of the capital stock as preference stock, giving the same preference and priority over ordinary stock, as respects dividends.

Sanction of shareholders.

**2.** Such by-law shall not have any force or effect whatever until after it has been sanctioned by a vote of shareholders, representing at least two-thirds in value of the subscribed stock of the Company, present in person or represented by proxy at a general meeting of the Company duly called for considering the same.

Rights of preference shareholders.

**3.** Holders of such preference stock shall be shareholders 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, as respects dividends, they shall, as against the original or ordinary shareholders, be entitled to the preference given by any by-law as aforesaid.

Proviso.

Annual general meeting.

**7.** The annual general meeting of the shareholders shall be held on the first Monday of February in each year.

Election of directors.

**8.** At such meeting the shareholders assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, of whom three shall form a quorum and one or more of whom may be paid directors of the Company.

Borrowing powers.

**9.** The directors may, when authorized by a by-law for that purpose passed and approved by the votes of at least two-thirds of the holders in value of the subscribed stock of the Company, present in person or represented by proxy at a special general meeting duly called for considering such by-law, borrow such sum of money, not exceeding seventy-five per cent of the actual paid-up capital of the Company, as the shareholders deem necessary, and issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rates of interest, and payable at such times and places, as is determined, for the purpose of carrying out any of the objects of the Company.

Time for construction of works.

**10.** The dry dock and yards shall be commenced within two years and completed within four years from the passing of this Act, otherwise the powers granted by this Act shall cease and be null and void, and no work shall be commenced until plans and specifications have been submitted and approved by the Governor in Council.

**11.** The Company may receive from any government or from any person, or body corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said dock and yards, grants of land, premises, loans, gifts of money, guarantees and other securities for money and hold and alienate the same. Gifts in aid may be received by company.

**12.** The Company may enter into working and other agreements and arrangements with any other company or companies, government or governments, person or body corporate, municipal or politic. Arrangements with other companies.

**13.** *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

**14.** *The Railway Act* shall apply to the Company and to the undertaking hereby authorized.

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56 VICTORIA.

CHAP. 69.

An Act to incorporate the Alberta Irrigation Company.

[Assented to 1st April, 1893.]

**WHEREAS** the persons hereinafter named have by their petition prayed for the incorporation of themselves and others as a company, under the name of "The Alberta Irrigation Company," with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** The Honourable Sir Alexander T. Galt, Elliott T. Galt, Charles A. Magrath, Isaac D. Haines, Alexander Ferguson and Donald W. Davis, together with such persons as become shareholders in the company hereby incorporated, are hereby created a body corporate under the name of "The Alberta Irrigation Company," hereinafter called the Company.

Incorporation.

Corporate name.

**2.** The head office of the Company shall be in the town of Lethbridge, or in such other place in the North-west Territories as is named by by-law of the Company.

Head office.

**3.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

**4.** The capital stock of the Company shall be four hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

**5.** The annual general meeting of the shareholders shall be held on the first Tuesday in September in each year.

Annual general meeting.

**6.** At such meeting the shareholders assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Election of directors.

Powers.

Ditches, canals, etc.

Acquisition of necessary land.

Use of water.

Tariff of charges.

Approval of Governor in Council.

**7.** The Company may, for the purposes of irrigation of land or supply of water power, excavate, construct, maintain, and operate irrigation ditches or canals in that portion of the district of Alberta lying south of the fiftieth parallel of latitude where it passes through the said district, with all necessary cross or branch ditches or canals; acquire by purchase or otherwise, under the powers contained in *The Railway Act*, the land necessary for these purposes, and may also, with a view to improve the same by irrigation and to again dispose thereof, acquire lands; but the Company shall sell the lands so acquired with a view to improve the same by irrigation within ten years of their acquisition, otherwise the same shall revert to the Crown; and the Company may draw off from rivers and other waters the waters necessary for the purposes of the Company, and collect such rates or charges for water supplied for irrigation or other purposes as are from time to time fixed by by-law of the Company; but the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered, and such tariff may be revised and altered from time to time by by-law of the Company which shall be subject to the approval of the Governor in Council.

Right to break up streets, etc.

**8.** The consent of the municipal council having first been obtained, the Company may from time to time break up, dig and trench on so much and so many of the streets, roads, sidewalks, pavements, squares, highways, lanes and public places of any municipality, as are necessary for the laying of mains and pipes to conduct the water from the works of the Company to the consumers thereof.

Erection of dams.

**9.** The Company may construct, maintain, and erect dams, and all necessary appurtenances thereto, at such points in such rivers and creeks as may be found necessary for the purposes of the Company; and may in connection with its works, erect, maintain, and operate machinery, plant, mills, or manufactories, of any description.

Mills.

Supplying water and power.

**10.** The Company may supply water for irrigation purposes, or furnish water power to any municipality, corporation or individual.

Approval of Governor in Council.

**11.** No work for the construction and operation of dams, mains, ditches or canals, shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council, and such conditions as he thinks fit to impose for the public good have been complied with; nor shall any such plan be altered or deviations therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he imposes.

2. The Company shall give two months' notice of its intention to apply to the Governor in Council for the approval of its plans, by publishing such notice once a week during the period of two months in some newspaper published in the locality, or nearest thereto if there be no newspaper therein published.

3. Copies of the plans shall be deposited in the registry office for the district for a period of two months before making such application to the Governor in Council.

**12.** Every dam shall be so constructed, either with an apron or slide or otherwise, as to admit of the passage of such saw-logs and timber as are usually floated down the said rivers; but waste gates, brackets or slashboards may be used in connection with such dams for the purpose of preventing unnecessary waste of water therefrom, and the same may be kept closed when no person requires to pass or float saw-logs or timber as aforesaid over any such apron or slide.

Mode of construction of dams.

**13.** The Company may issue bonds, debentures, or other securities, to the extent of ten thousand dollars per mile of the main canal, and such bonds, debentures, or other securities, may be issued only in proportion to the length of the main canal constructed or under contract to be constructed; and the said bonds, debentures or securities may be made payable either in Canadian currency or sterling money.

Issue of bond limited.

**14.** The works hereby authorized shall be commenced within three years and completed within ten years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as remains uncompleted.

Time for completion of works.

**15.** The Company may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same without making compensation therefor or being guilty of trespass; but all such preliminary works shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or the owners or occupiers of such property.

Powers to enter on lands.

2. When the Company and the owners or occupiers of private property cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the 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, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals, respectively, wherever

In case of disagreement.

in the provisions of the said Act the latter minister and department are mentioned or referred to: Provided, that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience proves to be expedient.

Interpretation.

3. In this section the expression "lands" includes real property, messuages, lands, tenements and hereditaments of any tenure.

General Irrigation Act.

16. The exercise of the powers conferred by this Act shall be subject to any general Act passed by the Parliament of Canada and in force from time to time respecting irrigation.

1888, c. 29.

17. *The Railway Act*, so far as applicable and when not inconsistent with this Act, shall apply to the Company hereby incorporated and to the undertaking of the Company.

"Company."

(a.) Wherever, in *The Railway Act*, the expression "Company" occurs, it shall mean the Company hereby incorporated;

"Railway."

(b.) Wherever, in *The Railway Act*, the expression "railway" occurs, it shall mean the canals or ditches, or other works, or branch canals or cross ditches, authorized by this Act to be constructed.

R.S.C., c. 118.

18. *The Companies Clauses Act* shall not apply to the Company.

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## 56 VICTORIA.

### CHAP. 70.

#### An Act to incorporate the Calgary Hydraulic Company.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** George Alexander, of Calgary, in the provisional district of Alberta; Sir Douglas Brooke, of Brookboro', in Ireland, baronet; and Henry Bruen Alexander, of Calgary, aforesaid, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Calgary Hydraulic Company," hereinafter called the Company.

Incorporation.

Corporate name.

**2.** The head office of the Company shall be in the town of Calgary, in the provisional district of Alberta, or such other place as the Company hereafter selects.

Head office.

**3.** The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock and shares.

**4.** The persons named in the first section of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

**5.** The annual general meeting of the shareholders shall be held on the first Monday in March in each year.

Annual meeting.

**6.** At such meeting the shareholders assembled, who have paid all calls due on their shares, shall choose three persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Election of directors.

Powers.

**7. The Company may—**

(a.) Construct and maintain in the Elbow River, at and above Calgary, a dam or dams, erect piers and other works of a like nature, and blast rocks, and otherwise deepen and improve the channel of the said river, and generally execute such works as are necessary or conducive to the taking of water from the said river for irrigation purposes solely; and the Company may at and above Calgary construct and maintain in the Bow River such dams, piers, reservoirs and other works as are necessary for the creation of water power or for the supply of water for irrigation or other purposes; provided that every dam shall be so constructed, either with an apron or slide or otherwise, as to admit of the passage of such saw-logs and timber as are usually floated down the said rivers; but waste gates, brackets or slashboards may be used in connection with such dams for the purpose of preventing unnecessary waste of water therefrom, and the same may be kept closed when no person requires to pass or float saw-logs or timber as aforesaid over any such apron or slide;

(b.) Construct, erect and maintain, and operate or lease or sell or otherwise dispose of, one or more than one, ditch or canal or flume or pipe for the purpose of taking water from the said rivers; and the Company may only take water from each river by means of the said ditches or canals or flumes or pipes for the purposes herein authorized; but the quantity of water so taken from the said rivers as aforesaid by the Company shall not exceed three hundred cubic feet per second at any one time;

(c.) Construct, maintain, operate, lease, sell or otherwise dispose of cross ditches and other irrigation works for applying part or all of the said water to irrigation purposes; and also all necessary works for the supply of the said water or any part of it to consumers for domestic and general uses; and collect for the said water service such rates as are fixed from time to time by by-law of the Company; but the tariff of such rates shall be submitted to and approved by the Governor in Council before any such rates are collected, and such tariff may be revised and altered from time to time by the Governor in Council; and also all necessary works for developing water power by means of such water or part of it, and for transmitting the said power by electricity or otherwise; and dispose of the said power by sale or lease or otherwise, or use the same for manufacturing or other purposes of the Company;

(d.) Purchase and otherwise acquire land, and hold the same, and develop the same by the supply of the said water or part of it for irrigation purposes, and the Company shall dispose of such land within ten years after its acquisition, otherwise it shall revert to the Crown.

(e.) Construct, erect and maintain dams, reservoirs and all necessary appurtenances at such points on the said rivers and elsewhere as are found necessary for the purposes of the Company;

(f.) Supply water to any municipality, corporation or individual.

**8.** The consent of the municipal council having first been obtained, the Company may break up, dig and trench on so much and so many of the streets, roads, side-walks, pavements, squares, highways, lanes and public places of any municipality as are necessary for the construction of ditches, flumes and culverts, to conduct the water from the works of the Company to the consumers thereof.

Power to break up streets, roads, etc.

**9.** No work for the construction of dams, reservoirs and main ditches or canals shall be commenced or proceeded with until the plans and the site of the said works have been approved by the Governor in Council and such conditions as he thinks fit to impose for the public good have been complied with; nor shall any such plan be altered or deviations therefrom allowed except by permission of the Governor in Council, and upon such conditions as he imposes.

Plans to be approved by Governor in Council.

2. The Company shall give two months' notice of its intention to apply to the Governor in Council for the approval of its plans, by publishing such notice once a week during the period of two months in some newspaper published in the locality, or nearest thereto if there be no newspaper therein published.

3. Copies of the plans shall be deposited in the registry office for the district for a period of two months before making such application to the Governor in Council.

**10.** The amount of bonds or debentures issued by the Company shall not exceed the total amount of the subscribed capital, or double the amount of the paid-up capital of the Company, whichever may be the smaller amount.

Amount of bonds, etc., limited.

**11.** Notice of general or extraordinary meetings of the shareholders of the Company, and of calls on the stock of the Company, shall be given by advertisement in a weekly newspaper published in Calgary for two consecutive issues thereof before the day of meeting or the date of payment for such calls.

Notices to shareholders.

**12.** The Company, may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same, without making compensation therefor or being guilty of trespass; but all such preliminary work shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or the owners or occupiers of such property.

Powers to enter on lands.

2. When the Company and the owners or occupiers of private property cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby

In case of disagreement.



thereby, the 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, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals, respectively, wherever in the provisions of the said Act the latter minister and department are mentioned or referred to: Provided, that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience proves to be expedient.

Interpreta-  
tion.

3. In this section the expression "lands" includes real property, messuages, lands, tenements and hereditaments of any tenure.

Time for com-  
pletion of  
works.

13. The works hereby authorized shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as remains uncompleted.

General Irri-  
gation Act.

14. The exercise of the powers conferred by this Act shall be subject to any general Act passed by the Parliament of Canada and in force from time to time respecting irrigation.

1888, c. 29.

15. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company hereby incorporated and to its undertaking.

Interpreta-  
tion.  
"Company."  
"Railway."

(a.) Whenever, in *The Railway Act*, the expression "Company" occurs, it shall mean the Company hereby incorporated.

(b.) Whenever, in *The Railway Act*, the expression "railway" occurs, it shall mean the canals or ditches or branch canals or cross ditches authorized by this Act to be constructed.

R.S.C., c. 118.

16. *The Companies Clauses Act* shall not apply to the Company.



## 56 VICTORIA.

### CHAP. 71.

#### An Act to incorporate the Calgary Irrigation Company.

[Assented to 1st April, 1893.]

**W**HEREAS the persons whose names are hereinafter mentioned have by their petition prayed to be incorporated, with such other persons as shall be associated with them, as a company under the name of "The Calgary Irrigation Company," with certain powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Peter Turner Bone, William Pearce, and John Pascoe Jermy Jephson, all of the town of Calgary, in the North-west Territories, together with such persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of "The Calgary Irrigation Company," hereinafter called the Company.

Incorporation.  
Corporate name.

**2.** The head office of the Company shall be in the town of Calgary.

Head office.

**3.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

**4.** The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

**5.** The annual general meeting of the shareholders shall be held on the first Monday in March in each year.

Annual meeting.

**6.** At such meeting the shareholders assembled, who have paid all calls due on their shares, shall choose three persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Election of directors.

Powers.

**7.** The Company may, within the district of Alberta, in the North-west Territories, for the purpose of irrigating land or supplying water,—

(a.) Excavate, construct, maintain and operate an irrigation ditch or canal from some point on the Elbow River in the southerly portion of township twenty-four, or in the northerly portion of township twenty-three, in ranges one or two, west of the fifth initial meridian, in the North-west Territories, also from some point on the Bow River in township twenty-four, ranges one or two west of the fifth initial meridian, or in township twenty-five, range two or three, west of the fifth initial meridian, or in any or all of the aforementioned townships, or within three miles thereof, to any lands in the said townships or within six miles thereof, which are sufficiently low to enable water to be applied thereon for irrigation purposes, and may excavate, construct, maintain and operate all necessary cross or branch ditches, canals, flumes or aqueducts ;

(b.) Construct works in and draw off the waters of the above named rivers for the purposes of the Company ;

(c.) Acquire land by expropriation, purchase or otherwise, for the purposes of construction and maintenance of the said works ;

(d.) Acquire land by purchase or lease for improvement by irrigation, and shall dispose thereof within ten years after its acquisition, otherwise such land shall revert to the Crown ;

(e.) Construct, maintain and erect dams, reservoirs and all necessary appurtenances at such points on the said rivers or elsewhere as are found necessary for the purposes of the Company ;

(f.) Supply water to any municipality, corporation or individual, and collect such rates or charges for water supplied for irrigation purposes as are from time to time fixed by the by-laws of the Company ; and the tariff of such rates or charges shall be submitted to and approved of by the Governor in Council before any such rates or charges are exacted or recovered ; and such tariff may be revised and altered from time to time by the Governor in Council.

Power to  
break up  
streets, roads,  
etc.

**8.** The consent of the municipal council having first been obtained, the Company may break up, dig and trench on so much and so many of the streets, roads, side-walks, pavements, squares, highways, lanes and public places of any municipality as are necessary for the construction of ditches, flumes and culverts, to conduct the water from the works of the Company to the consumers thereof.

Plans to be  
approved by  
Governor in  
Council.

**9.** No work for the construction of dams and reservoirs, main ditches or canals shall be commenced or proceeded with until the plans and the site of the said works have been approved by the Governor in Council and such conditions as he thinks fit to impose for the public good have been complied with ; nor shall any

any such plan be altered or deviations therefrom allowed except by permission of the Governor in Council, and upon such conditions as he imposes.

2. The Company shall give two months' notice of its intention to apply to the Governor in Council for the approval of its plans by publishing such notice once a week during the period of two months in some newspaper published in the locality, or nearest thereto if there be no newspaper therein published.

3. Copies of the plans shall be deposited in the registry office for the district for a period of two months before making such application to the Governor in Council.

**10.** Every dam shall be so constructed, either with an apron or slide or otherwise, as to admit of the passage of such saw-logs and timber as are usually floated down the said rivers; but waste gates, brackets or slashboards may be used in connection with such dams for the purpose of preventing unnecessary waste of water therefrom, and the same may be kept closed when no person requires to pass or float saw-logs or timber as aforesaid over any such apron or slide.

Construction of dam.

**11.** The amount of bonds or debentures issued by the Company shall not exceed the total amount of the subscribed capital, or double the amount of the paid-up capital of the Company, whichever may be the smaller amount.

Amount of bonds, etc., limited.

**12.** Notice of general or extraordinary meetings of the shareholders of the Company, and of calls on the stock of the Company, shall be given by advertisement in a weekly newspaper published in Calgary for two consecutive issues thereof before the day of meeting or the date of payment for such calls.

Notices to shareholders.

**13.** The Company may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same, without making compensation therefor or being guilty of trespass, but all such preliminary work shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or the owners or occupiers of such property.

Powers to enter lands, etc.

2. When the Company and the owners or occupiers of private property cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the 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, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals respectively wherever in the provisions of the said Act the latter minister and department

In case of disagreement.

ment are mentioned or referred to : Provided, that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience may prove to be expedient.

Interpretation.

3. In this section the expression "lands" includes real property, messuages, lands, tenements and hereditaments of any tenure.

Time for completion of work.

14. The works hereby authorized shall be commenced within three years, and completed within six years, from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the works hereby authorized as then remains uncompleted.

General irrigation Act.

15. The exercise of the powers conferred by this Act shall be subject to any general Act passed by the Parliament of Canada and in force from time to time respecting irrigation.

1888, c. 29.

16. *The Railway Act*, so far as applicable and when not inconsistent with this Act, shall apply to the Company hereby incorporated and to its undertaking.

"Company" defined.

(a.) Wherever in *The Railway Act* the expression "Company" occurs, it shall mean the Company hereby incorporated.

"Railway" defined.

(b.) Wherever in *The Railway Act* the expression "railway" occurs, it shall mean the canal or ditch, or other works, or branch canal or cross ditch, authorized by this Act to be constructed.

R.S.C., c. 118.

17. *The Companies Clauses Act* shall not apply to the Company.

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## 56 VICTORIA.

### CHAP. 72.

An Act to further amend the Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

[Assented to 1st April, 1893.]

**W**HEREAS the city of Winnipeg has by its petition prayed for the passing of an Act to further amend, as hereinafter set forth, chapter eighty-nine of the Statutes of 1889, and it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

C. 89, 1889.

**1.** The plans and the site of the intended works to enable the city of Winnipeg to utilize the Assiniboine River water power as provided in the Act mentioned in the preamble, and in the Act amending the same, being chapter one hundred and eight of the Statutes of 1891, may be approved of by the Governor in Council without making provision for the construction of a lock or other works for the purposes of navigation, subject however to the provisions of the next following section.

Construction of lock may be dispensed with by Governor in Council.

**2.** The Governor in Council may at any time, for the purpose of improving the navigation of the said river, require the said city of Winnipeg, or any company or person exercising the powers granted by the said Acts, to construct and complete within a period to be limited by the Governor in Council, such locks or other works at the said site as the Governor in Council may direct for securing the free navigation of the said river; and in the event of the said city of Winnipeg, or any company or person so exercising any of the rights aforesaid, failing to construct and complete such locks and works within the time limited by the Governor in Council as aforesaid, the Governor in Council may cause all dams and obstructions and works constructed or maintained by the said city of Winnipeg, or by such company or person, which may impede the free navigation of the said river, to be immediately removed and taken away, and thereafter the Governor in Council shall have and may exercise the same rights over the said river as if the said Acts had never been passed.

But may at any time be required by him.

Time for completion of works extended.

**3.** The times limited for commencing and completing the works authorized by the said Act are hereby extended for two and four years respectively from the passing of this Act; and failing such commencement and completion within the said times, the powers granted for such construction shall cease and determine.

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## 56 VICTORIA.

### CHAP. 73.

#### An Act to incorporate the Automatic Telephone and Electric Company of Canada.

[Assented to 1st April, 1893.]

**W**HEREAS the persons hereinafter named have by their Preamble. petition prayed to be incorporated under the name of "The Automatic Telephone and Electric Company of Canada" for the following purposes, viz., to manufacture, deal in and operate telephone instruments, switches and connections, and to manufacture, operate and deal in electrical instruments and appliances, and to carry on a general electrical manufacturing, supply and operating business throughout Canada, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** James P. Dawes, John Torrance, William E. Paton, Incorporation. William M. MacPherson, R. Wilson Smith, Frank Buller, Peter MacKenzie, Archibald W. Stevenson, George Bishop, John B. Clarkson, John Torrance, junior, Alexander G. Lomas, Dougall McDougall, Herbert M. Linnell, James E. MacDougall and Louis E. Dupuis and such persons as become shareholders in the Company hereby incorporated shall be and are hereby created a body politic and corporate under the name of "The Automatic Telephone and Electric Company of Canada," Corporate name. hereinafter called the Company.

**2.** The head office of the Company shall be at the city of Head office. Montreal, in the province of Quebec, or at such other place in Canada as is determined hereafter by a majority of the shareholders present or represented at any annual general meeting or special general meeting called for that purpose.

**3.** The capital stock of the Company shall be two hundred Capital stock and shares. and fifty thousand dollars, divided into shares of one hundred dollars each; and after the whole amount of the capital stock has been subscribed for and ninety per cent paid thereon in cash, the said capital stock may be increased from time



to time to a total amount not exceeding five hundred thousand dollars, in shares of one hundred dollars each, by resolution of the board of directors ratified by a majority in value of the shareholders present or represented at any annual general meeting or at any special meeting of the shareholders called for that purpose.

Board of directors.

**4.** The business of the Company shall be managed by a board of not less than five nor more than fifteen directors, as is determined by resolution of the shareholders of the Company.

Provisional directors.

**5.** James P. Dawes, John Torrance, R. Wilson Smith, Alexander G. Lomas, John B. Clarkson, Herbert M. Linnell and James E. MacDougall shall be the first or provisional directors of the Company, and shall hold office until the first general meeting of the shareholders of the Company after the passing of this Act.

Election of directors.

**6.** When and so soon as one hundred thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Montreal, in the province of Quebec, at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect the board of directors; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Company.

Only shareholders to vote.

Power to purchase and deal in patents of electrical inventions, etc.

**7.** The Company may purchase, acquire and hold, sell and deal in any patents of invention covering any electrical device or apparatus, and may manufacture, lease, sell and deal generally in the articles covered by such patents of invention and embodying the principles of construction thereof; and may manufacture telephones, telephone instruments, switches and such other apparatus and appurtenances as are connected therewith, provided the same are not covered by any patent or patents of invention, or if covered, that the patents relating thereto are owned or controlled by the Company, or with the permission of the owners of the said patents; and the Company may deal in and operate the same, and may purchase, sell and lease the same and rights relating thereto, and may, subject as hereinafter provided, build, construct and operate any lines with the necessary connections for the transmission of messages by telephone in any part of Canada, either by land or by water, and upon, along, across, over or under any public roads, highways, streets, bridges, watercourses or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all or any such line or lines, or any portion thereof; provided that the same shall be so constructed

Proviso: public rights saved.

structed and maintained as not to interfere with the public use of such roads or highways, or injuriously interrupt the navigation or use of such waters and watercourses; and provided also that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water; and the Company may make connection for the purposes of their telephone business with the lines of any telephone or telegraph company in Canada.

Bridges over navigable rivers.

Connection with other lines.

8. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by their servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining their line or lines of telephone upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deem necessary for making, completing and supporting, using, working and maintaining the system of communication by telephone; and may stretch wires and other telephonic contrivances thereon, and, as often as the Company, their agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

Company may enter upon public roads.

May erect poles.

And open public roads.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity;

Travel, etc., not to be obstructed.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality;

Height of wires, etc.

(c.) In all municipalities the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;

Kind of poles.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred;

Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which their agents, servants or workmen cause to individuals or property in carrying out or maintaining any of their said works;

Liability for damages.

- Trees. (f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- Approval of municipality. (g.) In all municipalities, the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;
- Carrying wires under ground. (h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- Workmen to wear badges. (i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;
- Private rights. (j.) Nothing herein contained shall be deemed to authorize the Company, their servants, workmen or agents to enter upon any private property for the purpose of erecting, maintaining or repairing any of their works, without the previous assent of the owner or occupant of the property for the time being ;
- Temporary removal of poles. (k.) If in the removal of buildings or other use of roads or lands, it is necessary that the said wires or poles be temporarily removed, on any person requiring the same giving notice to the Company or their agent in writing, it shall be the duty of the Company or their agent to remove the same, and in case of neglect any such person may remove the same at the expense of the Company, doing no unnecessary damage thereby ; provided that nothing in this Act contained shall give the Company the exclusive right to place or erect any poles for wires or place such wires at any place ;
- Rates to be approved. (l.) No rates or charges shall be demanded or taken from persons leasing or using the telephones of the Company until such rates or charges have been approved of by the Governor in Council.
- Agreements with municipalities. **9.** The Company may enter into valid agreements with any municipality through whose jurisdiction its line passes, binding it to perform any other act in connection with the building or operating of its line within such municipality.
- Amalgamation and pooling prohibited. **10.** The Company shall not, nor shall any of its lines or branch lines, directly or indirectly, be at any time amalgamated with, sold, or leased to, any other company ; nor shall the

Company, directly or indirectly, enter into any arrangement for making a common fund or for pooling earnings or receipts.

**11.** The Company may manufacture, operate, sell, purchase, lease or otherwise deal in electrical instruments and appliances, and may carry on a general electrical supply, operating and manufacturing business in any part of Canada, and as such may purchase, acquire and hold patents of invention and may manufacture electrical instruments, machinery and plant, and may sell, lease, purchase and deal generally in the same. Manufacture and sale of electrical appliances.

**12.** The Company may borrow such sum of money as is necessary for carrying out any of its objects or purposes, and may issue bonds therefor in sums of not less than one hundred dollars each, which shall be a first charge upon the undertaking and property, real and personal, and the lines, works and plant of the Company, such bonds being payable at such times, in such sums, and at such rates of interest as the directors determine: Provided, that the bonds issued and outstanding from time to time shall never exceed seventy-five per cent of the then total amount of the paid-up capital of the Company; and, provided also, that no mortgage, pledge, hypothecation or charge of or on any of the real estate, and no issue of bonds shall be made or given until sanctioned by a vote of the shareholders present in person or represented by proxy and representing two-thirds in value of the shares of the Company at a special general meeting duly called for that purpose. Borrowing powers.

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## 56 VICTORIA.

### CHAP. 74.

An Act to incorporate the Canadian Gas Association.

[Assented to 1st April, 1893.]

**W**HEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Louis Edouard Morin, of Longueuil, William Henry Jeffery, of Richmond, Edward Hunter Copland, of Montreal, Arthur Barnet Phillips, of Montreal, all in the province of Quebec, the Honourable Francis Clemow, of the city of Ottawa in the province of Ontario, and George James Gray and Cuthbert Ridley Lee, of London, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian Gas Association," hereinafter called the Company.

Incorporation.

Corporate name.

**2.** The head office of the Company shall be at the city of Ottawa, or at such other place in Canada as the directors of the Company from time to time by by-law determine.

Head office

**3.** The persons named in the first section of this Act shall be the provisional directors of the Company, four of whom shall form a quorum, and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada and withdraw the same for the purposes of the Company only.

Provisional directors.

**2.** The provisional directors resident out of Canada may vote and act as such directors by proxy or power of attorney, and the holders of such proxies need not be provisional directors of the Company.

Votes of non-resident directors.

**4.** The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Capital stock.

First meeting  
of share-  
holders.

**5.** So soon as fifty per cent of the amount of the capital stock has been subscribed, and twenty-five per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors or a majority of them shall call a general meeting of the shareholders to be held at the city of Ottawa, for the purpose of electing the first directors of the Company ; and notice shall be given at least ten days previously thereto in some newspaper published in the city of Ottawa and also by notice in writing signed by or on behalf of the provisional directors calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting.

Notice.

Annual  
meeting.

**6.** The annual general meeting of the shareholders shall be held on the last Tuesday in February in each year, or upon such other day in each year as the directors of the Company from time to time by by-law determine.

Directors.

**7.** At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock present in person or represented by proxy, who have paid all calls due on their shares, shall choose five persons, each of whom shall hold at least ten shares of the capital stock of the Company, to be directors of the Company, three of whom shall form a quorum, and one or more of whom may be paid directors of the Company.

2. The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.

3. The directors may vote and act by proxy, but such proxies shall be held by directors only ; no director shall hold more than two proxies ; and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person.

General  
powers.

**8.** The Company may—

(a.) Produce, manufacture, supply, sell, and dispose of in Canada, illuminating gas and electricity, and electric current for heat, light, power, and for any other purposes for which the same may be used, and sell or otherwise dispose of coke, coal-tar and other products arising or to be obtained from the materials used in the manufacture of gas ;

(b.) Acquire, manufacture, construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, pipes, wires, appliances, supplies and machinery as may be necessary or advisable in connection with the said business, and lease, hire or otherwise deal with the said business, and lease, hire, or otherwise deal with or dispose again thereof or any portions thereof in any manner that the directors deem advisable ;

(c.) Acquire by purchase, license or otherwise, and use, license or otherwise dispose of, any inventions or letters patent

or right to use any inventions in connection with the production, manufacture or supply of heating and illuminating gas or electricity ;

(d.) With the consent of the shareholders of the Company, as shown by a resolution passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, acquire by purchase, lease or otherwise and operate the works, stock, property, franchises, assets and business of any other person or city, town, municipality or unincorporated town or village, authorized to carry on any business comprised in the objects in this Act mentioned, and pay therefor in capital stock of the Company issued as fully paid up and unassessable or debentures of the Company or in money, or enter into any arrangement with any such other person or city, town, municipality or unincorporated town or village, for the working or carrying on by the Company of the business hereinbefore mentioned of such other person or city, town, municipality or unincorporated town or village, and in connection therewith for assuming the liabilities of such other person or city, town, municipality or unincorporated town or village in respect thereof, and thereafter subscribe for, purchase or otherwise acquire and hold or dispose of the whole or any part of the shares, debentures and securities of any other person, city, town, municipality or unincorporated town or village, with whom the Company has entered into any arrangement or contract under the provisions of this paragraph ; provided always that the rates chargeable for gas, electricity or electric current, by the Company, shall not, in any city, town, municipality, or unincorporated town or village in regard to which any of the powers given by this paragraph are exercised, be increased after the exercise of any such powers, except with the consent, expressed by by-law or otherwise, of the council of each city, town, municipality or unincorporated town or village, beyond the rates then payable therein.

9. With the consent, expressed by by-law, of the municipal council having jurisdiction over the roads and streets of any city, town, municipality or unincorporated town or village in Canada, and subject to such regulations and terms as are agreed upon between the council of any such city, town, municipality or unincorporated town or village and the Company, the Company may lay down pipes for the conveyance of gas under all or any of the roads, streets and public places of any such city, town, municipality or unincorporated town or village, and supply gas through the same, and may construct, erect, maintain and operate wires along the sides of and across or under any public highways, streets, public bridges, water-courses, or such other places in Canada, and supply electric current thereby, and may, by its servants, agents and workmen, enter upon any street, public road, public bridge, watercourse or highway, in any city, town, municipality or unincorporated

Erection of lines.



town or village, for the purpose of laying and maintaining such pipes and erecting and maintaining its wires along the sides of or across or under the same; and may construct, erect, and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working, and maintaining its pipes and systems, and may stretch wires on such poles; and from time to time, as often as the Company, its agents, officers, or workmen think proper, may break up and open any part whatsoever of the said roads, streets, highways or watercourses.

2. The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works.

Borrowing  
powers.

**10.** The directors may from time to time for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present in person or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary, and issue bonds or debentures therefor in sums of not less than one hundred dollars each at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise, upon the whole or any portion or portions of the property of the Company, as are prescribed in such by-law or decided upon by the directors under the authority thereof.

Increase of  
capital stock.

**11.** After the whole of the capital stock hereby authorized has been subscribed, and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time to an amount not exceeding one million of dollars by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present in person or represented by proxy at a special general meeting of the shareholders duly called for considering the same, and such increased capital stock may be issued and shall be dealt with in the same manner as the original capital stock of the Company.

Preference  
stock.

**12.** The directors may from time to time, for the purposes of the Company, when authorized by a by-law for that purpose passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present in person or represented by proxy at a special general meeting called for considering such by-law, issue and dispose of, for the purposes of the Company, one-third of the then authorized capital stock of the Company as cumulative first preference stock; and the holders of such cumulative first preference stock shall be entitled out of the annual profits

of the Company to receive such cumulative preferential dividend as is fixed by such by-law (but not in any case exceeding six per cent per annum) before the holders of the ordinary stock of the Company are entitled to any dividend on their stock; the holders of the said cumulative first preference shares shall also be entitled to the preferential payment of the amount paid up on their shares out of the assets available for return of capital in priority to any return of capital in respect of ordinary shares in the Company.

2. The holders of such cumulative first preference stock shall have such rights as regards voting at meetings of the shareholders of the Company as are mentioned in such by-law authorizing the issue of such cumulative first preference stock.

**13.** The Company may receive from any government or from any person or city, town, municipality or unincorporated town or village, having power to make or grant the same, in aid of the construction, equipment and maintenance of the said works, grants of land, exemption from taxation, loans, gifts of money, guarantees, and other securities for money, and may hold and dispose of the same. Grants in aid may be received.

**14.** Sections eighteen, thirty-nine and forty-one of *The R.S.C., c. 118. Companies Clauses Act* shall not apply to the Company.

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## 56 VICTORIA.

### CHAP. 75.

#### An Act respecting the British America Assurance Company.

[Assented to 1st April, 1893.]

**W**HEREAS the British America Assurance Company have petitioned for certain amendments, as hereinafter set forth, to chapter ninety-nine of the Statutes of 1882, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The annual meeting of the stockholders of the British America Assurance Company for the election of directors of the Company, shall take place and be held on such day in each year in the month of January or February, as shall be fixed from time to time by resolution of the board of directors, instead of on the third Wednesday in the month of February as provided in the sixth section of the Act cited in the preamble to this Act.

**2.** The title of the two chief officers of the said Company shall be changed from "governor" and "deputy-governor" to "president" and "vice-president" respectively; and wherever the names "governor" and "deputy governor" are used for any purpose in the said Act, the names "president" and "vice-president" respectively, shall hereafter be substituted and used.

**3.** The directors may at any time and from time to time, if and whenever they shall consider it necessary or expedient, elect one of their number to be the managing director of the Company, who shall, in the absence of the president and vice-president, have the same powers and authority as are vested in them or in either of them, and shall, in their absence, or when it is convenient so to do, act in all matters in their place, subject to any restriction or restrictions that may be imposed by any by-law of the Company, or resolution of the board of directors.

**4.** The directors shall appoint from among themselves for each year an executive committee, whose duties shall be defined

defined by by-law of the Company, or resolutions of the board of directors. They may also appoint an assistant secretary, who shall act under the secretary and assist him in all matters appertaining to his office, and act for him in his absence under the direction of the board, and who shall have authority to sign all such papers and documents as require the signature of the secretary, and to do and perform all acts which the secretary is required to do either under the provisions of the said Act or under any by-law of the said Company, or resolution of the board of directors.

Capital stock may be increased.

**5.** The shareholders of the said Company may, under the provisions of section eighteen of the Act mentioned in the preamble to this Act, increase the capital stock of the Company,—but the capital stock shall not exceed in the whole two millions of dollars,—and may deal with the same in all particulars as by the said section is provided, except that such stock shall not be allotted among the shareholders at a less price than par.

When capital stock may be reduced.

**6.** If at any time the assets of the Company, exclusive of its paid-up capital, shall, according to the method of calculation adopted by the Superintendent of Insurance, be found insufficient to meet its liabilities, including the possible claims under the then existing policies of the Company, the directors may so often as the same shall happen pass a by-law to reduce or write off so much of the paid-up capital stock of the Company as will equal such deficiency: Provided, that no by-law for the said purpose shall be valid unless it is ratified by a vote of not less than two-thirds of all the subscribed stock of the Company, at an annual general meeting or at a special general meeting duly called to consider the said by-law.

Restoration of capital stock.

**2.** The directors may from time to time, by by-law increase the paid-up stock of the Company so reduced as aforesaid by an amount not exceeding the amount or amounts by which the same may have been from time to time reduced under the provisions hereof, by declaring a stock dividend or bonus, or otherwise, out of the profits of the business of the Company; and thereupon the paid-up capital stock of the Company shall represent the aggregate of the amount to which it had been so reduced, and the amount of such increase so declared as aforesaid.

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## 56 VICTORIA.

### CHAP. 76.

#### An Act respecting the Canada Life Assurance Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Canada Life Assurance Company have by their petition represented that the Company have heretofore acquired certain real estate in the cities of Hamilton, Toronto and Montreal respectively, upon which they have erected buildings, which in each case are occupied in part by the Company as offices for the transaction of their business, and in part are rented to tenants, and that the Company may find it desirable to acquire real estate in other centres and to erect other buildings to be similarly occupied and used, and have prayed that an Act be passed to define the Company's powers in that behalf, and also to extend their powers as to the investment of their funds, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Canada Life Assurance Company, hereinafter called the Company, are hereby declared to have had and to have power and authority to hold the real estate in the cities of Hamilton, Toronto and Montreal respectively on which they have erected buildings as mentioned in the preamble hereto, and to occupy and use such buildings in part for the offices of the Company, and to rent the portions of such buildings not so occupied and used, and to sell and convey such real estate or any part thereof when no longer required by the Company for their purposes.

Powers as to real estate in Hamilton, Toronto and Montreal.

**2.** The provisos forming part of the first section of the Act incorporating the Company, being chapter one hundred and sixty-eight of the Statutes of 1849 of the late province of Canada, are hereby amended and varied so that the Company, in addition to the real estate in the cities of Hamilton and Toronto, in the first section of this Act mentioned, or any real estate hereafter acquired in lieu thereof in these cities or in either of

Powers as to real estate outside of Hamilton and Toronto.

them, may acquire and use, in like manner and for like purposes, real estate in the city of Montreal not exceeding in annual value of thirty thousand dollars, and real estate in any province of Canada, other than the provinces of Ontario and Quebec, not exceeding in annual value of twenty thousand dollars, and when no longer required may sell and convey such real estate.

Investment of funds.

Limitation.

**3.** In order to remove doubts as to the directors' powers of investing moneys in Canada, it is hereby enacted that they have had and shall have power to invest the funds of the Company in the bonds or debentures of any municipalities in Canada, and in mortgages on real estate in any of the provinces or territories of Canada, and they may invest such funds in the bonds or debentures of any of the states of the United States, or of any municipalities in the United Kingdom or in the United States, or in mortgages on real estate therein; but the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States; and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*.

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56 VICTORIA.

CHAP. 77.

An Act to incorporate the Canadian Live Stock Insurance Association.

[Assented to 1st April, 1893.]

WHEREAS G. Frederick Fisher, Walter S. Fisher, Benjamin H. Torrens, and John M. Wiley, all of the city of Fredericton, and Arthur Glasier, of the parish of Lincoln, county of Sunbury, and province of New Brunswick, have by their petition prayed to be incorporated for the purpose of carrying on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The persons hereinbefore named, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Canadian Live Stock Insurance Association" hereinafter called the Company.

Preamble.

Corporation constituted.

Corporate name.

2. The Company may carry on the business of insuring live stock and indemnifying the owners thereof against loss by the death thereof, from any cause whatever.

Business.

3. The head office of the Company shall be in the city of Fredericton, but the Company may establish agencies or branches elsewhere throughout Canada.

Head office.

4. The persons hereinbefore named shall be the first or provisional directors of the Company of whom a majority shall be a quorum.

Provisional directors.

5. The capital stock of the Company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

2. The directors may increase the amount of the capital stock from time to time to any amount not exceeding two hundred

Increase of capital stock.



hundred thousand dollars, after the whole capital stock has been subscribed for and at least fifty per centum paid thereon in cash ; but no such increase of stock shall be made unless the resolution of the board of directors authorizing the same has first been confirmed by the votes of shareholders representing at least two-thirds of all the capital stock of the Company present at either an annual general meeting of the Company, or at a special general meeting called for that purpose.

Commence-  
ment of busi-  
ness.

**6.** The Company shall not commence the business of insurance until twenty-five thousand dollars of capital stock has been paid in cash into a chartered bank in Canada to the credit of the Company, which amount shall not be withdrawn except for the purposes of the Company under this Act.

Calls.

2. The remainder of the capital stock shall be paid in such instalments as a majority of the directors from time to time determine, not to exceed five per cent per call, and at periods of not less than three months interval ; and no instalment shall be payable in less than thirty days after notice thereof has been given by advertisement in one newspaper published in the city of Fredericton and by circular addressed to each shareholder at his last known address.

Notice.

First meeting  
of company.

**7.** So soon as twenty-five thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada the directors may call a general meeting of the shareholders at some place to be named in the city of Fredericton, giving at least ten days notice thereof by registered letter mailed to each shareholder at his address as then in the books of the Company, at which general meeting the shareholders present in person or represented by proxy shall elect three or more directors, who shall constitute the board of directors, and shall hold office until the annual general meeting in the year following their election, and a majority of the said directors shall form a quorum thereof ; but the said quorum shall never be less than three.

Directors.

Quorum.

Qualification.

2. No person shall be qualified to be a director unless he is the holder of at least ten shares of the capital stock of the Company and has paid up all calls made thereon.

Annual gener-  
al meeting.

**8.** The annual general meeting of shareholders for the election of directors, and other general purposes, shall be held on the first Tuesday in February in each year at the city of Fredericton, unless some other day be fixed by by-law for that purpose ; and notice of the hour and place of such meeting shall be given in the manner required in the next preceding section, and by advertisement published at least twice within ten days prior thereto in some newspaper in the city of Fredericton.

Notice.

**9.** The Company may acquire and hold real estate not to exceed in value ten thousand dollars, and may also hold such real estate as has been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered ; provided always, that the Company shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns ; and may invest its funds, or any part thereof in or lend on the security of the public securities of Canada or of any of the provinces thereof, or in the bonds or debentures of any incorporated city, town or municipality, authorized to issue bonds or debentures, or in mortgages on real estate, as the directors elect, and may, from time to time, vary or sell the said securities or mortgages or pledge the same, as occasion requires.

Powers to hold real estate and invest funds.

**10.** This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act*.

R.S.C., c. 124 to apply.

**11.** Notwithstanding anything contained in *The Companies Clauses Act*, the said Act, except sections eighteen and thirty-nine thereof, shall apply to the Company.

R.S.C., c. 118 to apply. Exception.

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## 56 VICTORIA.

### CHAP. 78.

#### An Act to incorporate the Dominion Burglary Guarantee Company (Limited).

[Assented to 1st April, 1893.]

**W**HEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of carrying on the business of guaranteeing persons, firms and corporations against loss and damage by burglary or house-breaking as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Hon. George Alexander Drummond, Samuel Finley, Hugh Graham, James Naismith Greenshields, John Alfred Grose, Edwin Percival Heaton, Anthony Haig Sims, Frederick Fairman, William Strachan, Benjamin Tooke, Robert Bickerdike, George Douglas Ross, Thomas Jordan, Joseph Eveleigh, Edward Frank Moseley, the Hon. Alexander Walker Ogilvie and John Torrance, all of the city of Montreal, in the province of Quebec, and John William McRae, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Dominion Burglary Guarantee Company (Limited)," hereinafter called the Company.

**2.** The Company may make and enter into contracts with any person for the purpose of guaranteeing such person against any loss or damage by reason of burglary or house-breaking; and the Company may issue its guarantee policies in such form as it determines.

**3.** The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each; but after the whole amount of the capital stock has been subscribed for, and fifty per cent paid thereon, the Company may increase the capital stock to an amount not exceeding

one million dollars, provided that such increase and the amount thereof has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the original stock are present in person or represented by proxy.

Provisional directors.

**4.** The first seven persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, and of such provisional directors a majority shall be a quorum ; and they may forthwith open stock books, procure subscriptions of stock, 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 on account of the Company, and shall withdraw the same for the purposes only of the Company.

First meeting of shareholders.

**5.** So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent paid thereon into a chartered bank in Canada to the credit of the Company, the provisional directors shall within three months thereafter, call a meeting of the shareholders of the Company at the place where the head office is situate,—at such day and hour as they think proper,—at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall elect the directors ; and no person shall be elected or continue a director unless he is a shareholder owning at least ten shares of stock and has paid all calls due thereon.

\$40,000 to be paid up before commencing business.

**2.** The Company shall not commence business until forty thousand dollars of capital stock have been paid in cash into a chartered bank in Canada to the credit of the Company, which amount shall not be withdrawn except for the purposes of the Company under this Act ; and a further call of ten per cent on the subscribed capital stock of the Company shall be made and paid up within twelve months from such meeting.

Annual meeting.

**6.** The annual general meeting of the shareholders shall be held on the third Wednesday in February in each year, or at such other date in each year as is fixed by by-law passed at any annual general or special meeting of shareholders duly called for that purpose.

Directors.

**7.** At such meeting the subscribers of the capital stock who have paid all calls due on their shares shall choose seven persons to be directors of the Company ; but the Company may, by by-law, first approved of by the shareholders, increase the number of directors to any number not exceeding nine ; and a majority of the directors shall be a quorum.

Head office.

**8.** The head office of the Company shall be in the city of Montreal, and may be changed to such other place in Canada

as is fixed by by-law passed at any annual general or at any special meeting of shareholders duly called for that purpose.

**9.** The Company may also establish safety vaults in connection with its business, for the purpose of receiving and caring for and guaranteeing against loss, jewellery, bullion and other movable property deposited with it for safe keeping. Safety vaults.

**10.** The Company may charge such premium for the risks undertaken by it as the persons contracting with the Company agree to pay. Premium on risks.

**11.** The Company may invest its funds in the debentures, bonds, stocks or other securities in Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, or on the security of real estate in any province of Canada. Investment of funds.

**12.** The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

**13.** Notwithstanding anything contained therein, *The Companies Clauses Act*, except section eighteen thereof, shall extend and apply to the Company hereby incorporated and shall form part of this Act, in so far as it is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118.

**14.** This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*. R.S.C., c. 124.





## 56 VICTORIA.

### CHAP. 79.

An Act to revive and amend the Act to incorporate the Equity Insurance Company, and to change the name of the Company to the St. Lawrence Insurance Company.

[Assented to 1st April, 1893.]

**W**HEREAS the incorporators of the Equity Insurance Company have by their petition prayed that an Act be passed to revive and amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
Chapter 103 of 1887.

**1.** Subject to the provisions of this Act, the Act incorporating the Equity Insurance Company, being chapter one hundred and three of the Statutes of 1887, is hereby revived and declared to be in force, and the time limited, under the provisions of section twenty-four of *The Insurance Act*, for obtaining a license to transact business, is hereby extended for one year from the passing of this Act; and if such license has not then been obtained, then the powers granted by the said Act and this Act shall cease and be null and void.

Act revived and time for securing license extended.

**2.** The name of the Company is hereby changed from the "Equity Insurance Company" to the "St. Lawrence Insurance Company," but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, or any judgment existing, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed or enforced as if this Act had not been passed.

Name changed, but existing rights not to be affected.







## 56 VICTORIA.

### CHAP. 80.

An Act to amend the Act to incorporate the Manufacturers' Accident Insurance Company, and to change its name to "The Manufacturers' Guarantee and Accident Insurance Company."

[Assented to 1st April, 1893.]

**WHEREAS** the Manufacturers' Accident Insurance Company has, by its petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.  
1887, c. 105.

**1.** The name of the Company is hereby changed from "The Manufacturers' Accident Insurance Company" to "The Manufacturers' Guarantee and Accident Insurance Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Name changed.

**2.** Section one of the Act of incorporation of the Company being chapter one hundred and five of the Statutes of 1887, is hereby amended by adding thereto the following subsection:—

Section 1 amended.

"2. The Company shall also be authorized—

"(a.) To guarantee the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed on them by contract or otherwise:

Company may carry on guarantee business.

"(b.) To guarantee the due performance and discharge by receivers, official and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers, and agents of their respective duties and obligations:

“(c.) To guarantee persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

Capital to be increased before guarantee business is begun.

3. Before the Company shall exercise the enlarged powers given by this Act, its subscribed capital shall be increased to at least two hundred thousand dollars, and the amount paid thereon in cash shall be increased to at least seventy-five thousand dollars.

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## 56 VICTORIA.

### CHAP. 81.

An Act to incorporate the Ocean Accident Corporation.

[Assented to 1st April, 1893.]

**W**HEREAS the persons hereinafter mentioned have, by Preamble.  
their petition, prayed to be incorporated for the purpose  
of carrying on the business of accident assurance, and it is  
expedient to grant the prayer of the said petition : Therefore  
Her Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows :—

**1.** Thomas Hewitt, barrister-at-law of the Inner Temple, Incorporation.  
London, England ; Clarence Smith, M.P., Chislehurst, England ;  
Richard Pryce Harrison, C.S.I., director of the National Bank  
of India, London, England ; William Miller Ramsay, and Sir  
Joseph Hickson, K.C.M.G., both of Montreal ; Edmund B.  
Oeler, of Toronto ; and Edward Black Greenshields, of Mont-  
real ; together with such persons as become shareholders in the  
Corporation hereby incorporated, are hereby constituted a body Corporate  
corporate under the name of the “ Ocean Accident Corpora- name.  
tion,” hereinafter called the Corporation.

**2.** The capital stock of the Corporation shall be five hun- Capital stock  
dred thousand dollars, divided into shares of one hundred and shares.  
dollars each.

**2.** The directors may increase the amount of the capital Increase of  
stock at any time or from time to time to an amount not capital stock.  
exceeding one million dollars after the whole capital stock has  
been subscribed for and fifty per cent paid thereon in cash ;  
but the stock shall not be increased until the resolution of the Approval by  
board of directors, authorizing such increase, has first been sub- shareholders.  
mitted to and confirmed by a majority in number and amount  
of the shareholders, at an annual general meeting of the Corpora-  
tion, or at a special meeting of the shareholders duly called  
for that purpose.

**3.** For the purpose of organizing the Corporation the persons Provisional  
hereinbefore named are hereby appointed provisional direc- directors.  
tors, and three of them shall be a quorum for the transaction of  
business ;

business ; and they may forthwith open stock books, procure subscriptions of stock for 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 Corporation, and withdraw the same for the purposes only of the Corporation.

Election of directors.

**4.** When, and so soon as one hundred thousand dollars of the capital stock have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Corporation at some place to be named in the city of Montreal, in the province of Quebec, at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors ; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Corporation.

Only shareholders to vote.

Qualification of directors.

**2.** No person shall be a director unless he holds in his own name and for his own use at least ten shares of the capital stock of the Corporation, and has paid all calls due thereon and all liabilities incurred by him to the Corporation.

\$30,000 to be paid up.

**5.** The Corporation shall not commence business until thirty thousand dollars of capital stock have been paid in cash into the funds of the Corporation to be appropriated only for the purposes of the Corporation under this Act.

Number and quorum of directors.

**6.** The affairs of the Corporation shall be managed by a board of not less than five nor more than twenty directors, of whom not less than one-fourth shall form a quorum for the transaction of business, but such quorum shall in no case be less than three.

Sub-boards.

**7.** The directors may appoint sub-boards or local boards and committees, with such powers and to discharge such duties as the directors from time to time confer and impose on them ; but such sub-boards, local boards or committees shall, at all times and in regard to all their actions and duties, be subject to the control of the board of directors.

Annual general meetings.

**8.** A general meeting of the Corporation shall be called once in each year after the organization of the Corporation and commencement of business, at such time as is fixed by by-law, after not less than ten days' notice in one or more newspapers published in the city of Montreal, at which meeting a statement of the affairs of the Corporation shall be submitted ; and special general or extraordinary meetings may, at any time, be called by five of the directors or by requisition of twenty-five shareholders, specifying in the notice the object of such meeting.

Special general meetings.

9. The Corporation may make and effect contracts of insurance with any person against all accidents or casualties of whatsoever nature or from whatsoever cause arising, either to person or property, (including insurance on plate glass), whereby the insured may suffer loss or injury or be disabled, or, in case of death from any accident or casualty, secure to the representative of the person assured the payment of a certain sum of money, upon such terms and conditions as are agreed upon ; but the Corporation shall not undertake the ordinary kinds of fire or marine insurance business.

Powers and  
business of  
corporation.

10. The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, but branches or agencies may be established either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Head office  
and branch  
offices.

11. The Corporation may invest its funds in the debentures, bonds, stock or other securities of the United Kingdom or of Canada, or of any of the other British dependencies, or on the security thereof, or in or on the securities of any of the provinces composing the Dominion, or in or on the securities of any municipal corporation in Canada, or on the security of stock or debentures of any incorporated building society or loan company, or on the security of real estate or mortgage security thereon, in any province in Canada, and may change and reinvest the same as occasion from time to time requires, and may take, receive and hold all or any such securities in the corporate name of the Corporation, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Corporation on the securities of the said debentures, bonds, mortgages or other securities as aforesaid ; and such loans shall be made on such terms and conditions, and in such manner and at such times, and for such sums, and on such terms of repayment, whether of principal or interest, or principal and interest together, and at such rate of interest as the board of directors from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the Corporation, or judgments against any person or body corporate in its behalf, or in security for the payment of the same.

Investment of  
funds.

12. The Corporation may hold real estate to an amount not exceeding two hundred thousand dollars in value, for the purposes of its business, and may sell or mortgage the same ; and the Corporation may hold such real estate as has been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered : Provided always, that the Corporation shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner, or to his heirs or assigns.

Real estate.

Foreign  
agencies.

**13.** The Corporation may have offices, maintain agencies and transact business in Canada or elsewhere, and may invest or deposit such portions of its funds in foreign securities as is necessary for the establishment or maintenance of any foreign branch or agency.

R.S.C., c. 124. **14.** This Act and the Corporation hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act*.

R.S.C., c. 118. **15.** Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Corporation hereby incorporated, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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## 56 VICTORIA.

### CHAP. 82.

An Act to incorporate the Ocean Guarantee Corporation.

[Assented to 1st April, 1893.]

**W**HEREAS the persons hereinafter mentioned have, by Preamble.  
their petition, prayed to be incorporated for the purpose of carrying on the business of fidelity guarantee and the issuing of surety bonds, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Thomas Hewitt, barrister-at-law, of the Inner Temple, London, England; Clarence Smith, M.P., Chislehurst, England; Richard Pryce Harrison, C.S.I., Director of the National Bank of India, London, England; William Miller Ramsay, and Sir Joseph Hickson, K.C.M.G., both of Montreal; Edmund B. Osler, of Toronto, and Edward Black Greenshields, of Montreal, together with such persons as become shareholders in the corporation hereby incorporated, are hereby constituted a body corporate under the name of the "Ocean Guarantee Corporation," hereinafter called the Corporation. Incorporation.  
Corporate name.

**2.** The capital stock of the Corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each. Capital stock and shares.

**2.** The directors may increase the amount of the capital stock at any time or from time to time to an amount not exceeding two million dollars, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by a majority in number and amount of the shareholders at an annual general meeting of the Corporation, or at a special meeting of the shareholders duly called for that purpose. Increase of capital stock.

**3.** For the purpose of organizing the Corporation the persons hereinbefore named are appointed provisional directors, and three of them shall be a quorum for the transaction of business; Provisional directors and their powers.



and they may forthwith open stock books, procure subscriptions of stock for 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 Corporation, and withdraw the same for the purposes only of the Corporation.

First meeting  
of shareholders

**4.** When and so soon as one hundred thousand dollars of the capital stock have been subscribed, and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Corporation at some place to be named in the city of Montreal, in the province of Quebec,—at which general meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Corporation.

Election of  
directors.

Voting.

Qualification  
of directors.

**2.** No person shall be a director unless he holds in his own name and for his own use at least ten shares of the capital stock of the Corporation and has paid all calls due thereon and all liabilities incurred by him to the Corporation.

\$60,000 to be  
paid up.

**5.** The Corporation shall not commence business until sixty thousand dollars of capital stock have been paid in cash into the funds of the Corporation to be appropriated only for the purposes of the Corporation under this Act.

Number and  
quorum of  
board of direc-  
tors.

**6.** The affairs of the Corporation shall be managed by a board of not less than five nor more than twenty directors, of whom not less than one-fourth shall form a quorum for the transaction of business; but such quorum shall in no case be less than three.

Sub-boards.

**7.** The directors may appoint sub-boards or local boards and committees, with such powers and to discharge such duties as the directors from time to time confer and impose on them; but such sub-boards, local boards or committees shall, at all times and in regard to all their actions and duties, be subject to the control of the board of directors.

Annual gener-  
al meeting.

**8.** A general meeting of the Corporation shall be called once in each year after the organization of the Corporation and commencement of business, at such time as is fixed by by-law, after not less than ten days' notice in one or more newspapers published in the city of Montreal, at which meeting a statement of the affairs of the Corporation shall be submitted; and special, general or extraordinary meetings may, at any time, be called by five of the directors or by requisition of twenty-five shareholders, specifying in the notice the object of such meeting.

Special meet-  
ings.

**9.** The Corporation may execute and enter into contracts by way of guarantee, indemnity or suretyship, with any person and for the purpose of guaranteeing the fidelity and faithful accounting and performance of duties of persons in positions of trust, and generally carry on and transact every description of guarantee and suretyship assurance against loss or damage resulting from error, negligence, carelessness or misconduct of any person, upon such terms and conditions as are agreed upon.

General powers.

**10.** The head office of the Corporation shall be in the city of Montreal, in the province of Quebec, but branches or sub-boards or agencies may be established either within Canada or elsewhere, in such manner as the directors, from time to time, appoint.

Head office and branches.

**11.** The Corporation may invest its funds in the debentures, bonds, stocks, or other securities of the United Kingdom of Great Britain and Ireland or of the Dominion of Canada, or of any of the other British dependencies, or on the security thereof, or in or on the securities of any of the provinces composing the Dominion, or in or on the securities of any municipal corporation in Canada, or on the security of stock or debentures of any incorporated building society or loan company, or on the security of real estate or mortgage security thereon, in any province in Canada, and may change and reinvest the same as occasion from time to time requires, and may take, receive and hold all or any such securities in the corporate name of the Corporation, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Corporation on the security of the said debentures, bonds, mortgages or other securities as aforesaid; such loans shall be made on such terms and conditions, and in such manner and at such times, and for such sums and on such terms of repayment, whether of principal or interest, or principal and interest together, and at such rate of interest as the board of directors from time to time determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the Corporation, or judgments against any person or body corporate in its behalf or in security for the payment of the same.

Investment of funds.

**12.** The Corporation may hold real estate to an amount not exceeding two hundred thousand dollars in value, for the purposes of its business, and may sell or mortgage the same; and the Corporation may hold such real estate as has been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered: Provided always, that the Corporation shall sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, otherwise it shall revert to the previous owner, or to his heirs or assigns.

Power to hold real estate limited.

Proviso: as to sale thereof.

Foreign busi-  
ness.

**13.** The Corporation may have offices, maintain agencies and transact business in Canada or elsewhere, and may invest or deposit such portions of its funds in foreign securities as is necessary for the establishment or maintenance of any foreign branch or agency.

R.S.C., c. 124.

**14.** This Act and the Corporation hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act*.

R.S.C., c. 118.

**15.** Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Corporation hereby incorporated, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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# 56 VICTORIA.

## CHAP. 83.

An Act to amend an Act to incorporate the Eastern Canada Savings and Loan Company (Limited).

[Assented to 1st April, 1893.]

**W**HEREAS the Eastern Canada Savings and Loan Company (Limited) have by their petition prayed that the Act incorporating the said Company may be amended in the manner hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** Section eight of chapter one hundred and thirteen of the Statutes of 1887, intituled *An Act to incorporate the Eastern Canada Savings and Loan Company (Limited)*, is hereby repealed and the following substituted therefor:—

**“ 8.** So soon as one hundred thousand dollars on account of the subscribed capital have been actually paid up, the Company may receive money on deposit, and the board of directors of the Company may issue debentures of the Company for such sums, not being less than one hundred dollars, and in such currency as they deem advisable, and payable in Canada, or elsewhere, not less than one year from the issue thereof: Provided always, that the aggregate amount of money deposits in the hands of the Company, together with the amount of their debentures issued and remaining unpaid, may be equal to, but shall not at any time exceed, double the aggregate amount paid up in respect of the capital or shares of the Company, together with a further sum which may be equal to but shall not exceed the amount remaining unpaid upon the subscribed capital or shares upon which not less than twenty per cent has been paid: Provided also, that in no case shall the total liabilities of the Company to the public at any time exceed three times the amount actually paid up in respect of the capital or shares of the Company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Company: Provided also, that in estimating the paid-up capital or shares of the Company, the amount of all loans or advances made by them to their shareholders upon

Preamble.

1887, c. 113, s. 8 repealed.

Company may receive money on deposit and issue debentures.

Amount limited.

Limit of total liabilities.

How estimated.

Amount of de- the security of their shares shall be deducted therefrom : Pro-  
posits limited. vided further, that the amount held by the Company on depo-  
sit shall not at any time exceed the amount paid up in respect  
of the capital or shares of the Company.”

Section 10  
repealed.

**2.** Section ten of the said Act is hereby repealed.

Declaratory as  
to debentures  
heretofore  
issued.

**3.** The bonds or debentures and deposit receipts of the said  
Company heretofore issued are hereby declared to have been  
legally issued, and are hereby made legal, valid and binding on  
the said Company, to the same extent as if this Act had been  
passed before the issue thereof.

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most Excellent Majesty.



## 56 VICTORIA.

### CHAP. 84.

#### An Act to incorporate the Eastern Trust Company.

[Assented to 1st April, 1893.]

**W**HEREAS the Honourable Alfred G. Jones, Thomas Fyshe, Wiley Smith, Hon. H. H. Fuller, James C. Mackintosh, Thomas E. Kenny, M.P., William Robertson, Adam Burns, Hugh McD. Henry, Q.C., Thomas Ritchie, John Doull, Patrick O'Mullin, William B. Ross, Q.C., John F. Stairs, M.P., Charles C. Blackadar and Jeremiah F. Kenny, all of the city of Halifax, in the province of Nova Scotia, and Robert Caie, of Yarmouth, in the said province of Nova Scotia, and George A. Schoffield of the city of St. John, in the province of New Brunswick, have by their petition prayed that they may be incorporated for the purposes and with the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The several persons hereinbefore named, and such persons as become shareholders in the company by this Act created, are hereby constituted a body corporate under the name of "The Eastern Trust Company," hereinafter called the Company.

Incorporation.

Corporate name.

2. The Company may accept and execute all such trusts of every description as are committed to them by any person or persons, or by any corporation, or by any court of law or equity in Canada, and may take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on any manner of trusts created in accordance with law, and may fulfil and execute such legal trusts with regard to the same upon such terms as to remuneration and otherwise as is agreed on, or as the court may fix where no agreement is made, and generally may act as agents or attorneys for the transaction of business and the management of, or winding up of estates, the collection of rents, interests, dividends, mortgages, bonds, bills, notes and other securities, the winding up

Business of the Company.

Power as agents.

or management of bankrupt estates, and also may act as agents for the purpose of issuing or countersigning the certificates of stocks, bonds and other obligations of any corporation, association or municipality, and may receive and manage any sinking fund therefor, on such terms as are agreed upon.

May act as executor, trustee, etc.

**3.** The Company may accept and hold the office of receiver, trustee, assignee, liquidator, executor and administrator, guardian of any minor, or committee of any lunatic, if appointed thereto in accordance with the law of any province in which they do business, and in so far as under such law they may legally do so; and the accounts of the Company in respect thereof shall be regularly settled and adjusted by the proper officers or tribunals, and the Company may be allowed all proper remuneration and legal, usual and customary costs, charges and expenses for the care and management of any estate or trust so committed to them.

Adjustment of accounts.

Investment of trust moneys.

**4.** The investment of trust moneys by the Company shall be—  
 (a.) Upon first mortgages of improved freehold or leasehold property of ample value in the settled portions of Canada; or  
 (b.) In the public stocks, funds, or government securities of the Dominion of Canada, or of any of the provinces thereof, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation other than towns and villages with a population of less than two thousand five hundred souls, or whose annual rate of assessment exceeds two cents in the dollar, in any of the said provinces, or in the public stocks, funds, or government securities of the United Kingdom, or any of the colonies or dependencies thereof, or

Proviso: as to foreign securities.

(c.) As may be directed or limited by the terms of any trust declared or affecting the same, or by the order, judgment, or decree of the court from which the same shall have been received; Provided, however, that nothing herein contained shall prevent the Company from holding foreign or other securities forming part of any trust estate which come into the hands of the Company, and the Company may hold the same subject to the trusts thereof declared, but in case of the realization of any of such securities the proceeds of the same shall be invested as herein directed, unless otherwise provided in the will, deed or instrument creating the trust.

Moneys, etc., of each trust to be kept separate.

**5.** The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate accounts, and so marked in the books of the Company for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the Company, and so invested that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall in the receipt of rents, and in the overseeing and management of trust and other property, keep distinct records and accounts of all operations connected therewith;

therewith ; provided always, that in the management of money and property held by the Company as trustee under the powers conferred by this Act, the Company may, unless the authority making the appointment shall, at the time of the making of such appointment otherwise direct, invest the same in a general trust fund of the Company ; and provided also, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed two thousand dollars.

Proviso.

Proviso.

**6.** The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys held by the Company for investment under any of the trusts authorized by this Act, on such terms and conditions as are agreed upon.

Company may guarantee investments.

**7.** Nothing in this Act shall be construed to authorize the Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the note or bill of a bank, or to engage in the business of banking.

No note payable to bearer.

**8.** The Company may hold such real estate not exceeding three thousand dollars in annual value, as is necessary for the transaction of their business, and further, any real estate of whatever value which being mortgaged to them, is acquired by them for the protection of their investment, and may from time to time, mortgage, sell, lease or otherwise dispose of the same ; provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within seven years after it has been so acquired, and that otherwise it shall revert to the previous owner, his heirs or assigns.

Real estate.

**9.** The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the Company may from time to time increase the capital stock of the Company to an amount not exceeding in the whole one million dollars, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose ; and if the capital stock is at any time increased, the stockholders at the time of such increase shall be primarily entitled to a *pro rata* allotment of such increase.

Capital stock and shares.

**10.** The persons named in the preamble to this Act are hereby constituted the provisional directors of the Company.

Provisional directors.

**11.** The property, affairs and business of the Company shall be managed by a board of not less than five nor more than eighteen directors, as is from time to time fixed by by-law of the Company.

Board of directors.



First meeting  
of sharehold-  
ers.

**12.** When and so soon as the sum of one hundred thousand dollars has been subscribed, and twenty-five per cent thereof paid into one of the chartered banks of Canada,—which amount shall not be withdrawn, except for the purposes of the Company, or upon the dissolution of the Company for any cause whatever, —the provisional directors shall call a general meeting of the shareholders, to be held at such time and place in the city of Halifax as the said provisional directors appoint, of which meeting not less than two weeks' notice shall be given in one newspaper published in the city of Halifax, and by notice mailed to the address of each of the shareholders, for the purpose of electing directors, who shall hold office for the next ensuing year, and of organizing the Company generally; and upon such election the powers and functions of the provisional directors shall cease.

Election of  
directors.

When busi-  
ness may be  
commenced.

**13.** The Company shall not commence business until at least one hundred thousand dollars of capital stock have been *bona fide* subscribed, and twenty-five per cent of such amount has been paid up in cash as aforesaid; and a further sum of twenty-five thousand dollars shall be paid in within two years thereafter.

Head office.

**14.** The head office of the Company shall be in the city of Halifax and a general meeting of the Company shall be held at Halifax on such day in each and every year as is fixed by by-law of the Company, and fifteen days' previous notice thereof shall be given in one of the newspapers published in the said city and by notice mailed to the address of each of the shareholders. At such meeting the shareholders shall elect by ballot a board of directors for the ensuing year.

Annual gener-  
al meeting.

Quorum of  
directors.

**15.** At all meetings of the directors, five shall form a quorum for the transaction of business; but should the number of directors be at any time reduced to less than nine a majority shall form such quorum.

Qualification  
of directors.

**16.** No shareholder shall be eligible for election as a director unless he holds in his own right at least twenty shares upon which all calls due have been paid.

Insolvency of  
a director.

**17.** If any director makes any assignment for the benefit of creditors or comes within the operation of any insolvent law then in force, he shall thereby cease to be a director.

Calls on stock.

**18.** Calls for payment of subscription to the capital stock of the Company may be made by the board of directors at such times and in such proportions as they deem proper; provided, that not more than twenty-five per cent shall be called up within any one year.

**19.** The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president, manager and secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the said Minister requires; and the said statement shall be made up to the thirty-first day of December in each year.

Annual state-  
ment.

**20.** The moneys, properties and securities received or held by the Company under the provisions of this Act, upon trust or as agent of any person or persons, shall not be liable for the debts or obligations of the Company.

Trust moneys,  
etc., not liable  
for Company's  
debts.

**21.** The Company may invest any moneys forming part of its capital or reserve or accumulated profit in any of the securities mentioned in section four of this Act, or in bank stock, or in the bonds or debentures of any incorporated building society or loan company, or on the security of real estate in Canada or any interest thereon, as the directors deem expedient.

Investment of  
Company's  
capital.

**22.** The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they are inconsistent with the laws of such province.

Provincial  
laws not to be  
infringed.

**23.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 118.

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## 56 VICTORIA.

### CHAP. 85.

#### An Act respecting the Hamilton Provident and Loan Society.

[Assented to 1st April, 1893.]

**WHEREAS** the Hamilton Provident and Loan Society have Preamble.  
by their petition prayed that chapter thirty of the Statutes of 1885 be amended, and that further powers be 1885, c. 30.  
conferred upon them; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section two of the Act cited in the preamble to this Act is hereby amended by striking out the words “one million five hundred thousand” in the second line thereof and substituting therefor the words “three million.” Section 2 amended.

**2.** Section three of the said Act is hereby amended by striking out the words “the sum of three million dollars” in the twelfth and thirteenth lines thereof and substituting therefor the words “three times the amount actually paid up in respect of fixed and permanent capital or shares of the Society.” Section 3 amended.

**3.** The Society are hereby authorized, subject to the laws of the several provinces in that behalf, to extend their business to and carry on business in any province of Canada; provided, however, that before the directors commence to carry on business in any province other than that in which they are now authorized to carry on business, they shall be empowered so to do by a rule or by-law of the Society passed for that purpose. Extension of business to other provinces.

**4.** The Society may, subject to the laws in that behalf of any provinces to which they extend their business as hereinbefore provided, acquire real estate and hold and dispose thereof, in the same manner as they are now empowered to do with regard to real estate in the province of Ontario, subject, however, to the limitations imposed by section ninety-four of *The Companies Act*. Real estate in provinces other than Ontario.

Issue of  
new stock.

5. In case at any time the directors of the Society lawfully determine to issue the additional stock of the Society, or any part thereof, such additional stock shall be issued in shares of one hundred dollars each, and may be issued in Great Britain or in Canada, or partly in Great Britain and partly in Canada, and the directors may make such rules or regulations regarding the issue, sale or transfer of such stock, either in Great Britain or Canada, as they deem proper.

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most Excellent Majesty.



## 56 VICTORIA.

### CHAP. 86.

An Act to amend "An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund."

[Assented to 1st April, 1893.]

**W**HEREAS the Nova Scotia Permanent Benefit Building Society and Savings Fund has by its petition prayed that an Act be passed to amend as hereinafter set forth chapter one hundred and fourteen of the Statutes of 1887, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section eleven of chapter one hundred and fourteen of the Statutes of 1887, intituled *An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund*, is hereby amended by adding the following subsection thereto:

"2. The duty to sell within seven years real estate acquired in satisfaction of any debt shall not apply to real estate acquired or owned by the Society on or before the twenty-third of June, A.D. 1887."

Preamble

50-51 V., c. 114, s. 11 amended.

Exception from preceding section.

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56 VICTORIA.

CHAP. 87.

An Act to incorporate the Canada Carriage Company.

[Assented to 1st April, 1893.]

**WHEREAS** the persons hereinafter named have by their Preamble. petition, prayed to be incorporated under the name of "The Canada Carriage Company," and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Grant Howard Burrows and Lowe Emerson, both of the city of Cincinnati, in the state of Ohio; Charles Wesley Taylor and Thomas J. Storey, both of the town of Brockville, in the province of Ontario; Henry Eaton Walton, of the town of Gananoque, in the said province of Ontario; and Henry Christopher Yergason, of the said city of Cincinnati, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canada Carriage Company," hereinafter called the Company. Incorporation. Corporate name.

**2.** The persons named in the first section of this Act shall be the provisional directors of the Company, and the first meeting of the provisional directors shall be held at the town of Brockville; and the head office of the Company shall be at the town of Brockville. Provisional directors. First meeting. Head office.

**2.** The Company may also establish agencies or branch offices in such other places out of Canada as is determined from time to time by by-law of the Company: Provided, however, that the domicile of the Company shall be at the town of Brockville. Branch offices outside of Canada. Proviso.

**3.** The Company may carry on throughout Canada and elsewhere the business of the manufacture and sale of carriages, wagons, sleighs and other vehicles; and wheels, axles, springs and all other parts appertaining to the construction and manufacture of such articles, and the business of the manufacture and sale of boats and canoes; and may acquire, buy and sell and lease or rent lands, machinery, water, electric and steam power. Object and general powers of Company.



power and other property, real and personal, required for and in connection with or incidental to their said business or businesses.

Purchase of certain business.

4. The Company may also lease, purchase, take over or otherwise acquire or manage all or any of the business or businesses now being carried on by the Gananoque Carriage Company, at the town of Gananoque and elsewhere, and may in like manner also lease, purchase, take over or otherwise acquire or manage all or any of the business or businesses now being carried on by the Brockville Carriage Company at the town of Brockville and elsewhere, and the whole or any of the good-will, stock-in-trade, assets and property, real and personal, movable and immovable, of the said the Gananoque Carriage Company, and of the said the Brockville Carriage Company, subject to the obligations, if any, affecting the same; and may pay the price thereof, if purchased, wholly or partly in cash or wholly or partly in fully paid-up or partly paid-up shares of stock of the Company, and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said two companies, and also the obligations affecting the assets and property so purchased as aforesaid.

Mode of payment.

Power to borrow money.

5. The directors of the Company may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

6. The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person or represented by proxy, may also, from time to time, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one thousand dollars each, signed by the president or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes set forth in section four 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; provided always that the amount so borrowed under this and the next preceding section shall not exceed seventy-five per cent of the actual paid-up stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets

Amount limited.

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 trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

7. The capital stock of the Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and of these two thousand shares shall be ordinary shares and five hundred shares shall be preference shares.

8. The holders of the preference shares in the Company shall be entitled to receive out of the profits every year a preferential dividend at the rate of seven per cent per annum on the amount for the time being paid up on the preference shares held by them respectively, and the dividends on such shares shall be preferential, as between the holders thereof and the holders of ordinary shares, at a rate not exceeding seven per cent per annum, payable at such periods and in such manner as the directors determine, and shall be cumulative; and until such preferential dividends have been paid, no dividend shall be declared or paid on the ordinary shares of the Company, and afterwards shall only be so paid out of the balance of profits which shall remain after payment of the said preferential dividends; and in the event of the dissolution of the Company, or in the event of the distribution of the assets of the Company by any process of law, the holders of such preferential shares shall have priority of rank over the holders of ordinary shares, and shall be paid in full the amount of such preferential shares before any payment shall be made to the shareholders of ordinary shares.

2. The holders of such preference shares shall not receive any further dividends or share of the profits than by this section is provided; but otherwise the holders of such preference stock shall be shareholders, and shall in all other respects possess the rights and be subject to the liabilities of shareholders of the Company.

9. The provisional directors of the Company shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the town of Brockville at such times as they determine; provided that notice in writing, signed by the three provisional directors calling any such meeting, of the date and place of holding the same, shall be mailed by registered letter to the address of each of the other provisional directors not less than ten days previous to the date of such meeting. A majority of the provisional directors shall form a quorum.

Directors.

**10.** The directors shall not be more than five and not less than three in number, of whom a majority shall form a quorum ; and no person shall be a director unless he is a shareholder owning twenty shares of stock absolutely in his own right and has paid all calls due thereon.

First general meeting.

**11.** Within one year after the passing of this Act the provisional directors, or any three of them, shall call a general meeting of the shareholders of the Company, to be held at the town of Brockville at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting ; and a notice in writing, signed by the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice to shareholders.

R.S.C., c. 118.

**12.** Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

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## 56 VICTORIA,

### CHAP. 88.

#### An Act to incorporate the Canada North-west Land Company (Limited).

[Assented to 1st April, 1893.]

**WHEREAS** the persons hereinafter mentioned have by Preamble. their petition prayed that they be incorporated as a company for the purpose of acquiring the business and property of "The Canada North-west Land Company, Limited," of England (hereinafter called "The English Company") which was incorporated in England as a limited liability company on the twenty-fourth day of July, one thousand eight hundred and eighty-two, under the provisions of *The Companies' Act, 1862 and 1880*; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** William C. Van Horne, Sir Donald A. Smith, Richard Bladworth Angus, Thomas G. Shaughnessy and James Burnett, of Montreal; Edmund Boyd Osler, Robert Henry Bethune and Herbert C. Hammond, of Toronto; William Hendrie, of Hamilton; Thomas Skinner, of London, England, and such persons as become shareholders in the Company hereby incorporated. are hereby constituted and declared to be a corporation and body corporate and politic under the name and style of "The Canada North-west Land Company (Limited)" (hereinafter called the Company) having its head office at Toronto, unless and until it is removed by by-law, as hereinafter mentioned, to some other place in Canada, and with power to open branches at London, England, and other places in Great Britain and Ireland and in Canada.

Incorporation.

Corporate name and head office.

**2.** The Company shall have the following powers:—

Powers.

(a.) To purchase the lands, properties and other assets of the English Company, including its lands in Manitoba and the North-west Territories, and to enter into such agreement or agreements as are approved of by both companies, or by the Company hereby incorporated and any liquidator of the

To acquire property of the English Company.

English Company, for such purchase, and to pay for the same in such manner as is set forth in such agreement or agreements; and the directors of the Company may issue shares of the stock of the Company to the holders of shares of the stock of the English Company in exchange for the latter, upon such terms and conditions and in such proportions as is set forth in such agreement or agreements; and determine that certain of the shares of the Company issued or unissued are to have preference as regards dividends or capital over other shares issued or unissued :

To deal in lands, real state, etc.

(b.) To purchase or otherwise acquire, hold, sell or otherwise dispose of land or real estate in any part of Canada, and ships, barges, wharfs and warehouses or any interest therein respectively ;

To erect buildings and lay out lots, etc.

(c.) To build houses, barns and other buildings suitable for the occupation of settlers or for the carrying on of business in any town or village situated upon or near to the Company's lands ; to lay out town lots and to build thereon.

To cultivate and improve lands.

(d.) To break up, cultivate and occupy land, and for that purpose to acquire machinery, implements, cattle and whatever is necessary to make roads, drains and ditches, to plant trees and shrubs and generally to do everything necessary for the proper and profitable cultivation, occupation or development of land, either by the Company itself or by parties to whom the lands of the Company may from time to time be sold or leased, or by whom they may be occupied.

To cut timber and dispose of minerals.

(e.) To cut down, carry away, prepare and sell timber on the lands of the Company ; to search for, get, work, raise and make merchantable and sell and dispose of coal, iron, mineral oil, mineral and other substances and products of all kinds on, within, under or belonging to any property of the Company ;

To carry on certain businesses.

(f.) For the purpose of utilizing and rendering profitable the property of the Company herein specified, to carry on the several businesses of farmers, raisers of live stock, lumbermen, miners, manufacturers, general merchants, shipowners, bargemen, wharfingers, warehousemen, dealers in general merchandise and traders in wheat, corn crops, produce of all kinds, live stock, timber, coals, minerals of all kinds and their products or any other substances as aforesaid, or any of such businesses ;

To erect and maintain mills and other works.

(g.) To construct, erect, maintain, either by the Company or other parties for it, water-mills, works for the utilization of water-power, or the improvement of river navigation, saw-mills, roads, drains, tramways, irrigation ditches, streets, houses, buildings, gas or waterworks, works for the manufacture or utilization of electricity, telegraph and telephones, and other works, undertakings and things upon or in connection with lands, estates and property in which the Company has acquired any interest and to use and operate, sell, let or dispose of such works, construction and premises or any of them ;

To deal in cattle, implements, etc.

(h.) To buy and sell and generally to deal in cattle, horses, sheep and other animals suitable for being reared or employed by the Company or by settlers upon the land of the Company ;

and also agricultural implements and produce, stores and all requisites for the use of the Company or settlers;

(i.) To advance money by way of mortgage or by way of purchase of mortgages or of the balance of the price remaining unpaid under any contract of sale of land and to resell such contracts or mortgages; also to make advances and loans upon the security of land, real estate, corn crops, produce, buildings, live stock, timber, mines, minerals, goods, merchandise and effects of all kinds, or without such security, for the purposes of, or in connection with the improvement and development of the property of the Company, or in furtherance of any of the objects of the Company;

(j.) For the purposes of utilizing and rendering profitable the property of the Company herein specified, to purchase and hold and resell municipal debentures, mortgages, railway bonds and other similar securities;

(k.) To act as immigration agents and to promote or encourage immigration, by making advances of money or otherwise;

(l.) To excavate, construct, maintain and operate irrigation ditches or canals in the districts wherein the Company's lands are situate, for the supply of water for irrigation, water-power, or other purposes, to individuals or corporations; to make such rates or charges for water so supplied as are from time to time fixed by by-law of the Company; provided that the tariff of such rates or charges has been submitted to the Lieutenant-Governor in Council for the province or territory respectively in which such works are constructed, for his approval or revision; and having first obtained the consent of the municipal council to break up, dig and trench on so much and so many of the streets, roads, side-walks, pavements, squares, highways, lanes and public places of any municipality as are necessary for the laying of mains and pipes to conduct the water from the works of the Company to the consumers thereof.

3. The head office of the Company may at any time be removed by by-law to Montreal or any other place in Canada; and the directors' meetings may be held at such place or places as they may appoint for that purpose.

4. The capital stock of the Company shall be seven million four hundred and forty-three thousand eight hundred and seventy-five dollars, divided into fifty-nine thousand five hundred and fifty-one preferred shares of one hundred dollars each and fifty-nine thousand five hundred and fifty-one common shares of twenty-five dollars each.

2. The preferred shares shall, up to six per cent per annum, rank first for dividend on the yearly profits of the Company as hereinafter defined, and any remaining profits shall be applied to the payment of a dividend of six per cent per annum on the common shares, after which any further remaining profits shall be applied to the payment of a dividend on both preferred and common shares *pari passu*.

Reduction of capital.

3. The capital stock shall be subject to reduction as hereinafter provided by the cancellation of preferred shares given in exchange for land or purchased.

Voting power of shareholders.

4. Every shareholder shall have one vote for every one preferred share, and one vote for every four common shares, held by him.

Provisional directors; their powers.

5. For the purpose of organizing the Company the above-named William C. Van Horne, Sir Donald A. Smith, Richard Bladworth Angus, Edmund Boyd Osler, Robert Henry Bethune, William Hendrie, Thomas G. Shaughnessy and James Burnett shall constitute a board of provisional directors of the Company, four of whom shall be a quorum, and they may open stock books in Toronto and Montreal, call a general meeting of the shareholders as hereinafter provided, execute on behalf of the Company an agreement with the English Company for effecting and facilitating the transfer of the assets, liabilities and property of the English Company to the Company and generally do all acts relating to such transfer.

General meeting of shareholders.

6. When and so soon as one million dollars of the said capital stock have been subscribed as aforesaid and either by original subscription or by exchange for stock in the English Company, the provisional directors or a majority of them may call a general meeting of shareholders at the city of Toronto for the purpose of electing a board of directors, giving at least fourteen days' notice thereof in the *Canada Gazette* and in one daily newspaper published in each of the cities of Toronto, Montreal and London, England, of the time, place and object of such meeting; and at such general meeting the shareholders present in person or represented by proxy shall elect nine directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors (hereinafter called the board).

Notice.

Election of directors.

Public notice of general meetings.

7. Public notice shall be given of all general meetings at least fourteen days previously in the *Canada Gazette* and in one daily newspaper published in each of the cities of Toronto, Montreal and London, England.

Qualification of directors.

8. The qualification of a member of the board shall be the holding in his own right of shares in the Company of the nominal value of at least five thousand dollars.

Borrowing powers limited.

9. The Company may borrow money and issue bonds, debentures or other obligations at any time and in any form or manner upon any terms and for any amount which the board may from time to time determine, provided that the total amount of such bonds, debentures or obligations for the time being shall not exceed seventy-five per cent of the actual paid-up capital of the Company for the time being; but the granting or endorsing of a bill of exchange or promissory note for

the purpose of discount, or the negotiation of any such bill or note, shall not be held to be an obligation of the Company within the meaning of this section.

**10.** The Company may by special resolution, passed and approved by at least two-thirds of the votes of shareholders present or represented at a special general meeting duly called for that purpose, mortgage all or any part of the lands and all buildings, roads, and improvements thereon, held by the Company, for the purpose of securing the payment of such bonds, debentures or obligations; and such mortgage may be evidenced by a deed or deeds of mortgage executed by the Company with the authority of its shareholders expressed by a special resolution; and any such deed may contain such description of the property mortgaged by such deed and such conditions respecting the payment of the bonds, debentures or obligations secured thereby and of the interest thereon and the remedies which may be exercised in default of such payment, and the enforcement of such remedies by the holders of such bonds, debentures or obligations, or by any trustee or trustees for them, and may also provide for such forfeitures and penalties in default of such payment, as may be stated by such special resolution; and may also contain authority to the trustee or trustees upon such default to take possession of the property mortgaged and to hold the same for the benefit of the holders of such bonds, debentures or obligations for a time to be limited by the deed, or to sell the said property after such delay and upon such terms and conditions as may be stated in such deed; and any such deed may contain provisions to the effect that upon such default and upon such other conditions as may be described in such deed, the right of voting possessed by the shareholders of the Company shall cease and determine and shall thereafter appertain to the holders of the said bonds, debentures or obligations; and such deed may provide for the conditional or absolute cancellation after such sale of any or all the shares so deprived of voting power, and may also, either directly by its terms or indirectly by reference to the by-laws of the Company, provide for the mode of enforcing and exercising the power and authority to be conferred and defined by such deed under the provisions of this section: Provided always, that the total amount borrowed shall not exceed the limit laid down in the next preceding section.

Mortgage deeds to secure bonds.

What such deed may contain.

**11.** Before ascertaining the profits in any year the directors shall set apart the sum of two dollars and seventy-five cents at least for each acre of agricultural land sold and paid for during the year, (except as provided in section fifteen of this Act). The fund thus formed, and all funds transferred from the English Company which would under the charter of the English Company be applicable to the reserve fund, shall be a reserve fund and shall be applied at the beginning of the following

Reserve fund to pay off preference shares.



year to the cancellation of preferred shares by purchase or by drawing, according to a scheme to be determined upon by the shareholders at a general meeting.

Profits defined.

2. The profits for the purpose of declaring dividends shall be the balance of cash receipts remaining after the payment of expenses and the appropriation to the said reserve fund.

Schedule of unsold lands for annual meeting.

**12.** The board shall cause to be prepared and submitted to the shareholders of the Company at the annual general meeting of the Company in each year a schedule of the unsold lands of the Company other than town sites, stating the prices per acre to be fixed for each section or part of a section included in such schedule; and the schedule and prices therein set forth shall be considered at such general meeting or at any adjournment thereof, and the prices approved either with or without modification and after or without further investigation of the correctness thereof, and the prices so approved shall be subject to increase by the board if they so determine before the next succeeding annual general meeting.

Paid-up shares received in payment for lands.

**13.** The Company may from time to time, by a resolution of the shareholders at a general meeting duly convened and held in accordance with the by-laws of the Company, resolve and declare that the board may in their option accept payment of the price of any of the Company's lands, other than town sites, sold to any shareholder by the transfer of fully paid-up preferred shares of the Company to be transferred or surrendered to the Company by such shareholder; provided that no lands the price of which shall be accepted in shares shall be sold at a lower rate or price than the price affixed to such land and approved by the shareholders in manner hereinbefore provided at the immediately preceding annual general meeting of the shareholders of the Company or the increased price subsequently fixed by the board, nor shall an amount exceeding the par or nominal value of any share be transferred in land to any shareholder in respect of such share.

Proviso: prices not to be lower than those fixed by company.

Payment of lands sold by English Company.

**14.** The purchasers of all lands sold by the English Company with the right to pay the balance due thereon in shares of the said English Company, shall have the right to pay such balance in preferred shares of the Company.

Shares so acquired by Company to be cancelled.

**15.** The certificate for every preferred share which shall under the provisions of this Act be transferred to the Company in payment of the price of land or in exchange for land shall be delivered to the Company and shall forthwith be cancelled, and the name of the holder thereof and the denoting number of shares shall be expunged from the register of shareholders; and no holder of such shares shall thereafter have in respect thereof any right or interest in the Company or in any of the lands or other property thereof or be entitled to receive any interest or dividend or capital for or in respect of such shares,

and the provision made in this Act that the directors shall set apart the sum of two dollars and seventy-five cents for each acre sold during the year shall not apply to land conveyed to shareholders in exchange for transfers or surrenders of shares in manner authorized by this Act.

**16.** The board may before recommending any dividend or bonus set aside, out of the profits of the Company, such sum as they think proper, as a reserve fund to meet contingencies, diminution of capital, or for equalizing dividends, or for repairing or maintaining buildings or premises of the Company.

Reserve fund  
for certain  
purposes.

**17.** The board shall keep a register or registers of all shares in the Company which under the provisions of this Act have from time to time been transferred or surrendered to the Company in payment of land or repaid by them in land and cancelled as aforesaid, and shall from time to time cause to be inscribed therein the names of the shareholders by whom the same has been transferred or surrendered or to whom the same has been repaid, and the price at which land was conveyed to such holders, with a concise description of such land. The said register shall during business hours, but subject to such reasonable restrictions as the board may impose, be open to the inspection of any shareholder. The board shall in each and every year lay before the annual general meeting of the shareholders an abstract or copy of so much of such register as shall relate to shares cancelled during the period embraced in the report presented to such meeting.

Register of  
cancelled  
shares.

**18.** The capital of the Company shall from time to time be and be deemed to be reduced by the nominal value of the shares cancelled in accordance with the provisions of this Act; and the auditors of the Company shall, in their certificates applicable to each yearly account and balance sheet of the Company's affairs, state and certify the total nominal amount of the shares so cancelled during the year to which such account and balance sheet are applicable and the amount remaining uncanceled.

Reduction of  
capital.

**19.** The Company shall prepare, and annually transmit to the Minister of Finance, a statement in duplicate, verified by the oath of the president, manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the said Minister requires; and the said statement shall be made up to the thirty-first day of December in each year.

Annual state-  
ment.

Chapter 118,  
R.S.C.

**20.** The provisions of *The Companies Clauses Act* shall apply to the Company so far as they are applicable to the undertaking and except in so far as they are inconsistent with the provisions of this Act.

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## 56 VICTORIA.

### CHAP. 89.

#### An Act respecting the Canadian Power Company.

[Assented to 1st April, 1893.]

**W**HIEREAS the Canadian Power Company has by its petition Preamble. prayed for the passing of an Act amending its Act of incorporation and extending its powers, as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Section one of the Act incorporating the Canadian Power Company, being chapter one hundred and twenty of the Statutes of 1887, is hereby amended by striking out the word “north”, in the fifteenth line thereof, and substituting the word “south” in lieu thereof, and by adding after the word “whirlpool” at the end of the said line, the words “and from a point or points in the Niagara River at or immediately south of the head of the rapids near the Welland River to a point or points on the west bank of the Niagara River about or south of Clark Hill.” S. 1, c. 120, 1887, amended.

**2.** Section two of the said Act is hereby amended by inserting after the word “same,” in the sixteenth line, the words “or any other wires or cables which the Company may lay across the said river.” Section 2 amended.

**3.** Section twenty-four of the said Act is hereby amended by inserting after the word “Britain,” in the ninth line, the words “or in the currency of the United States, and in gold if desired.” Section 24 amended.

**4.** Section twenty-six of the said Act is hereby amended by inserting after the word “services” in the seventh line, the words “rendered, or expenses referred to in the fifth section of this Act, and for the services.” Section 26 amended.

**5.** Notwithstanding anything contained in the Acts relating to the Company, the times limited for the commencement Time for construction extended. and

and completion of the works mentioned in the said Act of incorporation are hereby extended for the period of three and six years respectively from the tenth day of July, one thousand eight hundred and ninety-four ; and unless the said works are commenced and completed withip the times mentioned in this section, the powers granted by the said Act of incorporation shall cease and be null and void, except as to such portion of the said works as have been commenced or completed and any rights which have been acquired by the Company before the expiration of the times aforesaid.

Exception as  
to Niagara  
Falls Park.

**6.** None of the works authorized by the before mentioned chapter one hundred and twenty of the Statutes, 1887, or by this Act, shall be constructed, and none of the powers given by that Act, or this Act, exercised, within the limits of the Queen Victoria Niagara Falls Park, except with the consent of the Lieutenant-Governor of Ontario in Council.

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## 56 VICTORIA.

### CHAP. 90.

An Act to incorporate the Grand Council of the Catholic Mutual Benefit Association of Canada.

[Assented to 1st April, 1893.]

**W**HEREAS the Grand Council of the Catholic Mutual Benefit Association of Canada have by their petition represented that they are incorporated in Ontario under the provisions of chapter one hundred and seventy-two of the Revised Statutes of Ontario, 1887, respecting benevolent, provident and other societies, and are desirous of carrying on business in all the provinces and territories of the Dominion under the control of one central body, and for such purpose have prayed to be incorporated by the Parliament of Canada, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The most Reverend John Walsh, D.D., Toronto, Ontario; John A. MacCabe, LL.D., Ottawa, Ontario; O. K. Fraser, Brockville, Ontario; P. A. Landry, Dorchester, New Brunswick; M. F. Hackett, M.P.P., Stanstead, Quebec; Samuel R. Brown, London, Ontario; W. J. McKee, Windsor, Ontario; J. O. Martineau, Lévis, Quebec; E. J. Reilly, Thorold, Ontario; Revd. P. M. Bardou, Cayuga, Ontario; Revd. M. J. Tiernan, London, Ontario; P. J. O'Keefe, St. John, New Brunswick; T. P. Tansey, Montreal, Quebec; Lasalle Gravelle, Ottawa, Ontario; T. P. Coffee, Guelph, Ontario; Charles E. Rouleau, Calgary, Alberta; John L. Carleton, St. John, New Brunswick; John Ronan, Hamilton, Ontario; D. J. O'Connor, Stratford, Ontario; J. E. Morrison, Quebec, Quebec; P. F. Boyle, London, Ontario; R. J. Dowdall, Almonte, Ontario; G. E. Rioux, Sherbrooke, Quebec; E. Ryan, M.D., Kingston, Ontario, all of them officers and members of the Grand Council of the Catholic Mutual Benefit Association of Canada, together with such persons as are or become members of the Association hereby incorporated, are hereby constituted and declared to be a body corporate under the name of "The Grand Council

Incorporation.

Corporate name.

- Objects of the Association. Council of the Catholic Mutual Benefit Association of Canada," hereinafter called the Association, for the following purposes and objects:—
- Fraternal union. (a.) To unite fraternally all persons entitled to membership under the constitution and laws of the Association; and the word "laws" when hereinafter used shall include general laws and by-laws.
- Improvement, education, etc. (b.) To improve the social, intellectual and moral condition of the members of the Association, and to educate them in integrity, sobriety and frugality.
- Benefit fund. (c.) To establish, manage and disburse a mutual benefit and a reserve fund from which, within sixty days after the receipt at the office of the secretary of the Association of satisfactory evidence of the death of a member of the Association who has complied with its lawful requirements, a sum not exceeding two thousand dollars shall be paid by the Association to the widow, orphans, dependents or other beneficiary whom the deceased member has designated, or to the legal representatives of such deceased member.
- Provisional directors. **2.** The said O. K. Fraser, Rev. P. M. Bardou, Rev. M. J. Tiernan, P. J. O'Keefe, T. P. Tansey and Lasalle Gravelle shall be the provisional directors of the Association.
- Head office. **3.** The head office of the Association shall be in the city of London, in the province of Ontario, or in such other place in Canada as may from time to time be designated by the Association.
- Subordinate councils. **4.** Subject to the constitution and laws of the Association, provincial and territorial councils and branches subordinate to the Association may be established in Canada under the title or number designated in the charter granted by the Association constituting such councils or branches, and subject to such provisions, conditions and with such powers as the Association may from time to time determine; provided, however, that such powers shall not be in excess of those conferred upon the Association by this Act.
- Rules and by-laws. **5.** The Association may make rules and by-laws for the guidance of its officers and members, the control and management of its funds and generally for regulating every matter and thing proper or necessary to be done for the good of the Association and the prosecution of its object and business.
- Provincial agents to be appointed under power of attorney. **6.** The Association shall appoint in each province in which it transacts business, other than the province in which its head office is situate, an agent under a power of attorney bearing the seal of the Association and signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath or affirmation as to the due execution thereof; and the official positions in the Association held by

the officers signing such power of attorney, shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf.

**7.** Each such power of attorney shall declare at what place in the province for which such agent is appointed the said agent has his office, and shall expressly authorize the agent thereby appointed to receive service of process in all suits and proceedings against the Association in the province in which such agent resides, and shall declare that service of process at such office, or personally on such agent, shall be legal and binding on the Association to all intents and purposes whatsoever.

What such power of attorney must contain.

**8.** The Association shall file with the Superintendent of Insurance a duplicate duly verified of every such power of attorney, and shall publish, in the first issue in January in each year, in the *Canada Gazette*, a notice setting forth the names and addresses of all such agents for the time being; and in the event of any such agents being changed at any time, notice of such change shall in the like manner be published in the first issue thereafter of the *Canada Gazette*.

Duplicates for each province.

**9.** The surplus or reserve fund of the Association shall be invested in the name of the Association, in securities which are a first charge on land in fee simple in Canada, in municipal debentures or in securities of the Dominion of Canada or of any of the provinces thereof, or shall remain deposited at interest in the name of the Association in any chartered bank; but the Association shall sell such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien within seven years after it has been so acquired, otherwise such real estate or property shall revert to the previous owner or his legal representatives or assigns.

Investment of reserve fund.

**10.** The Association may receive, take and hold real estate by purchase, gift or devise to an amount which shall not exceed in all fifty thousand dollars, and the Association may by by-law determine the manner in which such real property shall be held and conveyed subject to the laws of the province in which such real estate is situate.

Real estate.

**11.** Every person who is admitted a member of the Association shall receive a certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions are complied with, he shall remain a member of the Association and shall enjoy all the benefits and privileges of membership.

Certificate of membership.

**12.** Within three months from the coming into force of this Act a certified copy of the present constitution and laws of the Association

Documents to be filed.



Penalty for  
contraven-  
tion.

Association and of its form of certificate of membership shall be deposited in the office of the Superintendent of Insurance, and copies of any future change or amendment thereto shall be deposited before they are acted on by the Association ; and in default of compliance with any provision of this section, the Association shall incur a penalty of ten dollars for each day during which such default continues.

No annuities. **13.** The Association shall not assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

R.S.C., c. 118. **14.** Notwithstanding anything contained in *The Companies Clauses Act*, sections eight, eleven (except paragraphs *c* and *e* thereof), twelve, thirteen (except paragraphs *a*, *b*, *c* and *d* thereof) fourteen, thirty-five and forty of the said Act, shall extend and apply to the Association hereby incorporated, and shall form part of this Act in so far as they are not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 124. **15.** This Act and the Association hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions contained in *The Insurance Act*.

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## 56 VICTORIA.

### CHAP. 91.

#### An Act respecting the Ladies of the Sacred Heart of Jesus.

[Assented to 1st April, 1893.]

**W**HEREAS the Ladies of the Sacred Heart of Jesus (*Les Dames Religieuses du Sacré-Cœur de Jésus*), incorporated by an Act of the late province of Canada, have by their petition stated that they have founded in the city of Montreal and elsewhere in Canada, several establishments for the education and instruction of young girls, but that, in order to provide for the wants of the increasing population of the city of Montreal in that behalf, they require more extensive powers than those granted them by their said Act of incorporation; and whereas they have prayed that an Act may be passed as hereinafter set forth, and it is expedient to grant the prayer of said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Chapter fifty-four of the Statutes of the late province of Canada, passed in the year one thousand eight hundred and forty-three, intituled *An Act to incorporate "Les Dames Religieuses du Sacré-Cœur de Jésus," in the parish of St. Jacques de l'Achigan, in the district of Montreal, for the purposes of education*, is hereby repealed and the following provisions are substituted therefor.

2. Mesdames Amélie Schulten, vicar superior, Henriette Sarens, superior, Malvina Plamondon, Hermantine Bastide, Margaret Fitzgerald, Marie Van den Hoeven, Marie DeBaeker, Emélie de Kerhué and Marie Louise Gravel, together with all others who now are members of the corporation or who become members of the society hereby incorporated, are hereby constituted a body corporate under the name of "The Ladies of the Sacred Heart of Jesus," hereinafter called the Society.

3. The head office or centre of the vicariate of the Society shall be in the city of Montreal, or in such other place in Canada

as the Society determines by its by-laws ; but the Society may establish branches in any other place in Canada.

Powers with regard to property.

**4.** The Society may purchase, acquire and hold, and receive by gifts, bequests or otherwise, all kinds of property, real, personal or mixed, in all parts of Canada, and may sell, exchange, transfer and otherwise dispose of the same, as it may deem expedient ; Provided, that the annual value of the real estate which it may possess in the city of Montreal shall not at any one time exceed the sum of seventy-five thousand dollars, and that the annual value of such real estate outside of the city of Montreal shall not in any one place exceed the sum of twenty-five thousand dollars, to be calculated in each case at four per cent per annum upon the value of the said immovable property.

Limitation as to value.

Disposal of real estate.

**5.** The Society shall, within ten years after its acquisition of any real estate, sell or otherwise dispose of and alienate so much of such real estate as is not required for the purposes of the Society ; provided that any devise of real estate shall be subject to the laws respecting devises of real estate to religious corporations, in force at the time of such devise in the province or territory in which such real estate is situate, so far as such laws apply to the Society.

Borrowing powers.

**6.** The Society may, for its use and benefit, borrow such sums of money as are necessary for the purchase of real estate for the purposes of the Society and for the construction and maintenance thereon of educational and other buildings and establishments, in any province of Canada, and may mortgage such properties or any of them for securing the sums so borrowed, on such terms and conditions as the Society deems expedient ; and may also execute mortgages on any or all properties now owned by the corporation, for any sums heretofore borrowed by it.

Application of revenues.

**7.** The revenues, issues and profits of all property, real or personal, held by the Society shall be appropriated and applied solely to the maintenance of the members of the Society and of the institutions carried on by the Society, the construction and repair of buildings and the acquisition of property, real and personal, requisite for the purposes of the Society, and for the advancement of education, and for purposes of charity and benevolence.

Society may execute deeds.

**8.** The Society may execute all deeds of sale, purchase, transfer, exchange, or agreement, and all other deeds whatsoever, in connection with the administration of its property and of its educational establishments.

Validity of certain facts.

**2.** Any mortgage heretofore executed, any deed of sale or obligation, and any act done by the corporation under its Act of incorporation recited in the first section of this Act, are hereby declared valid and legal to all intents and purposes.

**9.** All real and personal estate and all claims and rights held by or vested in the corporation at the time of the passing of this Act, shall be held by and vested in the Society hereby incorporated; and such estate may be dealt with, and such claims and rights may be exercised and enjoyed under this Act.

Estate and rights of existing corporation vested in Society.

**10.** The by-laws, rules and regulations made under the authority of the Act of incorporation mentioned in the first section of this Act, shall continue to govern the Society hereby incorporated and shall remain in force until repealed, altered or amended by the Society, as it is hereby authorized to do from time to time.

By-laws continued in force.

**11.** The Society shall have perpetual succession and a common seal, which it may break, alter or change as and when it deems expedient.

Seal of Society.

**12.** The superiors and councillors now in office in the educational establishments of the corporation situated in the village of Sault au Récollet and in the city of Montreal, in the province of Quebec, and their successors shall form the general council or board of the Society, and such council shall have all the powers and rights granted to the corporation by its Act of incorporation, or to the Society by this Act.

General council.

**13.** The affairs and property of the Society shall be administered and managed by the said council; but the council may appoint attorneys or administrators for the management of the said affairs and property of the Society; and the said council may also appoint all officers and servants required for the management of the affairs of the Society, in accordance with its by-laws, rules and regulations.

Appointment of attorneys, officers, etc.

**14.** The council shall represent the Society in all suits (*ester en justice*) brought before the courts, in which it is either plaintiff or defendant; and all deeds signed by the president of the council and the secretary of the Society, or by any other member duly authorized thereto by the said council, and sealed with the corporate seal of the Society, shall be binding on the Society; but the treasurer of the Society, or any person duly authorized to act in her behalf, may receive all moneys payable to the Society and grant valid receipts therefor.

Judicial proceedings.

Execution of deeds.

Receipts for moneys.

**15.** Nothing herein contained shall have or be construed to have the effect of rendering any of the several persons mentioned in section two of this Act, or any other person now a member of the corporation or who hereafter becomes a member of the Society, personally liable or accountable for any debt incurred or any engagement or liability contracted by the said corporation or by the Society, but the Society alone shall be liable and accountable therefor.

Members of Society not personally liable.

Construction  
of this Act.

**16.** This Act shall not be construed as being a new Act, but it shall be construed as being a continuation of the Act of incorporation, being chapter fifty-four of the Statutes of 1843 of the late province of Canada; and the repeal of the said Act shall not in any way impair, alter or affect the rights or liabilities of the corporation, or anything done under the authority of the said Act, or in any wise affect any suit or proceeding now pending, either by or against the said corporation, or any judgment existing in favour of or against it, which suit or proceeding may, notwithstanding such repeal, be prosecuted or continued and completed, and which judgment may be enforced, by or against the Society, as if this Act had not been passed.

Statement for  
Governor in  
Council.

**17.** The Society shall, when called upon so to do by the Governor in Council, furnish a statement for the preceding year, in which statement shall be set forth the property, movable and immovable, held by it under this Act, the income derived from such property, the number of the members of the Society, the number of its educational establishments, and the number of pupils attending such establishments.

1869 (N.S.) c.  
69.

**18.** Nothing in this Act shall contravene or affect the Act of the Legislature of the province of Nova Scotia, passed in the year one thousand eight hundred and sixty-nine, chaptered sixty-nine in the Acts of that year, and intituled *An Act to incorporate the Ladies of the Sacred Heart at Halifax.*

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## 56 VICTORIA.

### CHAP. 92.

#### An Act to incorporate the Woodmen of the World.

[Assented to 1st April, 1893.]

**WHEREAS** the persons hereinafter named have by their Preamble. petition prayed to be incorporated for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** William Fuller, of the township of London; Charles C. Incorporation. Hodgins, of the township of Biddulph; Thomas Henry Luscombe, and William Charles Fitzgerald, both of the city of London; W. S. Harrison, M.D., of the city of Brantford; R. H. Blackmore, of the city of St. Thomas; C. F. Heidt, and S. S. Fulton, both of the township of Southwold; Malcolm McGugan, of the township of Caradoc; J. Ferguson, of the town of Strathroy; J. E. Hill, of the city of St. Thomas; A. B. Telfer, of the town of Sarnia, and H. C. Crocker, of the village of Fingal, all in the province of Ontario; together with such persons as are now or shall hereafter become members in Canada of the Association hereby incorporated, shall be and are hereby constituted a body corporate under the name of "The Canadian Order of the Woodmen of the Corporate name. World," hereinafter called the Order.

**2.** The objects of the Order and the purposes it is incor- Objects. porated and authorized to carry out are:

- (a.) To unite its members in social and fraternal bonds;
- (b.) To collect and distribute charitable donations;
- (c.) To make with its own members contracts for insurance in sums not exceeding three thousand dollars, payable on the death of the assured;
- (d.) To erect a monument over the grave of each deceased member.

**3.** The head office of the Order shall be at the city of Head office. London, in the province of Ontario.

Governing  
body.

**4.** The Order shall be governed by a representative body, to be known as the Head Camp of the Canadian Order of Woodmen of the World, whose officers shall be elected annually or biennially, as may be by by-law determined; and such head camp shall be composed of the persons named in the first section of this Act, who shall hold office for one year but shall be eligible for re-election, together with representatives from each subordinate camp under the jurisdiction of the said head camp; and the appointment and powers of such representatives shall be provided for in the by-laws of the Order.

By-laws.

**5.** Within thirty days from the passing of this Act a meeting of the members of the head camp shall be called for the election of officers, all of whom shall be members of the Order, to make by-laws governing the election of officers and prescribing and defining their duties and powers, and for the government, regulation and management of the Order, regulating the admission of new members, the constitution and government of subordinate camps, the amount and the time and manner of payment of assessments, dues and other payments by members, and to provide that in case of non-payment of any assessment or dues by any member his membership shall cease and that he shall have no claim upon the property or assets of the Order, and generally to pass such by-laws as are proper and necessary.

Payment of  
death claims.

**6.** Copies of all such by-laws, together with copies of its form of certificate of membership and of its form of policy, and of all such forms, if more than one is issued by the Order, and copies of all other printed or written forms used in connection with the business of the Order, all duly certified, shall be filed in the office of the Superintendent of Insurance before they are acted on or made use of by the Order.

Emergency  
fund.

**7.** The Order shall by its by-laws provide for the accumulation of an emergency fund, which shall not be less than the proceeds of one mortuary assessment on all policy and certificate holders thereof.

When only  
policies, etc.,  
may be issued.

**8.** The Order shall not issue any policy or certificate of membership until it has received at least three hundred applications, calling for an amount of insurance not less than three hundred thousand dollars.

Annuities and  
endowments  
forbidden.

**9.** The Order shall not assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Reserve fund.

**10.** Should the members of the Order at any time deem it expedient and in the interests of the Order to obtain by subscription a reserve fund or guarantee to an amount not exceeding one hundred thousand dollars, they may do so by passing by-laws in the head camp for that purpose.

**11.** Every person who is admitted a member of the Order shall receive a certificate of membership, or, if insured, a policy of insurance; and upon every such certificate of membership and policy of insurance shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions are complied with, he shall remain a member of the Order, and shall enjoy all the benefits and privileges of membership.

Certificate of membership.

**12.** A meeting of the representatives of the Order in head camp shall be held on the third Wednesday in February in each year, at such place in Canada as the head camp may from time to time determine, at which meeting a statement of the affairs of the Order shall be submitted.

Yearly meeting of representatives.

**13.** A copy of any by-law of the Order under its seal and purporting to be signed by an officer of the Order shall be received as *prima facie* evidence of such by-law in all courts in Canada.

Proof of by-laws.

**14.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Order by any agent, officer or servant of the Order in general accordance with his powers as such under the by-laws of the Order shall be binding upon the Order; and in no case shall it be necessary to have the seal of the Order affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order; and the person so acting as agent, officer or servant of the Order shall not be thereby subjected individually to any liability whatsoever to any third person therefor.

Liability for acts of officers or agents.

**15.** This Act and the Order hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*.

Insurance Act to govern.







## 56 VICTORIA

### CHAP. 93.

An Act for the relief of James Balfour.

[Assented to 1st April, 1893.]

**W**HEREAS James Balfour, of the city of Hamilton, in the Preamble. county of Wentworth, in the province of Ontario, architect, has by his petition set forth that on the twenty-sixth day of June, one thousand eight hundred and seventy-eight, he was lawfully married to Georgina Catharine Munro, at the said city of Hamilton; that they cohabited together as husband and wife until the third day of March, one thousand eight hundred and ninety-two, when he discovered that she had committed adultery in the year one thousand eight hundred and ninety-one with one Frank Mervin; that she committed adultery during the year one thousand eight hundred and ninety-one with the said Frank Mervin; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore Her 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 the said James Balfour and Georgina Catharine Munro, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

**2.** The said James Balfour may at any time hereafter marry any other woman whom he might lawfully marry if the said marriage with the said Georgina Catharine Munro had not been solemnized. Right to marry again.

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## 56 VICTORIA.

### CHAP. 94.

#### An Act for the relief of Martha Ballantyne.

[Assented to 1st April, 1893.]

**W**HEREAS Martha Ballantyne, of the township of Scarborough', in the county of York, in the province of Ontario, wife of William Ballantyne, of the city of Hamilton, in the county of Wentworth, in the said province, labourer, has by her petition set forth that on the twentieth day of November, one thousand eight hundred and sixty-two, she was lawfully married, in the said township of Scarborough', to the said William Ballantyne; that they cohabited together as husband and wife until the year one thousand eight hundred and sixty-six, when he deserted her; that he has ever since continued to live apart from her and has committed adultery; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her 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 the said Martha Ballantyne and William Ballantyne, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

**2.** The said Martha Ballantyne may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said William Ballantyne had not been solemnized.

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## 56 VICTORIA.

### CHAP. 95.

#### An Act for the relief of James Frederick Doran.

[Assented to 1st April, 1893.]

**WHEREAS** James Frederick Doran, of Lachine, in the Preamble. county of Jacques Cartier, in the province of Quebec, clerk, has by his petition set forth that, on the twentieth day of March, one thousand eight hundred and eighty-three, at the city of Winnipeg, in the province of Manitoba, he was lawfully married to Mary Augusta Wood, formerly of the said city of Winnipeg, but now of the city of Paris, in France; that during the month of October, one thousand eight hundred and eighty-three, she deserted him, and has not resided with him since that time; that she has committed adultery, inasmuch as on or about the twenty-third day of July, one thousand eight hundred and eighty-eight, she, and one Emile Julien Amblard, of the city of Paris, in France, entered into a form of marriage before the civil authorities at the said city, and have ever since the said twenty-third day of July, eighteen hundred and eighty-eight, been living and cohabiting together as man and wife; and whereas the said James Frederick Doran has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his said petition and it is expedient that the prayer thereof should be granted: Therefore Her 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 James Frederick Doran and Mary Augusta Wood, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said James Frederick Doran may, at any time hereafter, marry any woman whom he might lawfully marry if the said marriage with the said Mary Augusta Wood had not been solemnized. Right to marry again.





## 56 VICTORIA.

### CHAP. 96.

#### An Act for the relief of Annette Marion Goff.

[Assented to 1st April, 1898.]

**W**HEREAS Annette Marion Goff, of the city of Montreal, Preamble  
in the province of Quebec, wife of Edward Robert Taché Rowand, of the city of Winnipeg, in the province of Manitoba, has by her petition set forth that on the fifteenth day of July, one thousand eight hundred and eighty-five, she was lawfully married, at the said city of Montreal, to the said Edward Robert Taché Rowand; that they cohabited together as husband and wife until the year one thousand eight hundred and eighty-six; that he has committed adultery at the said city of Winnipeg, and also at the said city of Montreal; that during the period during which they lived and cohabited together as man and wife, to wit, from the fifteenth day of July, one thousand eight hundred and eighty-five, up to about the first day of January, one thousand eight hundred and eighty-six, he was much addicted to the use of intoxicating liquors, and assaulted and otherwise ill-treated her; and whereas she has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore Her 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 the said Annette Marion Goff and Edward Robert Taché Rowand, her husband, is hereby dissolved, and shall be henceforth null and void, to all intents and purposes whatsoever. Marriage dissolved.

2. The said Annette Marion Goff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Robert Taché Rowand had not been solemnized. Right to marry again







# 56 VICTORIA.

## CHAP. 97.

An Act for the relief of Edmund Holyoake Heward.

[Assented to 1st April, 1893.]

**W**HEREAS Edmund Holyoake Heward, of the town of St. John's, in the district of Iberville, in the province of Quebec; manager of the branch of the Merchants Bank of Canada at the said town, has by his petition set forth that, on the twenty-fourth day of February, one thousand eight hundred and seventy-six, he was lawfully married to Marie Louise Elwes; that after the said marriage they lived and cohabited together at the city of Montreal, in the province of Quebec, and at the said town of St. John's until the fifth day of November, one thousand eight hundred and ninety-one, when she left the said town of St. John's and took up her temporary abode in the city of Chicago, in the state of Illinois, one of the United States of America; that she committed adultery with one Charles J. Q. Coursol, during the year one thousand eight hundred and ninety-one, and especially on her said journey from the said town of St. John's to the said city of Chicago; and whereas he has humbly prayed that the said marriage may be dissolved and that he may be authorized to marry again and that such further relief may be afforded him as is deemed meet, and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore Her 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 the said Edmund Holyoake Heward and Marie Louise Elwes, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Edmund Holyoake Heward may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Marie Louise Elwes had not been solemnized. Right to marry again.





## 56 VICTORIA.

### CHAP. 98.

An Act for the relief of Robert Young Hebden.

[Assented to 1st April, 1893.]

**W**HEREAS Robert Young Hebden, heretofore of the city Preamble.  
of Montreal, in the province of Quebec, but presently  
residing at the city of New York, in the state of New York,  
one of the United States of America, one of the agents of the  
Bank of Montreal, has by his petition set forth that on the  
twenty-seventh day of November, one thousand eight hundred  
and seventy-nine, he was lawfully married to Edith Montagu  
Patterson, in the parish of Kensington, in the county of  
Middlesex, England; that at the time of the said marriage he  
was domiciled in Canada, and shortly afterwards returned to  
Canada with his said wife, and thereafter he and his said wife  
were and have ever since continued to be domiciled in Canada;  
that on or about the twenty-first day of May, one thousand  
eight hundred and ninety-two, she deserted him and fled from  
Canada with one John Smith Allan, and that prior to and since  
her said flight she committed adultery with the said John  
Smith Allan; and whereas the said Robert Young Hebden has  
humbly prayed that the said marriage may be dissolved and that  
he may be authorized to marry again, and that such further  
and other relief may be granted him as is deemed meet; and  
whereas he has proved the said allegations of his said petition,  
and it is expedient that the prayer thereof be granted: There-  
fore Her 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 the said Robert Young Hebden and Edith Montagu Patterson, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Robert Young Hebden may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Edith Montagu Patterson had not been solemnized. Right to marry again.





## 56 VICTORIA.

### CHAP. 99.

#### An Act for the relief of John Francis Schwaller.

[Assented to 1st April, 1893.]

**WHEREAS** John Francis Schwaller, of the town of Thorold, Preamble. in the county of Welland and province of Ontario, merchant, has by his petition set forth that on the second day of August, one thousand eight hundred and eighty-eight, he was lawfully married at the city of St. Catharines, in the said province of Ontario, to Florence J. Brown, of the township of Crowland, in the said province, spinster; that, after the solemnization of said marriage, they lived together and cohabited at the said town of Thorold until about the twenty-second day of August, one thousand eight hundred and eighty-eight, when she deserted him, and has not since resided with him, and has been openly living in adultery ever since with one James Herne, in the province of Ontario; and whereas the said John Francis Schwaller has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof should be granted: Therefore Her 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 the said John Francis Schwaller and Florence J. Brown, his wife, is hereby dissolved, Marriage dissolved. and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said John Francis Schwaller may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Florence J. Brown had not been solemnized. Right to marry again.



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