



Canada. Laws, Statutes, etc.

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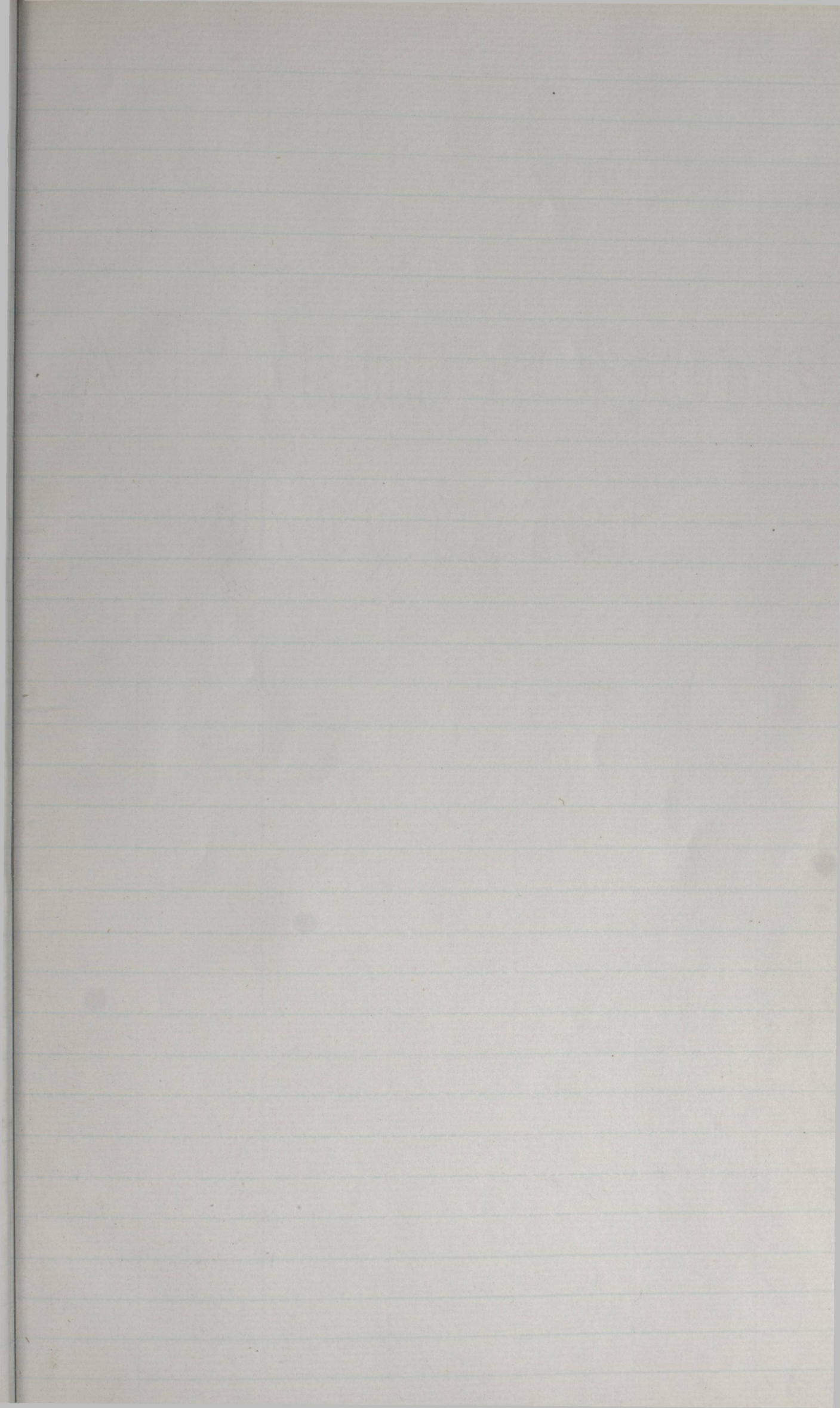
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Bill A-



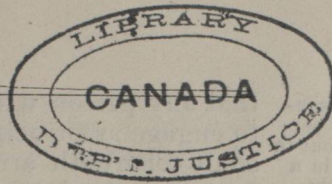
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## BILL.

### An Act respecting Prize Fighting.

(As amended by the Senate in Committee of the whole House.)

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

- 1.** "Prize Fight" means an encounter, or fight with their fists or hands, between two persons who have met for such purpose by previous arrangement made by or for them. Prize fight defined.
- 2.** Whoever, within Canada, sends or publishes, or causes to be sent or published, or otherwise made known, any challenge to fight a prize fight, or accepts any such challenge, or causes the same to be accepted, or goes in training preparatory to such fight, or acts as trainer or second to any person who intends to engage in a prize fight, is guilty of an offence against this Act, and upon summary conviction thereof, is liable to a fine of not less than one hundred dollars, nor more than one thousand dollars, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the Court. Punishment for challenging to or preparing for a prize fight.
- 3.** Whoever, within Canada, engages as a principal in a prize fight is guilty of an offence against this Act, and on summary conviction thereof is liable to imprisonment for not less than three nor more than twelve months. Punishment for engaging as a principal in a prize fight.
- 4.** Whoever is present at a prize fight as an aid, second, surgeon, umpire, backer, assistant or reporter, or advises encourages or promotes such fight, is guilty of an offence against this Act, and on summary conviction thereof, is liable to a fine of not less than fifty dollars, nor more than five hundred dollars, or to imprisonment of not more than twelve months, or to both fine and imprisonment, in the discretion of the Court. Punishment for being present at or advising, &c. a prize fight.
- 5.** Whoever, being an inhabitant or resident of Canada, leaves Canada with intent to engage in a prize fight without the limits thereof is guilty of an offence against this Act, and on summary conviction thereof is liable to a fine of not less than fifty dollars, nor more than four hundred dollars, or to imprisonment of not more than six months, or to both fine and imprisonment, in the discretion of the Court. Punishment for leaving Canada to engage in a prize fight.
- 6.** If, at any time, the sheriff of any county, place or district in Canada, any chief of police, any police officer, or any constable, or other police officer, has reason to believe Provisions for the arrest, trial and binding over

or imprisonment of persons about to engage in a prize fight.

that any person within his bailiwick or jurisdiction is about to engage as principal in any prize fight within Canada, he shall forthwith arrest such person and conduct him before some person having authority to try offences against this Act, and shall forthwith make complaint in that behalf, upon oath, before such person; and thereupon such person shall enquire into the charge, and if he be satisfied that the person so brought before him was, at the time of his arrest, about to engage as a principal in a prize fight, he shall require the accused to enter into a recognizance, with sufficient sureties, in a sum not less than one thousand dollars, nor more than five thousand dollars, conditioned that the accused will not engage in any such fight within one year from and after the date of such arrest; and in default of such recognizance, the person before whom the accused has been brought shall commit the accused to the jail of the county, district, or city within which such enquiry takes place, or if there be no common jail there, then to the common jail which is nearest to the place where such enquiry is had, there to remain until he gives such recognizance with such sureties.

Power to sheriffs to suppress or prevent prize fights in counties, &c., by force.

7. If any sheriff has reason to believe that a prize fight is taking place, or is about to take place, within his jurisdiction as such sheriff, or that any persons are about to land or cross into Canada at a point within his county, from any place outside of Canada, with intent to engage in, or to be concerned in, or to attend any prize fight within Canada, he shall forthwith summon a force of the inhabitants of his district or county sufficient for the purpose of suppressing and preventing such fight, and he shall, with their aid, suppress and prevent the same, and arrest all persons present thereat, or who may land in or cross into Canada as aforesaid, and shall take them before some person having authority to try offences against this Act, to be dealt with according to law, and fined or imprisoned, or both, or compelled to enter into recognizances with sureties, as hereinbefore provided, according to the nature of the case.

All offenders, except principals, to be competent witnesses.

8. Every person offending against any of the provisions of this Act, except the principals engaged or intending to engage in a prize fight, shall be a competent witness in any proceedings under this Act, and may be compelled to appear and give evidence in the same manner and to the same extent as other persons; and no person examined as a witness shall be excused from answering any question on the ground that his answer will tend to criminate him; but his answers or evidence shall not be used against him in any proceeding or prosecution whatever, and he shall not be liable to punishment for the offence respecting which he is required to testify.

9. If after hearing evidence of the circumstances connected with the origin of the fight or intended fight, the person before whom a complaint is made under this Act is satisfied that such fight or intended fight was *bonâ fide* the consequence or result of a quarrel or dispute between

the principals engaged or intended to engage therein, and that the same was not an encounter or fight for a prize or on the result of which the handing over or transfer of money or property depends, then such person may, in his discretion, discharge the accused or impose upon him a fine not exceeding twenty dollars.

9. The provisions of the Act passed by the Parliament of Canada in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter thirty-one, and intitled: "An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders," and any amendments thereof, shall apply to and govern proceedings against any person for any offence against this Act; and any judge of a Superior or of a County Court, any judge of the Sessions of the Peace, any stipendiary magistrate, any police magistrate, and any commissioner of police of Canada shall, within the limits of his jurisdiction as such judge, magistrate or commissioner, have all the powers of a justice of the peace under the said Act.

Provisions of  
32 & 33 V., c  
31, to apply  
and certain  
judges, &c.,  
to have  
powers of

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35rd Session, 4th Parliament, 44 Vic., 1880-1.

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A

An Act respecting Prize Fighting.

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*(As amended by the Senate in Committee  
of the whole House.)*

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The Honourable  
Sir ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY MACLEAN ROGER & CO.,  
1880.

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## B I L L .

An Act to amend the Law respecting Documentary  
Evidence in certain cases.

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

1. *Primâ facie* evidence of any proclamation, order, regula- Modes in  
5 tion or appointment, made or issued before or after the which *primâ*  
passing of this Act by the Governor General or by the *facie* evidence  
Governor in Council, also of any proclamation, order or of proclama-  
regulation or appointment made or issued before or after tions, &c., of  
the passing of this Act by or under the authority of any Minis- Governor  
10 ter or Head of any Department of the Government of Canada, General, &c.,  
may be given in all courts of justice established by the may be given.  
Parliament of Canada, and in all legal proceedings whatso-  
ever civil or criminal over which the Parliament of Canada  
has legislative authority in all or any of the modes herein-  
15 after mentioned, that is to say :—

1. By production of a copy of the *Canada Gazette* pur-  
porting to contain a notice of any such proclamation, order,  
regulation or appointment.

2. By the production of a copy of any such proclama-  
20 tion, order, regulation, or appointment purporting to be  
printed by the Queen's Printer for Canada.

3. By the production in the case of any proclamation,  
order or regulation issued by the Governor General or by  
the Governor in Council of a copy or extract purporting to  
25 be certified to be true by the Clerk, or assistant or acting  
Clerk of the Queen's Privy Council for Canada, and in the  
case of any proclamation, order, regulation or appointment  
made or issued by or under the authority of any such Minis-  
ter or Head of a Department, by the production of a copy or  
30 extract purporting to be certified as true by the Minister, or  
by his Deputy or acting Deputy, or by the Secretary or  
acting Secretary, of the Department over which he presides.

2. *Primâ facie* evidence of any proclamation, order, Modes in  
regulation, or appointment made or issued before or after the which *primâ*  
35 passing of this Act by a Lieutenant-Governor of any *facie* evidence  
Province in Canada, or by his Executive Council, or by or of proclama-  
under the authority of any member of such Executive tions, &c., by  
Council, being the Head of any Department of the Provincial Lieutenant-  
Government of the Province, may be given in all courts of Governors of  
40 justice established by the Parliament of Canada and in all Provinces,  
&c., may be  
given.

legal proceedings whatsoever civil or criminal over which the Parliament of Canada has legislative authority in all or any of the modes hereinafter mentioned, that is to say :—

1. By the production of a copy of the official gazette for the Province purporting to contain a notice of such proclamation, order, regulation or appointment. 5

2. By the production of a copy of any such proclamation, order, regulation, or appointment purporting to be printed by the Government Printer for the Province.

3. By the production of a copy or extract of any such proclamation, order, regulation or appointment certified to be true by the Clerk or assistant or acting Clerk of the Executive Council, or by the Head of any Department of a Provincial Government, or by his Deputy or acting Deputy, as the case may be. 15

3. No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, regulation or appointment; and any such copy or extract may be in print or in writing, or partly in print and partly in writing. 20

Certain offences in relation to such proclamations, &c., to be felony, and punishment of offenders.

4. If any person

1. Prints any proclamation, order, regulation or appointment, or notice thereof and causes the same falsely to purport to have been printed by the Queen's Printer or the Government Printer for any Province of Canada, as the case may be, or tenders in evidence any copy of any proclamation, order, regulation or appointment, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed, or 25 30

2. Forges, or tenders in evidence knowing the same to have been forged, any certificate authorized to be made or given by this Act or by any Act of Parliament, or by any Act of a Provincial Legislature, for the purpose of certifying or verifying any copy or extract of any proclamation, order, regulation, appointment, paper, document or writing of which a certified copy may lawfully be offered as *prima facie* evidence,—he shall be guilty of a felony, and shall on conviction be liable to be imprisoned in the penitentiary for \_\_\_\_\_ years, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years. 35 40

Interpretation.

~~5. The following words shall in this Act have the meaning herein-after assigned to them unless there is something in the context repugnant to such construction, that is to say :— 45~~

Provisions of this Act to

6. The provisions of this Act shall be deemed to be in addition to and not in derogation of any powers of proving docu-

ments given by any existing statute or existing at common law. be deemed to be additional ones.

7. This Act may be cited as "The Documentary Evidence Act, Canada, 1881." Short title of Acts.

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3rd Session, 4th Parliament, 44 Vict., 1880-81.

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**B**

**BILL.**

An Act to amend the laws respecting  
documentary evidence in certain  
cases.

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Received and read first time, Monday, 13th  
December, 1880.

Second reading, Thursday, 16th December,  
1880.

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Honourable Sir ALEXANDER CAMPBELL.

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OTTAWA:  
PRINTED BY MAOLLEAN, ROGER & Co.,  
1880.



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## BILL.

An Act further to continue in force for a limited time  
“The better Prevention of Crime Act, 1878.”

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

1 The Act passed in the forty-first year of Her Majesty's Act 41 V., c.  
5 reign, chapter seventeen, and intituled “*An Act for the* 17, continued  
*better prevention of crimes of violence in certain parts of* to end of next  
*Canada, until the end of the next Session of Parliament,*” Session.  
which was continued by the Act passed in the forty-third  
10 year of Her Majesty's reign, chapter five, shall further con-  
tinue in force until the end of the now next ensuing Session  
of Parliament; and any proclamation heretofore issued As to any  
thereunder shall continue in force until such proclamation proclamation  
is revoked by proclamation in the manner provided by the under it.  
15 said Act, or until the expiration of the said Act, whichever  
shall first happen.

D

BILL.

An Act further to continue in force for a limited time "The better Prevention of Crime Act, 1878."

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Received and read, first time, Monday, 20th December, 1880.

Second reading, Wednesday, 22nd Dec., 1880.

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The Honourable  
Sir ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY McLEAN, ROGER & Co.  
1880.

## AMENDMENTS

To be moved in Committee of the Whole on Bill E,  
“ *An Act still further to amend the Patent Act of 1872.*”

Page 1, line 12.—Leave out from “follows” to the first  
“the” in line 28, being the whole of clause one of the Bill,  
and insert clause A.

### CLAUSE A.

“In all cases in which not more than a year has  
“ elapsed since the expiration of a patent, and application to  
“ renew the same has been made to the Commissioner of  
“ Patents within ten days of such expiration, the Commis-  
“ sioner may, in his discretion and after such hearing of  
“ conflicting interest (if any) as he may deem expedient,  
“ revive the expired patent and continue the same for the  
“ period for which, if application had been made in time, it  
“ might have been extended under ‘*The Patent Act of 1872,*’  
“ but no such patent shall be revived after the thirty-first of  
“ October in the present year.”

Page 1, line 38.—Leave out from the first “of” to “and”  
in line 39, and insert “such patent.”

Page 2, line 1.—Leave out from “of” to “Section” in  
line 3.

### *In the Schedule of the Bill.*

Page 2, line 9.—Leave out from “repealed” to the end of  
the Bill, being the whole of the Schedule.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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E

BILL.

An Act still further to amend "The  
Patent Act of 1872."

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*Amendments to be moved in Committee of  
the Whole.*

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The Honourable  
Sir ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.  
1881.

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**B I L L .**

An Act still further to amend "The Patent Act of 1872."

**W**HEREAS in certain cases, there has been misapprehension as to the true intent and meaning of so much of section seventeen of "*The Patent Act of 1872*," as specifies the period at which the extension of a patent may be obtained; and whereas it is expedient to provide a remedy for certain cases in which, through such misapprehension, the time for obtaining such extension has inadvertently been allowed to expire, and to so further amend the Act above cited as to prevent a recurrence of such misapprehension: Preamble.  
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 expired patents, mentioned in the Schedule to this Act attached, may be revived and continued in force for the period for which they might have been extended, if the time for making application for such extension had not been allowed to elapse without such application being made; Certain expired patents may be revived.  
Provided that such revival shall not operate to effect the extension of any such patent beyond the date to which it might have been extended if the application had been made in due time, and that in the event of the proprietor of any of the patents mentioned in the said Schedule applying for the revival thereof, under the provisions of this Act, the extended term for which it is granted shall be made to terminate at the date set opposite thereto in the last column of the said Schedule; but no such patent shall be revived at any date subsequent to the first day of January, 1883. Proviso.

**2.** The fee to be paid to the Commissioner of Patents, in consideration of such revival and extension as aforesaid, shall be computed at the rate of four dollars for each year of the duration of such extension, and shall be paid by the applicant in accordance with the provisions of the Act above cited. Fee to be paid on a revival of patent.

**3.** Nothing in this Act contained shall, in any way, affect the right of any person who, previous to the granting of the original patent, as provided by section forty-eight of "*The Patent Act of 1872*,"—or of any person who, since the expiration of any of the Patents in the Schedule to this Act mentioned, and previous to the date of the revival thereof under this Act, has purchased, acquired, constructed or made use of the invention forming the subject of such patent, or revived patent, to construct, use or sell the specific article, machine, manufacture or composition of matter patented, so Rights of certain purchasers of inventions saved.

purchased, constructed, acquired or made use of previous to the date of such revival.

Section 17 of  
35 Vict., c.  
26, amended.

4. Section seventeen of "*The Patent Act of 1872*" is hereby amended by striking out the words "at or" in the third line; and by striking out the words "after those" in the fifth line thereof, and inserting the words "before the expiration of the" in lieu the last mentioned words. 5

Section 18 of  
35 Vict., c.  
26, repealed.

5. Section eighteen of "*The Patent Act of 1872*" is hereby repealed.

#### SCHEDULE.

No. of the Patent.	Date of first issue.	Date of expiration, if Patent revived.
160	November 25th, 1869.....	November 25th, 1884.
203	December 27th, 1869.....	December 27th, 1884.
219	January 12th, 1870.....	January 12th, 1885.
289	March 18th, 1870.....	March 18th, 1885.
568	August 25th, 1870 .....	August 25th, 1885.
585	September 5th, 1870.....	September 5th, 1885.
623	September 28th, 1870.....	September 28th, 1885.
834	March 8th, 1871.....	March 8th, 1886.
940	April 20th, 1871.....	April 20th, 1886.
1265	December 23rd, 1871.....	December 23rd, 1886.
1446	May 4th, 1872.....	May 4th, 1887.
1453	May 4th, 1872.....	May 4th, 1887.
2173	March 20th, 1873.....	March 20th, 1888.
2512	July 8th, 1873.....	July 8th, 1888.
2547	July 24th, 1873.....	July 24th, 1888.
2915	December 5th, 1873.....	December 5th, 1888.
3130	February 20th, 1874.....	February 20th, 1889.
4352	February 2nd, 1875.....	February 2nd, 1890.
4883	June 18th, 1875.....	June 18th, 1890.
4986	July 15th, 1875.....	July 15th, 1890.
5144	September 7th, 1875.....	September 7th, 1890.
5217	September 28th, 1875.....	September 28th, 1890.



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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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**E**

**BILL.**

An Act still further to amend "The  
Patent Act of 1872."

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Received and read first time, Wednesday, 12th  
January, 1881.

Second reading, Friday, 14th January, 1881.

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The Honourable  
SIR ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.  

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1880.



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## BILL.

An Act to incorporate the European, American and  
Canadian Cable Company (Limited).

**W**HEREAS the persons herein after mentioned have, by Preamble.  
their petition, prayed that an Act of incorporation may  
be granted to them for the purpose of establishing telegraphic  
communication between the Dominion of Canada, the United  
5 Kingdom and other countries; and whereas it is expedient  
to 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:—

**1.** Henry N. Bate, Charles T. Bate, John Gilmour, Allan  
10 Gilmour, the younger; Benjamin Batson, John R. Booth, John  
Sweetland, and John Mather, all of the city of Ottawa, in  
the Province of Ontario, and James McLaren, of Buckingham,  
in the Province of Quebec, and their associates, and all other  
15 persons who may hereafter become holders of the stock  
hereinafter mentioned, are hereby constituted a body politic  
and corporate by the name of "*The European, American and*  
*Canadian Cable Company (Limited)*," herein after called the Company  
incorporated.  
Company, for the purpose of establishing telegraphic commu-  
20 nication between Sable Island and some point or points on the  
coasts of Great Britain, Ireland, and the Continent of Europe,  
and for the purpose of establishing branches from Sable  
Island to Bermuda, the West Indies, and South America;  
and the said Company may do every act and thing whatso-  
ever which may reasonably come within the scope, purposes  
25 and objects contemplated by this Act, and may acquire and  
hold such land and beach as may be requisite for their actual  
use and occupation for stations, offices, and construction  
purposes.

**2.** The Company shall have power to connect the cable  
30 and cables which are contemplated by this Act with the  
Government internal telegraphic system of the Dominion. Special  
power to  
connect.

**3.** The capital stock of the Company shall be one million  
five hundred thousand pounds sterling, divided into shares  
of twenty pounds sterling each: and the said capital may  
35 be increased from time to time by resolutions of the Board  
of Directors, by and with the consent of the majority in  
value of the shareholders having a right to vote as herein-  
after enacted: Provided always that it shall be lawful for  
the Board of Directors, prior to the taking and receiving of Capital  
stock.  
40 subscriptions to the capital stock, to convert the said shares  
into shares of any other amount in sterling, or currency of  
Canada, or of the United States: And provided also that it Proviso.  
Proviso.

shall be lawful for the Company to issue certificates of Stock in sterling, or currency of Canada or of the United States.

Power to borrow money and issue bonds.

4. The said Company may borrow such sums of money not exceeding in all the amount of the paid-up capital stock of the Company, and may issue such bonds therefor, not being less than one hundred pounds sterling, and made payable at such times and places and bearing such interest and secured in such manner (by mortgage or otherwise), as the Company may deem expedient and proper for the carrying out of the purposes of this Act. 5 10

Provisional Board of Directors constituted.

5. Henry N. Bate, Charles T. Bate, John Gilmour, Allan Gilmour, the younger, Benjamin Batson, John R. Booth, John Sweetland, John Mather and James McLaren above named, are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected as hereinafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board. Provisional Directors may hold proxies from absent Provisional Directors and may vote thereon. 15 20

Rights of aliens and limit of liability of shareholders.

6. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the said Company; and no shareholder shall be liable, beyond the extent of the stock subscribed by him and remaining unpaid, for any debt contracted by the Company. 25

First general meeting of shareholders.

7. So soon as ten per centum of the said capital stock shall have been subscribed, and ten per centum thereon paid up, the said Provisional Directors, or a majority of them, may call a general meeting of the shareholders at such place in England or elsewhere as the said Provisional Directors may think proper, giving at least three months' notice in the *Canada Gazette* and in one newspaper or more published in Ottawa and London (England), as well as in the place where the meeting is to be held, if not one of those two cities; and at such general meeting the shareholders present in person or represented by proxy shall elect nine persons to form and constitute a Board of Directors of the said Company. 30 35

Appointment of President, Vice President and other officers.

8. The Directors shall appoint one of their number to act as President or Chairman, and another to act as Vice-President or Deputy Chairman, and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices. 40 45

Quorum of Board of Directors.

Five of the Directors shall form a quorum; and all questions shall be decided by a majority of votes of the Directors then present or represented by proxies; and upon every equal division the President or the Chairman for the time being shall give his casting vote in addition to the vote previously given by him as one of the Directors. 50

Casting vote

9. The Directors of the Company for the time being may open or cause to be opened stock books for the subscription of parties desiring to become shareholders in the capital stock of the Company, in as many and such places in the United Kingdom, Canada, and elsewhere, as they shall think fit, and may make such shares payable in such manner as they shall see fit; and, further, may issue shares for stock subscribed in England, Canada, or elsewhere, in such amounts respectively of sterling money of the United Kingdom, or of currency of Canada or of the United States, as to the Directors shall from time to time seem fit, and may make the dividends payable thereon in like sterling money, or currency of Canada or of the United States, in England, Canada, and elsewhere, at such place or places as to the Directors shall from time to time seem fit.
10. The said Directors shall hold office until replaced at general meetings of the shareholders of the Company, called for that purpose in manner following, that is to say, three Directors shall retire in each year, by rotation, but every retiring Director shall be eligible for re-election; and at all the meetings of the Company each share shall entitle the holder to one vote which may be given either in person or by proxy: Provided always that no shareholder shall be entitled to vote thereat who does not hold stock to an amount equal to one hundred pounds sterling or its equivalent in any other currency, and whose name shall not have been duly registered in the stock books of the Company at least three calendar months before such general meeting is held.
11. The Board of Directors may, from time to time, appoint local honorary Directors in any city or place, either in British territory or in the territory of any foreign power or State: Provided always that such honorary local Directors shall be duly registered shareholders of the Company.
12. Whenever one member or more of the Board of Directors shall die or resign, the remaining Directors shall appoint a Director or Directors in lieu of the person or persons so dying or resigning.
13. The said Board of Directors may, from time to time, make, alter, amend, or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally, which shall remain in force until the same are submitted to the next general meeting of the shareholders, and shall thereafter have force only as approved or amended by them.
14. The Directors may require payment of subscriptions to the capital stock at such times and in such proportions as they may deem proper, under the penalty of forfeiture of all such stock and previous payments thereon after thirty days notice given to each shareholder, by notice addressed to him in a registered letter: and the Company may sue for and recover all such subscriptions: notice of the times and
- Opening of stock books.
- Shares and dividends may be in sterling or currency.
- Term of office of Directors.
- Proviso: who may vote at meetings.
- Appointment of local honorary Directors. Proviso.
- Vacancies in Board how filled.
- Board may make by-laws.
- Calls on shares, notice thereof, and consequences of failure to meet them.

places of such payments shall be published for four weeks previous to such times, at least once in each week, in the "Canada Gazette," and in such other newspapers published in England or elsewhere, as the Directors may think proper.

Transfer of shares to be registered.  
Proviso.

**15.** No assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose: Provided that whenever any stockholder shall transfer, in manner aforesaid, all his stock or shares in the Company, such stockholder shall cease to be a member of the said Corporation. 5 10

Ten per cent. to be paid; upon subscription of stock.

Board of Directors may refuse any subscription.

**16.** No subscription of stock in the said capital of the Company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks of Canada, or of the United Kingdom, or of the United States, to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such undertaking, or for the return of deposits on rejected subscriptions, or upon the dissolution of the Company from any cause whatever. And the said Board of Directors, or a majority thereof, may, in their discretion, within thirty days after any such subscriptions have been recorded, refuse to accept the subscriptions of any persons who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act. 15 20 25

Annual statement of affairs, and semi-annual or quarterly dividends to be made.

**17.** It shall be the duty of the Directors to make semi-annually or quarterly dividends of so much of the profits as to them or a majority of them shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the Company; and such statements shall appear on the books, and be open for the perusal of any stockholder upon request at least one month before the general meetings of the Company. 30 35

Reference to Acts Con. Stat. Can., c. 67, and Canada 38 Vict., c. 26.

**18.** The Company is hereby invested with all the powers and privileges conferred, and made subject to all the conditions imposed upon telegraph companies, which are not inconsistent with this Act, by the Act of the late Province of Canada, being Chapter sixty-seven of the Consolidated Statutes thereof, intituled: "*An Act respecting Telegraph Companies*;" and the powers conferred by this Act shall be exercised subject to the terms and conditions of the Act passed in the thirty-eighth year of Her Majesty's reign, intituled: "*An Act to regulate the Construction and Maintenance of Marine Electric Telegraphs*." 40 45

Commencement and completion of works.

**19.** The works of the Company shall be commenced within two years, and completed within four years, from the passing of this Act, otherwise this Act shall be null and void. 50



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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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BILL.

An Act to incorporate the European,  
American and Canadian Cable Com-  
pany (Limited).

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Received and read the first time, Wednesday,  
19th January, 1881.

Second reading, Tuesday, 25th January, 1881.

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The Honourable Mr. SCOTT.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1881.

## An Act respecting Naturalization and Aliens.

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

## INTERPRETATION CLAUSE.

1. In this Act, if not inconsistent with the context or subject-matter thereof, Imp. Naturalization Act, 1870.

“Disability” means the status of being an infant, lunatic, idiot, or married woman;

“Officer in the Diplomatic Service of Her Majesty” means any Ambassador, Minister or Chargé d’Affaires, or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d’Affaires, or Secretary of Legation to execute any duties imposed by *The Naturalization Act, 1870*, (Imperial) on an officer in the Diplomatic Service of Her Majesty;

“Officer in the Consular Service of Her Majesty” means and includes Consul-General, Consul, Vice-Consul and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul and Consular Agent;

“Oath” includes affirmation in the case of a person allowed by law to affirm in judicial cases;

“County” includes a union of counties and a judicial district or other judicial division;

“Alien” includes a statutory alien;

“Subject” includes a citizen when the foreign country referred to is a republic;

2. This Act shall not come into force until on, from and after a day to be appointed in that behalf by proclamation of the Governor published in the *Canada Gazette*. Ibid.

3. This Act may be cited for all purposes as “*The Naturalization Act, Canada, 1881*.” Ibid.

## STATUS OF ALIENS IN CANADA.

Imperial Act,  
1870.

4. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,—

1. That this section shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise;

2 That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him;

3. That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the coming into force of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act;

4. That this section shall not qualify an alien to be the owner of a British ship.

Ibid.

5. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as British subjects, and where Her Majesty, by Order in Council, passed under the third section of *The Naturalization Act, 1870*, (Imperial) has declared that such convention has been entered into by Her Majesty; then, from and after the date of such Order in Council, any person being originally a subject of the State referred to in such Order, who has been naturalized as a British subject within Canada may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall within Canada be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

Ibid.

6. A declaration of alienage may be made as follows;—If the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

Ibid.

7. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born



subject, but who also at the time of his birth became under the law of any foreign State a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall within Canada cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall within Canada cease to be a British subject.

8. From and after the coming into force of this Act, an alien shall not be entitled to be tried by a Jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural born subject.

#### EXPATRIATION.

9. Any British subject who has at any time before, or may at any time after the coming into force of this Act, when in any foreign State and not under any disability, voluntarily become naturalized in such State, shall from and after the time of his so having become naturalized in such foreign State, be deemed within Canada to have ceased to be a British subject and be regarded as an alien: Provided,—

1. That where any British subject has before the coming into force of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject within Canada, he may, at any time within two years after the coming into force of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration (hereinafter referred to as a declaration of British nationality) being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject within Canada; with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed within Canada to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

2. A declaration of British nationality may be made, and the oath of allegiance be taken as follows; If the declarant be in the United Kingdom in the presence of a Justice of the Peace; if elsewhere in Her Majesty's dominions in the presence of any Judge of any Court of civil or criminal jurisdiction, or of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose: If out of Her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of Her Majesty.

#### NATURALIZATION AND RESUMPTION OF BRITISH NATIONALITY.

10. An alien who, within such limited time before taking the oaths or affirmations of residence and allegiance and

Partly Imp.  
partly new.

procuring the same to be filed of record as hereinafter prescribed, as may be allowed by order or regulation of the Governor in Council, has resided in Canada for a term of not less than three years, or has been in the service of the Government of Canada or of the Government of any of the Provinces of Canada, or of two or more of such governments, for a term of not less than three years, and intends, when naturalized, either to reside in Canada, or to serve under the Government of Canada or of the government of one of the Provinces of Canada, or of two or more of such governments, may take and subscribe the oaths of residence and allegiance or of service and allegiance in form A in the schedule hereto or to the like effect, and apply for a certificate in the form B in said schedule.

From present  
Canadian  
Acts.

**11** Every such oath shall be taken and subscribed by such alien, and may be administered to him by any of the following persons, viz. :—A Judge of a Court of Record in Canada, a Commissioner authorized to administer oaths in any Court of Record in Canada, a Commissioner authorized by the Governor General to take oaths under this Act, a Justice of the Peace of the County or District where the alien resides, a Notary Public, a Stipendiary Magistrate, a Police Magistrate.

The same.

**12.** The alien shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as the person before whom he takes the oaths aforesaid may require; and such person, on being satisfied with such evidence, and that the alien is of good character, shall grant to such alien a certificate in the form B in the schedule hereto or to the like effect

The same.

**13.** Such certificate shall be presented,—  
*In Ontario*, to the Court of General Sessions of the Peace of the County within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sitting in such County;  
*In Quebec*, to the Circuit Court in and for the Circuit within the jurisdiction of which the alien resides;  
*In Nova Scotia*, to the Supreme Court during its sittings in the County within the jurisdiction of which the alien resides, or to the County Court of such County;  
*In New Brunswick*, to the Supreme Court during its sitting in the County within the jurisdiction of which the alien resides, or to the County Court of such County;  
*In British Columbia*, to the Supreme Court during its sittings in the County within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such County, or to the County Court of such County;  
*In Manitoba*, to the Court of Queen's Bench during its sittings in the County within the jurisdiction of which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such County, or to the County Court of such County;

In *Prince Edward Island*, to the Supreme Court during its sittings in the County within which the alien resides, or to the Court of Assize or *Nisi Prius* during its sittings in such County, or to the County Court of such County ;  
 5 in open Court, on the first day of some general sitting of such Court, and thereupon such Court shall cause the same to be openly read in Court ; and, if during such sitting the facts mentioned in such certificate are not controverted, or any other valid objection made to the naturalization  
 10 of such alien, such Court, on the last day of such sitting, shall direct that such certificate be filed of record in the Court.

14. In the North-West Territories and in the District of Keewatin, such certificate shall be presented to such authority or person as may be provided by order or regulation  
 15 of the Governor-General in Council, and thereupon such authority or person shall take such proceedings with respect to such certificate, and shall cause the same to be filed of record in such way as may be provided by such order or regulation.

20 15. The alien shall, after the filing of such certificate, be entitled, under the seal of the Court if such certificate has been presented to a Court, to a certificate of naturalization in the form C in the schedule hereto annexed or to the like effect ; and if the certificate has been presented to an  
 25 authority or person, as provided by order or regulation of the Governor-General in Council, the alien shall be entitled to receive from such authority or person a certificate of naturalization authenticated as may be provided by such order or regulation.

30 16. The certificate granted to an alien who applies for naturalization on account of service under the Government, as provided by the tenth section hereof, shall be filed of record in the office of Her Majesty's Secretary of State for Canada, and thereupon the Governor General in Council may au-  
 35 thorize the issue of a certificate of naturalization to such alien in the form D in the schedule hereto or to the like effect.

17. An alien to whom a certificate of naturalization is granted shall within Canada be entitled to all political and other rights, powers and privileges, and be subject to all  
 40 obligations, to which a natural-born British subject is entitled or subject within Canada, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject  
 45 unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

18. A special certificate of naturalization may in manner  
 50 as provided be granted to any person with respect to whose nationality as a British subject a doubt exists, and such certificate may specify that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be

deemed a British subject ; and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject. Such special certificate may be in the form E in the schedule hereto annexed or to the like effect. 5

New

19. An alien who has been naturalized previously to the coming into force of this Act may apply for a certificate of naturalization under this Act, and such certificate may be granted to such naturalized alien upon the same terms and subject to the same conditions upon which such certificate might have been granted if such alien had not been previously naturalized. 10

Imperial Act,  
1870.

20. A natural-born British subject who has become an alien in pursuance of this Act or of any Act or law in that behalf, and is in this Act referred to as a "statutory alien," may, upon the same terms and subject to the same conditions as are required in the case of an alien applying for a certificate of naturalization, apply to the proper Court or authority or person in that behalf for a certificate hereinafter referred to as a "certificate of re-admission to British nationality," re-admitting him to the status of a British subject within Canada. Such certificate may be in the form F in the schedule hereto annexed or to the like effect. 15 20

Canadian  
Acts.

21. A copy of the certificate of naturalization may be registered in the Land Registry Office of any County or District or Registration Division within Canada, and a copy of such registry certified by the Registrar or other proper person in that behalf, shall be sufficient evidence of the naturalization of the person mentioned therein, in all courts and places whatsoever. 25 30

Ibid.

22. The clerk of the court by which the certificate of naturalization is issued shall, for all services and filings in connection with such certificate, be entitled to receive from such person the sum of *twenty-five cents*, and no more; and no further or other fee shall be payable for or in respect of such certificate. The Registrar shall, for recording a certificate of naturalization be entitled to receive from the person producing the same for registry, the sum of *fifty cents*, and a further sum of *twenty-five cents* for every search and certified copy of the same, and no more. 35 40

Imperial Act,  
1870.

23. A statutory alien to whom a certificate of re-admission to British nationality within Canada has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject within Canada, with this qualification, that within the limits of the foreign State of which he became a subject he shall not be deemed to be a British subject within Canada, unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty or convention to that effect. 45 50

24. Where any foreign State has, before or after the coming in force of this Act, entered into a convention with Her Majesty to the effect that the subjects of that State who have been naturalized as British subjects may divest themselves of their status as subjects of such foreign State, and where such convention or the laws of such foreign State require a residence in Canada of more than three years or a service under the Government of Canada or of any of the Provinces of Canada, or of two or more of such Provinces, of more than three years, as a condition precedent to such subjects divesting themselves of their status as such foreign subjects—an alien being a subject of such foreign State, who desires to divest himself of his status as such subject, may, if at the time of taking the oath of residence or service he has resided or served the length of time required by such convention or by the laws of the foreign State, instead of taking the oath shewing three years residence or service, take an oath shewing residence or service for the length of time required by such convention or by the laws of the foreign State; and the certificate to be granted to the alien under the twelfth section hereof shall state the period of residence or service sworn to. The certificate of naturalization shall likewise state the period of residence or service sworn to, and the statement in such certificate of naturalization shall be sufficient evidence of such residence or service in all courts and places whatsoever.

25. An alien who, either before or after the coming into force of this Act, has, whether under this Act or otherwise, become entitled to the privileges of British birth in Canada, and who is a subject of a foreign State with which a convention to the effect above mentioned has been entered into by Her Majesty, and who desires to divest himself of his status as such subject, and who has resided or served the length of time required by such convention or by the laws of the foreign State, may take the oath of residence or service shewing residence or service for the length of time required by such convention or by the laws of the foreign State, and apply for a certificate (or a second certificate, as the case may be) of naturalization under this Act.

#### NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

26. A married woman shall, within Canada, be deemed to be a subject of the State of which her husband is for the time being a subject.

27. A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such, at any time during widowhood, obtain a certificate of re-admission to British nationality, within Canada, in manner provided by this Act.

28. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother

- who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall, within Canada, be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject. 5
- Ibid. 29. Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality within Canada, every child of such father or mother who during infancy has become resident within Canada with such father or mother, shall be deemed to have resumed the position of a British subject within Canada, to all intents. 10
- Ibid. 30. Where the father, or the mother being a widow, has obtained a certificate of naturalization within Canada, every child of such father or mother who during infancy has become resident with such father or mother within Canada shall, within Canada, be deemed to be a naturalized British subject. 15
- Ibid. 31. Nothing in this Act contained shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the coming into force of this Act, or affect such estate or interest to her prejudice. 20
- Imperial Acts 1870 and 1872. 32. The Governor-General in Council may by regulation provide for the following matters:— 25
1. The form and registration of declarations of British nationality. 25
  2. The form and registration of certificates of naturalization in Canada.
  3. The form and registration of certificates of re-admission to the British nationality within Canada 30
  4. The form and registration of declarations of alienage.
  5. The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of Canada in pursuance of or for the purpose of carrying into effect the provisions of this Act. 35
  6. With the consent of the Treasury Board the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act 40
  7. The persons by whom the oaths may be administered under this Act. 45
  8. Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested.
  9. The registration of such oaths. 50
  10. The persons by whom certified copies of such oaths may be given.

11. The transmission to Canada for the purpose of registration or safe keeping, or of being produced as evidence, of any oaths taken in pursuance of this Act out of Canada, or of any copies of such oaths, also of copies of entries of such 5 oaths contained in any register kept out of Canada in pursuance of this Act.

12. The proof in any legal proceeding of such oaths

13. With the consent of the Treasury Board, the imposition and application of fees in respect of the administration or 10 registration of any such oath.

The Governor-General in Council, by a further regulation, may repeal, alter or add to any regulation previously made by him in pursuance of this section. Any regulation made by the Governor-General in Council in 15 pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act.

33. Any declaration authorized to be made under this Act may be proved in any legal proceeding by the pro- 20 duction of the original declaration, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the Governor-General in Council to give certified copies of such declaration, and the production 25 of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned.

Imperial Act,  
1870 and 1872.

34. A certificate of naturalization, or of re-admission 30 to British nationality, may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by the clerk or acting clerk of the Queen's Privy Council for Canada, or by any person authorized by regulations of the 35 Governor-General in Council to give certified copies of such certificate, and the statement of the period of residence or service in a certificate of naturalization shall be sufficient evidence of such residence or service in all Courts and places whatsoever.

Ibid.

35. Entries in any register authorized to be made in pur- 40 suance of this Act may be proved by such copies and certified in such manner as may be directed by regulation of the Governor in Council, by the clerk or acting clerk of the Queen's Privy Council for Canada, or by the Secretary of State, and the copies of such entries shall be 45 evidence of any matters by this Act or by any regulation of the Governor in Council authorized to be inserted in the register.

New.

36. "*The Documentary Evidence Act, Canada, 1881*," 50 shall apply to any regulation made by the Governor General in Council, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

New.

## MISCELLANEOUS.

- Imperial Act, 1870.** **37.** Where any British subject has in pursuance of this Act, become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.
- Canadian Acts.** **38.** Each and every person who, being by birth an alien, had, on or before the coming into force of this Act, become entitled to the privileges of British birth, within any part of Canada, by virtue of any general or special Act of Naturalization in force in such part of Canada, shall hereafter be entitled to all the privileges by this Act conferred on persons naturalized under this Act.
- Ibid.** **39.** Any alien entitled, at the time of the passing of this Act, to be naturalized under the provisions of any of the Acts mentioned in the schedule hereto, may take the oaths or affirmations of residence and of allegiance, and obtain certificates as aforesaid, in the same manner as aliens entitled to be naturalized under the provisions of the section of this Act, and with the same effect, to all intents and purposes.
- Ibid.** **40.** Notwithstanding anything in this Act, all aliens now resident within the Province of Nova Scotia, and entitled to be naturalized by virtue of the thirty-fourth chapter of the Revised Statutes of Nova Scotia, shall hereafter, on fulfilling the requirements of the said last mentioned chapter, be entitled to all the privileges by this Act conferred on persons naturalized under this Act.
- Ibid.;** **41.** Nothing in this Act contained shall repeal or in any manner affect the Act of the Legislature of Upper Canada, passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, intituled: "*An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty,*" or any proceedings had under the said Act.
- Ibid.** **42.** Nor shall anything in this Act contained repeal or in any manner affect the Act of the legislature of the late Province of Canada, passed in the session held in the fourth and fifth years of Her Majesty's reign, chapter seven, intituled: *Au Act to secure to and confer upon certain inhabitants of this Province, the civil and political rights of Natural-born British Subjects*, or the first, second or third section of the Act of the said Legislature passed in the twelfth year Her Majesty's reign chapter one hundred and ninety-seven, intituled: *An Act to repeal a certain Act therein mentioned and to make better provision for the Naturalization of Aliens*,—or impair or affect the naturalization of any person naturalized under the said Acts, or either of them, or any rights acquired by such person or by any other party by virtue of such naturalization, all which shall remain valid and be possessed and enjoyed by such person or party respectively.



13. Every person who, being by birth an alien, did, prior to the first day of January, 1868, take the oaths of residence and allegiance required by the Naturalization Laws then in force in that one of the Provinces now forming the Dominion of Canada, in which he then resided, shall within Canada be admitted to all the rights and privileges of a natural-born British subject conferred upon naturalized persons by this Act; and the certificate of the Judge, Magistrate, or other person before whom such oaths were taken and subscribed, shall be evidence of his having taken them; or he may take and subscribe the oath in form G in the schedule hereto before some Judge, Justice, or person authorized to administer the oaths of residence and allegiance under this Act, in the county or district in which he resides.

Canadian Acts.

44. All aliens who had their settled place of abode in either of the late Provinces of Upper Canada or Lower Canada or Canada, or in Nova Scotia or New Brunswick, on or before the first day of July, A.D. 1867, or in Rupert's Land or the North-West Territories on or before the fifteenth day of July, A.D. 1870, or in British Columbia, on or before the 20th day of July, A.D. 1871, or in Prince Edward Island, on or before the first day of July, A.D. 1873, and who are still residents in Canada, shall be deemed, adjudged, and taken to be, and to have been entitled to all the privileges of British birth within Canada as if they had been natural born subjects of Her Majesty, subject to the following provision, that is to say:—That no such person (being a male) shall be entitled to the benefit of this Act, unless nor until he shall take the oaths of allegiance and residence in the form prescribed by this Act, before some Justice of the Peace or other person authorized to administer oaths under this Act.

Ibid.

45. The oaths taken under the last preceding section shall be filed of record,—if the person making them resides in the Province of Ontario, with the Clerk of the Peace of the County in which he resides,—if he resides in the Province of Quebec, with the Clerk of the Circuit Court of the Circuit within which he resides,—if he resides in Nova Scotia, with the Clerk of the Supreme Court,—and if he resides in New Brunswick, with the Clerk of the Supreme Court,—if he resides in British Columbia or Prince Edward Island, with the Clerk of the Supreme Court,—if he resides in Manitoba with the Clerk of the Court of Queen's Bench, with the Clerk of the County Court of the County in which he resides,—if he resides in the North-West Territories or in the District of Keewatin, with such person or authority as may be provided by order or regulation of the Governor-General in Council; and upon its being so filed, the person making it shall be entitled to the benefit of this Act and of the privileges of British birth within Canada, and shall also, upon payment of a fee of *twenty-five cents*, be entitled to a certificate from the person with whom the oaths have been filed, in the form of the schedule H hereto or to the like effect; and the production of such certificate shall be *prima facie* evidence of his naturalization under this Act, and that

Ibid.

he is entitled to and enjoys all the rights and privileges of a British subject.

**Ibid.** 46. The Governor in Council may appoint, from time to time, Commissioners to take and administer oaths under this Act. 5

PENALTY FOR FALSE SWEARING.

**Ibid.** 47. Any person wilfully swearing falsely, or making any false affirmation under this Act, shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction, in addition to any other punishment authorized by law, forfeit all the privileges or advantages which he or she would otherwise, by making such oath or affirmation, have been entitled to under this Act, but the rights of others in respect to estates derived from or held under him or her, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury at the time the title by which they claim to hold under him or her was created. 10 15

SCHEDULE OF FORMS.

**Repeal.** 48. After the coming into force of this Act, no alien shall be naturalized within Canada, except under the provisions of this Act.

3rd Session, 4th Parliament, 44 Vict., 1880-1.

G

BILL.

An Act respecting Naturalization and Aliens.

Received and read first time, Tuesday, 25th January, 1881.

Second reading, Tuesday, 1st February, 1881.

The Honourable  
Sir ALEXANDER CAMPBELL.

OTTAWA;

PRINTED BY MACLEAN, ROGER & Co.

1881.

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## BILL.

### An Act to incorporate "The Napierville Junction Railway and Quarry Company."

**W**HEREAS the persons hereinafter named have petitioned for incorporation as a Company to construct a railway hereinafter described, and the construction of such railway would be of great benefit to the commerce and for the general advantage of Canada; and it is expedient to grant their prayer: 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 Napierville Junction Railway is hereby declared to be a work for the general advantage of Canada.

Work declared of general advantage.

2. Henry Benjamin and Robert Cassels, both of the City of Montreal, Médéric Catudal, of the Village of Napierville, and William L. Hibbard, of the Village of West Farnham, in the Province of Quebec, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of "The Napierville Junction and Quarry Company."

Incorporation and corporate name.

3. The said Company and their agents and servants may lay out and construct and finish a double or single track, iron or steel, railway of such width or gauge as the Company see fit, from a point near the *Grande Ligne* station of the Montreal and Champlain Railroad or some point between the said *Grande Ligne* station and St. John, to the Village of Napierville, in the County of Napierville.

Power to lay out and construct a line of railway.

4. The capital stock of the said Company shall consist of two hundred and fifty thousand dollars, to be divided into two thousand five hundred shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named and such other persons and such corporations as may become shareholders in the said stock; and the moneys so raised shall be applied in the first place to the payment of all fees and expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway hereby authorized to be built; and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway, and developing the stone quarries which may be owned at the time of the passing of this Act in the Counties of Napierville and St. John's by the said Henry Benjamin and his associates, and which may

Capital stock and shares, and how to be applied.

hereafter be acquired by the said Henry Benjamin and his associates.

Board of directors constituted, their powers.

5. Henry Benjamin and six other persons, to be named by the said Henry Benjamin, shall be and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors be appointed under the provisions of this Act by the shareholders; with power to open stock-books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other Directors as hereinafter provided, and generally to do all such other acts as such Board under the Consolidated Railway Act, 1879, may lawfully do.

Subscriptions for stock.

6. The said Directors are hereby empowered to take necessary steps for opening stock-books for the subscription of parties desirous of becoming shareholders in the said Company; and all parties subscribing capital stock of the said Company shall be considered proprietors and partners in the same.

When the first general meeting may be held.

7. When and so soon as one-tenth part of the capital stock shall have been subscribed as aforesaid, the said Directors or a majority of them may call a meeting of shareholders at such time and place as they shall think proper, giving at least two weeks notice in one or more newspapers published in the City of Montreal, and in the County of Napierville, at which general meeting, and at the following annual general meetings in the following sections mentioned, the shareholders present either in person or by proxy shall elect seven Directors, in the manner and qualified as hereinafter provided; which said Directors shall constitute a Board of Directors, and shall hold office until the first Monday in September in the year following their election.

Annual election of directors by ballot.

8. On the said first Monday in September, and on the first Monday in September in each year thereafter, at the principal office of the said Company, there shall be holden a general annual meeting of the shareholders of the said Company, at which meeting the said shareholders shall elect a like number of Directors for the then ensuing year in manner and qualified as hereinafter provided; and public notice of such annual general meetings and elections shall be published one month before the day of election, in one or more newspapers published in the city of Montreal; and the election of Directors shall be by ballot.

Quorum of directors, &c.

Qualification.

9. Four Directors shall form a quorum for the transaction of business; provided, however, that no person shall be elected a Director unless he shall be the holder and owner of at least ten shares of the stock of the said Company, and shall have paid up all calls of the said stock.

One vote for each share.

10. In the election of Directors under this Act, and in the transaction of business at general shareholders' meetings, each shareholder shall be entitled to as many votes as he holds shares upon which all calls made have been paid up.

11. The Directors may at any time call upon the shareholders for instalments on each share which they or any of them may hold in the capital stock of the said Company, in such proportions as they may deem fit; no such instalment exceeding ten per cent., and giving one month's notice thereof in such manner as the Directors may appoint.

Calls on shares.

12. All deeds and conveyances of land to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form given in the schedule to this Act subjoined, or in any other form to the like effect; and for the purpose of due registration of the same all registrars in their respective counties are required to be furnished by and at the expense of the said Company with books with copies of the form given in the said schedule, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance; and shall, upon the production and proof of due execution of any such conveyance, enter the same without any memorial, and shall minute the registration or entry on the deed; and the registrar shall charge and receive from the said Company for all fees on every such registration fifty cents and no more; and such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Forms of deeds of lands to the company and registration thereof.

13. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory notes made or endorsed by the President or Vice-President of the Company and countersigned by the Secretary or Treasurer of the said Company and under the authority of a majority of the quorum shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the said President or Vice-President, or Secretary or Treasurer, be individually responsible for the same unless such promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to notes, &c.

Proviso: no power to issue Bank notes.

14. The Directors of the said Company shall have the power, upon being duly authorized by a majority of the stockholders in the Company present at any annual meeting in the month of September, or at a special meeting to be called for the purpose, to issue bonds made and signed by the President and Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking; and such bonds shall be and are considered to be privileged claims upon the property of the said Company, and shall bear hypothec upon

Bonds for raising money by loan bearing hypothec.

**Proviso.** the said railway and quarries without registration. Provided, however, that no such bonds bearing such hypothec shall be issued until after ten per cent. of the whole capital stock of the said Company, as provided by this Act, shall have been expended in and upon the said railway and quarries; and **5**

**Proviso.** provided also, that the whole amount raised upon such bonds shall not exceed one hundred and twenty-five thousand dollars.

**Enforcing payment of freight on goods.**

**15.** In case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the **10** power to distrain the same until the payment of such freight be made; and in the meantime such goods shall be at the risk of the owners; and if such goods be of a perishable nature, the said Company shall have a right to sell the same forthwith, on the certificate of two competent persons **15** establishing the fact of their being so perishable; and if such goods are not of a perishable nature and shall remained unclaimed for six months the Company may, after giving one month's notice in two newspapers published nearest to where the goods may be, dispose of the same by **20** public auction; and the proceeds of the sale, after paying the freight and costs of sale, shall be handed over to the owner if he shall claim the same.

**Agreements with other companies.**

**16.** It shall be lawful for the said Company to enter into any agreement with the Montreal and Champlain Railway **25** Company or the Grand Trunk Railway Company of Canada for leasing the said railway or any part thereof at any time or times to such other Company, or for leasing or hiring from such other Company any railway or part thereof, or the use thereof, or for leasing or hiring any locomotives, tenders or **30** moveable 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 railroad or movable or immovable property of either, or of both, or of any part thereof, or touching any service to be rendered by **35** the one company to the other, and the compensation therefor; and every such agreement shall be valid and binding and shall be enforced by courts of law according to the terms and tenor thereof.

**Aliens may vote.**

**17.** Any shareholder in the said Company, whether a **40** British subject or an alien, or a resident in Canada or elsewhere, has and shall have equal rights to hold stock in the said Company and to vote on the same and to be eligible to office in the said Company.

**18.** All the provisions of the Consolidated Railway Act, **45** 1879, except as varied by this Act, shall also apply to this Company.

## SCHEDULE.

## FORM OF DEED OF SALE.

Know all men by these presents that I, A.B., of \_\_\_\_\_, do hereby, in consideration of \_\_\_\_\_ paid to me by the Napierville Junction Railway and Quarry Company, the receipt whereof is hereby acknowledged, grant, bargain and convey unto the said Napierville Junction Railway and Quarry Company, their successors and assigns, all that tract or parcel of land (*describe the lands*), the same having been selected and laid out by the said Company for the purpose of their railway and quarry works; to have and to hold the said lands and premises unto the said Company, their successors and assigns, forever.

Witness my hand and seal, this \_\_\_\_\_ of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered }  
in presence of }

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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H

BILL.

An Act to incorporate "The Napierville  
Junction Railway and Quarry Com-  
pany."

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Received and read first time, Wednesday,  
2nd February, 1881.

Second reading, Thursday, 3rd February,  
1881.

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The Honourable Mr. BUREAU.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1881



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## B I L L .

An Act respecting "*La Banque Ville Marie*."

WHEREAS *La Banque Ville Marie* has, by its petition, re-  
presented that the great losses which it met with  
during the last financial crisis have diminished its assets;  
that at a general meeting of its shareholders it was acknow-  
5 ledged that in order to carry on its business with advantage  
it was necessary that its capital stock should be reduced to  
five hundred thousand dollars, by reducing the number of  
the shares of such stock, and a resolution of the shareholders  
to that effect was passed; that nevertheless, it is desirable  
10 that the said bank should hereafter issue new shares to the  
amount of five hundred thousand dollars, in order to bring  
its capital stock up again to its original amount of one  
million dollars; and moreover, that it is the wish of the  
said stockholders, expressed in the same manner, that the  
15 time for the holding of the annual general meeting of the  
shareholders should be changed; and whereas, it is expedient  
that the prayer of the said petition be granted: Therefore  
Her Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows:—

20 1. From and after the first day of July, eighteen hundred  
and eighty-one, the capital stock of *La Banque Ville Marie*  
shall be reduced from one million dollars to five hundred  
thousand dollars, and it shall be divided into five thousand  
shares of one hundred dollars each, so that the present num-  
25 ber of shares shall be reduced by one-half: Provided always,  
that the liability of the shareholders to the present creditors  
of the bank shall not be in any way diminished by the said  
reduction.

Capital stock  
to be reduced  
one half.

Proviso.

2. The present shares shall be converted, on the said first  
30 day of July, into new shares, which shall then be issued to  
the shareholders in the proportion of one new share for  
every two shares held by them.

New shares  
to be issued.

3. Every shareholder who shall then hold an odd number  
of shares may agree with any other shareholder in the same  
35 position for the purpose of uniting their shares and obtain-  
ing, in their joint names, their proportion of shares of the  
new issue.

Shareholders  
may unite  
their shares.

4. And whereas a certain number of shares of the said  
bank belonging to shareholders since become insolvent,  
40 which the bank acquired in conformity with the provisions  
of the first section of the Act 38 Victoria, chapter 17, and on  
which the said bank had a privileged lien, in virtue of the

Preamble.

Board of Directors may sell certain shares and buy certain other shares. eighth section of the Act 43 Victoria, chapter 22, are now held in trust in the interest of the said bank, the Board of Directors shall, at one of its meetings before the said first day of July, fix a uniform rate at which every shareholder shall have a right to buy any of the said shares in order to unite them with his own so as to make an even number of shares; and if the Board of Directors deem it advantageous so to do, they may buy for the bank one of every odd number of shares held by any shareholder. 5

The bank may dispose of shares of both classes. 5. The bank may, when deemed advantageous, dispose of these new shares, as well as of those held in trust, after they have been reduced in the proportion of from two to one as aforesaid, either by selling them or by distributing them among the shareholders in proportion to the number of their shares, or in both ways at once, as may be thought fit by the Board of Directors. 15

Half shares arising from certain causes may be sold by the Board of Directors. 6. Three months after the said first day of July the Board of Directors shall have a right to sell, at the market price, or at the best price they can get for the same, every half share arising from an odd number of shares that the owner has not agreed to unite with another, as provided in the third section of this Act, or not made up to an even number, as provided in the fourth section of this Act, and shall pay over the price of sale to the shareholder. 20

New shares only to be transferable after 1st July, 1888. 7. From and after the said first day of July, only new shares of the new capital stock of the said bank shall be transferable, and the Directors shall be authorized to close the transfer book for such time, not exceeding fifteen days, as they may think fit, in order that it may be made to conform to the new distribution of shares 30

Time of holding annual general meetings, &c. 8. The annual general meeting of shareholders, for the election of Directors and the transaction of business generally, shall be held on the third Wednesday in the month of June in each year, or on the following day if such Wednesday be a non-judicial day. At such meeting a balance sheet or correct statement of all the affairs of the bank to the thirty-first day of May then last shall be submitted. The first general meeting after the passing of this Act shall take place in June, eighteen hundred and eighty-one: Provided always, that it shall always be lawful for the shareholders to change the time of these meetings by a by-law to that effect duly passed. 35

Proviso. 80

New shares to the amount of \$500,000 may be issued. 9. At any annual general meeting of the shareholders, or at any special general meeting of the shareholders called for the purpose, such shareholders may, by the vote of the majority of those present in person or represented by proxy, decide to issue new shares to the amount of five hundred thousand dollars currency: Provided always, that this enactment shall not be construed in such a way as to deprive the said bank of the benefit of the provisions of sections five and six of the Act relating to Banks and Banking, 34 Victoria, chapter 5. 50

Proviso. 50

**10.** Nothing in this Act contained shall be construed as Existing  
impairing the obligations of the present holders of shares of shares to be  
the said bank, not paid up, to pay up such shares in full, to paid up in  
the amount of their original nominal value. full.

5 **11.** The Act passed in the forty-third year of Her Majesty's Act 43 V., c.  
reign, intituled: "An Act to provide for the winding up <sup>47</sup>, repealed.  
of *La Banque Ville Marie*," is hereby repealed.

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3rd Session, 4th Parliament, 44 Vict., 1880-1

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I

BILL.

An Act respecting "*La Banque Ville  
Marie*."

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Received and read first time, Wednesday, 2nd  
February, 1881.

Second Reading, Thursday, 3rd February,  
1881.

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The Honourable Mr. TRUDDER.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & Co,

1881

B I L L .

An Act to Incorporate "The Montreal Board of Trade and Exchange."

WHEREAS, Frederick William Henshaw, the President of the Montreal Board of Trade, and Robert Esdaile, the President of the Corn Exchange Association, have by their petition represented that the Corporation known as the Montreal Board of Trade and the Corporation known as the Montreal Corn Exchange Association are desirous of uniting under one Corporation; and whereas it is expedient to grant their prayer: 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 Corporation known as the Montreal Board of Trade and the said Corporation known as the Montreal Corn Exchange Association shall be and they are hereby constituted a body politic and corporate, by and under the name of "The Montreal Board of Trade and Exchange."

Preamble.

Incorporation.

Corporate name.

2. The said Corporation shall have the same rights, powers, and privileges as are now held by and vested in the said Montreal Board of Trade and Montreal Corn Exchange Association; which said rights, powers and privileges are hereby preserved to and vested in the said Corporation hereby created.

Corporation to have the same rights, &c., as are held by Montreal Board of Trade and Montreal Corn Exchange Association.

3. The President and Council of the Board of Trade, and the President and Committee of Management of the Corn Exchange Association shall be the Council of the Corporation hereby created until a new Council shall be elected in their place; and the Council hereby appointed shall until such election have all the powers necessary to do all matters and things requisite for the full organization and working of the present Corporation. Within one month after the passing of this Act, a general meeting of the said Montreal Board of Trade and the said Montreal Corn Exchange Association shall be called and held for the purpose of taking into consideration and passing by-laws to be submitted at such meeting; for the election of officers in accordance with such by-laws; and for the transaction of the business and affairs of the Corporation generally; and such meeting may be adjourned if deemed necessary.

First members of the Council.

First general meeting to be held within one month from the passing of this Act.

4. The said Corporation shall have power to make by-laws for its government, and to alter, change, annul, amend or repeal such by-laws from time to time as occasion may

Corporation to have power to make by-laws, and amend, &c., same.

Power to  
repeal exist-  
ing by-laws  
of Montreal  
Board of  
Trade and  
Corn Ex-  
change As-  
sociation.

require, in the manner provided by such by-laws; and the  
said Corporation shall likewise have power to repeal the  
by-laws or any part or portion of the by-laws of the Montreal  
Board of Trade and of the Montreal Corn Exchange Associa-  
tion, now in existence, when and so soon as the same may  
become necessary. 5

Officers.

5. The affairs, business and concerns of the Corporation  
shall be managed by a President, Vice-President, Treasurer,  
and such number of members of the Corporation as may be  
provided for by the by-laws, as a Council, and shall together 10

Annual  
election.

constitute and be called the President and Council, and  
shall be elected annually at such time and place as may be  
provided for by such by-laws; but at all general meetings  
of the Corporation not less than twenty members shall be a

Vacancies  
how filled.

quorum. All vacancies which may occur in the said 51

Quorum of  
Council to  
be eight.

Council, by death or otherwise, may be filled by the said  
Council. Eight of the number of said Council, or such  
other number as may be fixed by the by-laws, shall consti-  
tute a quorum for the transaction of business.

3rd Session, 4th Parliament, 44 Vict., 1880-1.

J

BILL.

An Act to incorporate "The Montreal  
Board of Trade and Exchange."

Received and read, first time, Thursday, 3rd  
February, 1881.

Second reading: Monday, 7th February, 18

Mr. RYAN.

OTTAWA:

PRINTED BY McLEAN, ROGER & Co.

1880.

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B I L L .

An Act to incorporate the British and Colonial Insurance Company.

**W**HEREAS the Honorable George W. Allan, D. McCarthy, Preamble.  
R. H. Bethune, H. Strathy, S. Nordheimer, T. S.  
Stayner, W. Ramsay, Ralph K. Burgess, W. Galbraith, J. W.  
G. Whitney, B. H. Dixon, J. Crowther and F. A. Ball, have  
5 petitioned for an Act to incorporate them and others under  
the style and title of the "British and Colonial Insurance  
Company," for the purpose of carrying on the business of  
Fire, Inland and Ocean Marine Insurance, in the Dominion  
of Canada, and elsewhere; and whereas it is expedient to  
10 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 said persons and all such other persons and bodies Incorporated.  
corporate and politic as shall, from time to time, be pos-  
15 sessed of any share or shares of the stock of the Company  
hereby incorporated, are hereby constituted and shall be one  
body corporate and politic, in law and in fact, by the name of  
"The British and Colonial Insurance Company," and by that Corporate  
name shall have perpetual succession and a common seal, name and  
20 with power to change and alter such seal at pleasure, and general  
by that name may sue and be sued, plead and be impleaded, powers.  
in all courts whatsoever.

2. The capital stock of the Company shall be one million Capital stock.  
dollars, divided into ten thousand shares of one hundred  
25 dollars each, which said shares shall be and are hereby  
vested in the several persons and bodies corporate and  
politic who shall subscribe for the same, their legal represen-  
tatives and assigns, subject to the provisions of this Act:  
Provided always, that it shall be lawful for the Com-  
30 pany, from time to time, to increase its capital stock to  
such sum, not exceeding in the whole five million of dollars,  
as a majority of the shareholders representing at least one-  
half of the subscribed capital, at a special general meet-  
ing to be specially convened for that purpose, from time to  
35 time, shall agree upon.

3. For the purpose of organizing the Company, the persons Provisional  
named in the preamble of this Act shall be provisional directors.  
Directors thereof; and they, or a majority of them, may  
cause stock books to be opened, after giving such notice  
40 thereof as they may deem necessary, upon which stock books  
shall be recorded the subscriptions of such persons and bodies

Proviso. corporate and politic as desire to become shareholders in the Company ; and such books may be opened in the City of Toronto and elsewhere at the discretion of the said provisional Directors, and may remain open as long as they deem it necessary : Provided always, that the said provisional Directors may issue such shares at their par value, or at such rate of premium as they may consider advisable, the amount of all premiums on stock to be placed to the credit of a reserve fund in the books of the Company. 5

First general meeting. 4. When and so soon as five hundred thousand dollars par value of the said capital stock shall have been subscribed as aforesaid, and one hundred thousand dollars thereon paid in, the said provisional Directors may call a general meeting of shareholders, at some place to be named in the City of Toronto, giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city, at which general meeting the shareholders present in person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and who shall hold office until the third Wednesday in February in the year following their election. 10 15 20

Calls. 5. The shares of capital stock subscribed for, and the premium, if any, thereon shall be paid in and by such instalments at such times and places as the Board of Directors for the time being may from time to time limit and direct : Provided always that the Directors may allow such rate of interest for prepayment of calls not exceeding six per cent. per annum, as they may deem expedient ; and provided also that it shall not be lawful for the Company to commence the business of fiire, inland navigation and marine insurance until a sum not less than one hundred thousand dollars shall have been actually paid in on account of the subscribed stock. 25 30

Proviso : The directors may allow interest for pre-payment of calls.

Proviso : \$100,000 to be paid in before commencing business.

Nine directors to be elected. 6. The stock, property, affairs and concerns of the Company shall be managed and conducted by a Board of Directors, one of whom shall be chosen President, and one Vice-President, who, excepting as hereinbefore provided for, shall hold office for one year, which Directors shall be elected at the annual general meeting of shareholders to be holden at Toronto on the third Wednesday in February in each year, or on such other day as the Directors by resolution may appoint, not less than ten days notice of such meeting being given by advertisement in some daily newspaper published in Toronto ; and the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due ; and all such elections shall be by ballot, and the nine persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed ; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than nine shall appear to be chosen as Directors, then the Directors who 35 40 45 50



shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of nine; and the Directors, as soon as may be, after the said election, shall proceed in like manner to elect one of their number to be President and one to be Vice-President, and if any vacancy should at any time happen amongst the Directors by death, resignation, disqualification or absence from the board meetings for three consecutive months without leave of the board, during the current year of office, such vacancy may be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places, a shareholder or shareholders, eligible for such an office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his own name and for his own use, stock in the Company to the amount of fifty shares, whereof at least twenty per cent. shall have been paid in, and shall have paid all calls made upon his stock, and all liability incurred by him with the Company.

Directors must be shareholders resident in Canada.

Proviso: Qualification of directors, 50 shares and \$1,000 paid thereon.

In case of failure to elect directors at annual meeting. A new election may be held. Directors to continue in office till others are elected.

7. If at any time an election of Directors be not made, or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected.

8. At all general meetings of the Company each shareholder shall be entitled to give one vote for each share then held by him. Such votes may be given in person or by proxy, the holder of any such proxy being himself a shareholder. But no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he shall have paid all the calls upon all the shares held by him. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the Chairman presiding at such meeting having the casting vote in case of an equality of votes.

Scale of votes of shareholders.

One vote per share.

Proviso.

Proviso.

9. At all meetings of Directors, five shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as Director.

Five directors a quorum.

10. The Company shall have power and authority to make and effect contracts of insurance with any person or body corporate or politic against loss or damage by fire, or by explosion or lightning, on any houses, stores or other buildings, lumber, timber, grain, flour, shipping and vessels, goods, chattels and personal estate, and on any other property whatsoever and wheresoever situated in Canada or elsewhere, and to make and effect contracts of insurance with any person or body, corporate or politic, against loss or damage of or to sea-going, lake-going or river-going ships, boats, vessels,

Power to effect insurance contract.

Fire.

Marine.

steamboats or other crafts navigating the oceans, lakes, rivers, high seas or any other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any British or foreign port or ports upon the oceans, lakes, rivers or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any British or foreign port or ports to any ports or ports in Canada or elsewhere upon all or any of the oceans, seas, lakes, rivers and navigable waters aforesaid; and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, boats, vessels, steamboats or other craft, and the freight due or to grow due in respect thereof; or of or to timber or other property of any description conveyed in any manner upon all or any of the oceans, seas, lakes, rivers and navigable waters aforesaid, for such premium or premiums or consideration and under such modifications and restrictions as may be bargained for or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such assurance, and the Company shall have power to cause themselves to be insured against loss or damage or risk they may have incurred in the course of their business, and generally to transact all such other business as is usually transacted by fire and marine insurance companies.

Re-insurance.

By-laws

**11.** The Directors of the Company shall have full power in all things to administer the affairs of the Company, and to make or cause to be made for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers, and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which, and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same; but every such by-law, and every appeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company, duly called for that purpose, shall only have force until the next annual meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force: Provided always, that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in such written

requisition and notice as they may issue to that effect:  
 5 Provided also, that no by-law for the issue, allotment or sale  
 of any portion of the unissued stock at any greater discount  
 or at any less premium than what has been previously  
 5 authorized at a general meeting, or for the payment of the  
 President or any Director, shall be valid or acted upon until  
 the same has been confirmed at a general meeting. Proviso.

12. A copy of any by-law of the Company, under their  
 seal, and purporting to be signed by any officer of the Com-  
 10 pany, shall be received as against any shareholder of the  
 Company as *prima facie* evidence of such by-law in all courts  
 in Canada. Evidence of  
by-laws.

13. The stock of the Company shall be deemed personal  
 estate, and shall be transmissible as such and shall be trans-  
 15 ferable, in such manner only, and subject to all such condi-  
 tions and restrictions as by this Act or by the by-laws of the  
 Company, are or shall be prescribed. Stock to be  
deemed per-  
sonal estate.

14. It shall be lawful for the Company to invest the  
 capital stock, funds and moneys of the Company temporarily  
 20 or otherwise in Dominion, provincial, municipal and foreign  
 government securities, in bonds and mortgages and the  
 stocks of the incorporated moneyed and other institutions of  
 the Dominion of Canada, Great Britain and the United States  
 of America, and to call in, change and re-invest the same as  
 25 occasion may from time to time require. Investment of  
moneys.

15. To enable the Company to extend their business to  
 parts abroad, it shall be lawful for the Company to make  
 deposits of money or securities there in compliance with the  
 laws of the country or state or states wherein it may be  
 30 desirable to carry on their business of assurance. May deposit  
moneys  
abroad.

16. The Company shall have power to acquire and hold  
 real estate, and to build thereon for the purpose of their  
 business within the Dominion of Canada and elsewhere,  
 an annual value not exceeding twenty thousand dollars,  
 35 in the Dominion of Canada or other country or countries  
 respectively, and to sell and dispose of the same, and to  
 acquire other property in its place as may be deemed  
 expedient, and to take hold and acquire all such lands and  
 tenements, real and immovable estate, as shall have been  
 40 *bona fide* mortgaged to it by way of security, or conveyed to  
 it in satisfaction of debts previously contracted in the course  
 of its dealings, or purchased at sales upon judgments which  
 shall have been obtained for such debts, or purchased for the  
 purpose of avoiding a loss to the Company in respect thereof  
 45 or to the owner thereof, and to retain the same for a period  
 not exceeding ten years. Real estate.

17. The policies of insurance issued by the Company  
 shall be under the seal of the Company, and shall be signed  
 by the President or Vice-President and countersigned by  
 50 such officer as may be directed by the by-laws, rules and  
 regulations of the Company, and being so sealed, signed and  
Execution of  
policies.

countersigned, shall be deemed valid and binding upon the Company according to the tenor and meaning thereof: Provided always that the signatures of the President or Vice-President and the counter-signature of such officers as aforesaid, may, on a resolution of the Board of Directors to that effect, be lithographed or printed on the policies and receipts of the Company; and provided also that the seal of the Company may be printed or engraved on policies or other contracts, if so ordered by the Board.

Proviso: the signatures may be lithographed.

Proviso: seal may be engraved.

The directors may forfeit shares, &c.

And may sell the same.

Proviso.

Owner of share may pay arrears, &c., before sale.

What shall be *primâ facie* proof of by-laws, &c.

As to transfers of shares.

18. If any shareholder shall neglect or refuse to pay the instalment due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

19. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; the Company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon, by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all courts as *primâ facie* evidence to that effect.

20. No transfer of any share of the stock of the Company, unless made by sale under execution, or under the decree, order or judgment of some court competent in that behalf shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable, *ad interim*, jointly and severally with the transferer to the Company and its creditors, until entered in the books of the Company according to such form as may from time to time be fixed by the by-laws; and until the whole capital stock of the Company is paid up it shall be necessary to obtain the consent of

the Directors to such transfer being made : Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors ; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

**21.** No transfer of any policy of assurance shall be valid until entered in the books of the Company and consented to by the Managing Director and Manager.

As to transfers of policies.

**22.** Each shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon ; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part ; and the amount due on such execution, not exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, against such shareholder ; and any amount so recoverable, being paid by the shareholder, shall be taken as paid on his shares.

Liability of shareholders.

**23.** The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount unpaid on their respective shares in the capital stock thereof, subject to the provisions of the next preceding section.

Limited to the amounts unpaid on their shares.

**24.** The head office of the Company shall be in the City of Toronto, but the same may be removed to another place ; provided always that a by-law to that effect be approved by the majority of shareholders present at an annual general meeting, or a special general meeting to be called for the consideration of such by-law,

Head office of the company.

Proviso.

**25.** All contracts, cheques, drafts, acceptances, and other writings intended to be in any wise binding on the Company and not under seal shall be signed by the Managing Director or Manager, and certified by the President or Vice-President as being in pursuance of the order or resolution of the Board of Directors, and to grant receipts or other acquittances for the same.

Contracts, &c., not under seal to be signed and certified.

**26.** At the annual general meeting of the shareholders the election of Directors shall be held, and all business transacted, without the necessity of specifying such business in the notice of such meeting ; and at such meeting a general balance sheet and statement of the affairs of the Company with a list of the shareholders thereof, and all such further information as shall be required by the by-laws shall be laid before the shareholders.

Annual general meetings.

**2.** Special general meetings of the shareholders may be called in such manner as may be provided for by the by-

Special general meetings.

laws ; and at all meetings of the shareholders the President, or in his absence the Vice-President, or in the absence of both of them, a Director chosen by the shareholders, shall preside, who in case of an equality of votes shall give the casting vote in addition to his vote as a shareholder.

5

The directors may declare dividends.

27. The Directors of the Company may declare such dividends and bonuses on the capital stock, yearly, half-yearly or quarterly, as they shall deem justified by the results of the Company's business, so that no part of the capital of the Company be appropriated to any such dividends or bonuses.

10

The directors may levy an assessment on the capital stock when-ever impaired.

28. If it should appear at any time that after providing for all liabilities of the Company, including fifty per cent. of the premiums in all fire and inland navigation policies and one hundred per cent. of the premiums on all ocean marine policies in force as a reserve for unearned premiums or a re-insurance fund, the capital stock of the Company is impaired, the Directors of the Company may levy an assessment on the stockholders of the Company according to such capital stock of the Company, independent of and in addition to all ordinary calls, sufficient to make good the amount of such impairment, and in case any shareholder or shareholders shall fail or refuse to pay in at the head office of the Company the amount of the assessment on his, her or their stock, the Directors may sell so much of his, her or their stock as shall be sufficient to make good the amount of the assessment thereon either by public or private sale, having first mailed to each of such shareholders at his last place of residence, as registered in the books at the head office of the Company, a notice at least ten days before such sale shall take place : Provided always that the amount of any such assessment may be returned to the shareholders when it can be done without leaving the capital impaired ; and provided further that such assessments and calls shall not in the aggregate exceed one hundred dollars per share.

35

Proviso.

Power to take over the business of any similar company.

29. It shall be lawful for the Company to purchase and take over the business of, or amalgamate with any other fire or fire and marine insurance company or companies on such terms as may be mutually agreed upon by the shareholders of the Company and of such other company or companies at any annual or special general meeting thereof respectively.

40

38 V., c. 20, and 40 V., c. 42 to apply.

30. The Company shall be subject to the provisions of "The Insurance Acts of 1875 and 1877."

3rd Session, 4th Parliament, 44 Vict., 1880-1.

K

BILL.

An Act to incorporate "The British and Colonial Insurance Company."

Received and read, first time, Wednesday, 9th February, 1881.

Second reading, Monday, 14th February, 1881.

The Honorable Mr. ALLAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO,

1881

## BILL.

### An Act to amend the Petroleum Inspection Act 1880.

[*The parts printed in italic are new.*]

IN amendment to the Act passed in the forty-third year of Preamble.  
Her Majesty's reign, entitled "An Act to amend the Act  
respecting the Inspection of Petroleum," and chaptered  
twenty-one : Her Majesty, by and with the advice and con-  
5 sent of the Senate and the House of Commons of Canada,  
enacts as follows :—

1. Sub-section one of the second section of the said Act is hereby repealed and the following substituted : New sub-sec.  
1 of sec. 2 of  
43 V., c. 21.

10 " 1. *If at a lower temperature than ninety-five degrees by Fahrenheit's thermometer when tested by the pyrometer described in the schedule to this Act, which test for the purposes of this Act is to be deemed equal to a test at one hundred and fifteen degrees by instruments heretofore used under the Act hereby amended, it emits a vapour that will flash ; or—* Flash test.

15 2. Sub-section one of the third section of the Act first cited is hereby repealed, and the following substituted : New sub-sec.  
1 of sec. 3 of  
43 V., c. 21.

20 " 1. *If at a lower temperature than ninety-eight degrees by Fahrenheit's thermometer when tested by the pyrometer described in the schedule to this Act, which test for the purposes of this Act is to be deemed equal to a test at one hundred and twenty degrees by instruments heretofore used under the Act hereby amended, it emits a vapour that will flash ; or—* Flash test.

25 3. The fifth section of the said Act is hereby amended by striking out the word "signature" in the eighth sub-section and substituting the word "name" in lieu thereof. Sec. 5 of 43  
V., c. 21.  
amended.

4. The sixth section of the said Act is hereby repealed and the following substituted :— New sec. 6 of  
43 V., c. 21.  
Inspection.

30 " 6. The quantity and quality of imported petroleum or naphtha in each package shall be ascertained by weighing and testing by the Inspector, and the allowance for the tare of the package shall be in accordance with Departmental regulations in that behalf. Inspection.

35 " 2. It shall be the duty of the inspecting officer at the port of entry to cause the following marks to be correctly placed upon the end or side of each package of imported Duty of  
officer.

“petroleum in the presence of the importer or owner thereof,  
 “or of his authorized agent, who shall provide all necessary  
 “appliances for weighing the packages and their contents, all  
 “labour necessary for moving, piling or handling such packages,  
 “and who shall also cause one end of each cask or one side of 5  
 “each package of any other description to be properly cleaned  
 “or otherwise prepared for receiving the marks herein required  
 “to be placed on such packages.” That is to say :

- Flash. (a) The flash test ;
- Weight. (b) The weight per gallon in pounds and decimal parts of 10  
 a pound ;
- Weight. (c) The gross weight of the package and its contents ;
- Gallons. (d) The number of gallons computed to be in each  
 package ;
- Date. (e) The word “ Inspected,” with the date of inspection ; 15
- Signature. (f) The name of the Inspector, with the name of his  
 port or district.

New sec. 7 of 43 V., c. 21. **5.** Section seven of the said Act is hereby repealed and the following substituted :—

As to Naphtha. “**7.** Naphtha shall not be inspected for flash test, but 20  
 “only as to its gravity and quantity, but the marks on the  
 “packages in which it is contained shall be the same as on  
 “packages containing petroleum, except that the word  
 “‘Naphtha’ shall be substituted for the flash test ; and the  
 “importer shall provide all necessary means for enabling the 25  
 “inspecting officer to inspect such naphtha in the same way as  
 “is herein required with reference to imported petroleum.

New sec. 11 of 43 V., c. 21. **6.** Section eleven of the said Act is hereby repealed and the following substituted :—

Regulations respecting storage, how made. “**11.** The Governor in Council may, from time to time, 30  
 “make such regulations respecting the storage and possession  
 “of petroleum and naphtha as he may deem necessary for  
 “the public safety—special regulations being made as to the  
 “importation or possession of naphtha ; and no person  
 “shall have in his possession any such article without 35  
 “having first obtained a permit to that effect from the Mi-  
 “nister of Inland Revenue, under such restrictions and  
 “regulations as may be made from time to time by the  
 “Governor in Council, for the storage and possession of  
 “such articles ; and such permit must be produced to the 40  
 “proper officer of the Customs before the importation of  
 “any such articles above mentioned shall be permitted.

Penalties for offences against Act. “**2.** Any person who shall keep, use or store any petroleum  
 “or naphtha, in respect of which the provisions of this Act or  
 “the provisions of any Order of the Governor in Council or 45  
 “of any Departmental regulations made by authority of this





as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms part of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch; that is, its diameter is about three fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and of the oil lamp is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is six and one-half inches. One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and the scale is cut on the tube in a similar manner to the one described. It measures from end of the collar to end of bulb two and one-quarter inches.

NOTE.—A model apparatus is deposited at the Weights and Measures branch of the Inland Revenue Department.

*Directions for Applying the Flashing Test.*

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be one hundred and thirty-five degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and thirty-five degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and thirty-five degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method, or if the sample is much below that temperature, it should be raised so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb

line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about eighty degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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BILL.

An Act to amend The Petroleum Inspection Act, 1880.

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Received and read first time, Friday, 11th February, 1881.

Second reading, Monday, 14th February, 1881.

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The Honourable Mr. ATKINS.

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OTTAWA:

PRINTED BY MAULBAY, ROGEE & Co.,  
1881.

**B I L L.**

An Act to amend the Petroleum Inspection Act 1880.

(As amended by the Senate in Committee of the whole.)

**I**N amendment to the Act passed in the forty-third year of Preamble.  
Her Majesty's reign, entitled "An Act to amend the Act  
respecting the Inspection of Petroleum," and chaptered  
twenty-one : Her Majesty, by and with the advice and con-  
5 sent of the Senate and the House of Commons of Canada,  
enacts as follows :—

1. The second section of the said Act is hereby repealed New sec. 2 of  
and the following substituted : 43 V., c. 21.

"2. Except as herein otherwise provided, petroleum shall  
10 not be sold or offered for sale for use in Canada for illumin-  
ating purposes—

"1. If at a lower temperature than ninety-five degrees by Flash test.  
"Fahrenheit's thermometer when tested by the pyrometer  
"described in the schedule to this Act, which test for the  
15 "purposes of this Act is to be deemed equal to a test at one  
"hundred and fifteen degrees by instruments heretofore  
"used under the Act hereby amended, it emits a vapour  
"that will flash ; or—

"2. If it weighs more than eight pounds and two hun-  
20 dredths of a pound per gallon ; or—

"3. If it weighs less than seven pounds and seventy-five  
"hundredths of a pound per gallon."

2. The third section of the Act first cited is hereby Sec. 3 of  
repealed : 43 V., c. 21,  
repealed.

25 3. The fifth section of the said Act is hereby amended by Sec. 5 of  
striking out the word "signature" in the eighth sub-section 43 V., c. 21,  
and substituting the word "name" in lieu thereof. amended.

4. The sixth section of the said Act is hereby repealed and New sec. 6  
the following substituted :— of 43 V., c. 21,  
Inspection.

30 "6. The quantity and quality of imported petroleum or Inspection.  
"naphtha in each package shall be ascertained by weighing  
"and testing by the Inspector, and the allowance for the  
"tare of the package shall be in accordance with Depart-  
"mental regulations in that behalf.

Duty of  
officer.

"2. It shall be the duty of the inspecting officer at the port of entry to cause the following marks to be correctly placed upon the end or side of each package of imported petroleum in the presence of the importer or owner thereof, or of his authorized agent, who shall provide all necessary appliances for weighing the packages and their contents, and all labour necessary for moving, piling or handling such packages, and who shall also cause one end of each cask or one side of each package of any other description to be properly cleaned or otherwise prepared for receiving the marks herein required to be placed on such packages." 5  
10

That is to say :

- Flash. (a) The flash test ;
- Weight. (b) The weight per gallon in pounds and decimal parts of a pound ;
- Weight. (c) The gross weight of the package and its contents ; 15
- Gallons. (d) The number of gallons computed to be in each package ;
- Date. (e) The word " Inspected," with the date of inspection ;
- Signature. (f) The name of the Inspector, with the name of his port or district 20

New sec. 7 of 43 V., c. 21. 5. Section seven of the said Act is hereby repealed and the following substituted :—

As to  
Naphtha.

"7. Naphtha shall not be inspected for flash test, but only as to its gravity and quantity, but the marks on the packages in which it is contained shall be the same as on packages containing petroleum, except that the word ' Naphtha ' shall be substituted for the flash test ; and the importer shall provide all necessary means for enabling the inspecting officer to inspect such naphtha in the same way as is herein required with reference to imported petroleum. 25  
30

New sec. 11 of 43 V., c. 21.

6. Section eleven of the said Act is hereby repealed and the following substituted :—

Regulations  
respecting  
storage, how  
made.

"11. The Governor in Council may, from time to time, make such regulations respecting the storage and possession of petroleum and naphtha as he may deem necessary for the public safety—special regulations being made as to the importation or possession of naphtha ; and no person shall have in his possession any such article without having first obtained a permit to that effect from the Minister of Inland Revenue, under such restrictions and regulations as may be made from time to time by the Governor in Council, for the storage and possession of such articles ; and such permit must be produced to the proper officer of the Customs before the importation of any such articles above mentioned shall be permitted. 35  
40  
45

“ 2. Any person who shall keep or knowingly use or store  
 “ any petroleum or naphtha, in respect of which the provi-  
 “ sions of this Act or the provisions of any Order of the  
 “ Governor in Council or of any Departmental regulations  
 5 “ made by authority of this Act, have not been complied  
 “ with, shall be guilty of an offence against this Act, and for  
 “ every such first offence incur a penalty of twenty-five  
 “ dollars, and for any second or subsequent offence a penalty  
 “ of fifty dollars, and the petroleum or naphtha so illegally  
 10 “ imported, stored or kept shall be seized by any Revenue  
 “ officer or Inspector having a knowledge thereof and  
 “ forfeited to Her Majesty.”

Penalties for  
 offences  
 against Act.

7. The sixteenth, twentieth, twenty-second, twenty-third,  
 twenty-fifth and twenty-sixth sections of the said act are here-  
 15 by amended by inserting the word “ or naphtha ” immediately  
 after the word “ petroleum ” wherever it occurs in the said  
 sections without the said words following it immediately.

Sections 16,  
 20, 22, 23, 25  
 and 26 of 43  
 V., c. 21,  
 amended.

8. This Act shall be construed and read as one Act with  
 “ The Petroleum Inspection Act, 1880,” above cited

One Act with  
 43 V., c. 21.

## SCHEDULE.

MODE OF TESHING PETROLEUM SO AS TO ASCERTAIN THE  
 TEMPERATURE AT WHICH IT WILL GIVE OFF

INFLAMMABLE VAPOUR.

### *Specification of the Test Apparatus or Pyrometer.*

The following is a description of the details of the ap-  
 paratus:

The oil cup consists of a cylindrical vessel two inches in  
 diameter, two and two-tenths in height (internal), with out-  
 ward projecting rim five-tenths of an inch wide, three-  
 eighths of an inch from the top, and one and seven-eighths of  
 an inch from the bottom of the cup. It is made of gun  
 metal or brass (17 B.W.G.) tinned inside. A bracket con-  
 sisting of a short stout piece of wire bent upwards and ter-  
 minating in a point, is fixed to the inside of the cup to serve  
 as a guage. The distance of the point from the bottom of  
 the cup is one and one-half inch. The cup is provided with  
 a close-fitting overlapping cover made of brass (22 B.W.G.),  
 which carries the thermometer and test lamp. The latter is  
 suspended from two supports from the side by means of  
 trunnions upon which it may be made to oscillate, it is pro-  
 vided with a spout, the mouth of which is one-sixteenth of  
 an inch in diameter. The socket which is to hold the ther-  
 mometer is fixed at such an angle and its length is so ad-  
 justed that the bulb of the thermometer when inserted to  
 its full depth shall be one and one-half inch below the  
 centre of the lid.

The cover is provided with three square holes, one in the  
 centre, five-tenths by four-tenths of an inch, and two smaller  
 ones, three-tenths by two-tenths of an inch, close to the sides  
 and opposite each other. These three holes may be closed

and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of three inches in diameter and two and one-half inches in height, and an outer one of five and one-half inches in diameter and five and three-quarter inches in height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about three-eighths of an inch; that is, its diameter is about three fourths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the inner cylinder and of the oil cup is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is six and one-half inches. One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. The scale (in degrees of Fahrenheit) is marked on the tube. It is fitted with a metal collar, fitting the socket, and the part of the tube below the collar should have a length of about three and one-half inches measured from the collar to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and the scale is cut on the tube in a similar manner to the



one described. It measures from end of the collar to end of bulb two and one-quarter inches.

NOTE.—A model apparatus is deposited at the Weights and Measures branch of the Inland Revenue Department.

*Directions for Applying the Flashing Test.*

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be one hundred and forty degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to one hundred and forty degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to one hundred and forty degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape or fine sperm oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about fifteen hundredths of an inch in diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds sixty-five degrees the samples to be tested should be cooled down (to about sixty-five degrees) by immersing the bottles containing them in cold water, or by any other convenient method, or if the sample is much below that temperature, it should be raised

so as not to be less than sixty degrees when placed in the test cup. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, a pendulum beating seconds or a lead or plumb line measuring thirty-nine inches from its point of suspension to the centre of the plumb weight, fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about ninety degrees the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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L

BILL.

An Act to amend The Petroleum Inspection Act, 1880.

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*(As amended by the Senate in Committee of the whole.)*

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The Honourable Mr. AIKINS.

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OTTAWA:

PRINTED BY MACLEAN, ROGERS & Co  
1881.

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## BILL.

An Act to explain and further to amend "The Canada Temperance Act, 1878," and the Act of 1879 amending the same.

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

1. Whereas by sub-section two of section nine of "*The Canada Temperance Act, 1878*," it is provided that no polling of votes under the said Act shall be held in any city, county or district on the same day that any election may take place in such city, county or district for members to serve in the Parliament of Canada or in any of the Local Legislatures; and whereas doubts have arisen as to the interpretation of the said sub-section, which doubts it is expedient to remove, it is hereby declared that the true intent and meaning of sub-section two of section nine of "*The Canada Temperance Act, 1878*," was and is that the word "election" therein refers only to the polling of votes for members to serve in Parliament or any Local Legislature.
2. In case any proclamation under section nine of the said "*The Canada Temperance Act, 1878*," fixes the polling of votes under the said Act in any city, county or district on the same day that any polling of votes may be fixed to take place in such city, county or district for members to serve in Parliament or in any Local Legislature, the Governor in Council may recall such proclamation and issue a new proclamation under the said Act.
3. The ninety-sixth section of the said "*The Canada Temperance Act, 1878*," is hereby amended by adding thereto the following words: "And in case no license for the sale of spirituous liquors be in force in such county or city, or in case the licenses for the sale of spirituous liquors in such county or city do not all expire on the same day, then the Governor General in Council may, at any time after the expiration of sixty days from the day on which the petition was adopted by the electors, declare, by Order in Council published in the *Canada Gazette*, that the second part of this Act shall be in force and take effect in such county or city, upon, from and after a day to be named in such Order in Council; such day not to be less than ninety days from the date of such Order in Council, and not to be before the day upon which every license issued before the adoption of the said petition will have expired.
- True intent and meaning of sub-section 2 of section 9 of 41 V., c. 16, declared.
- Governor may recall in a certain case a proclamation under said section 9.
- Section 96 of 41 V., c. 16 amended by an addition.

Section 103  
of 41 V., c.  
16 amended.

4. The one hundred and third section of the said "*The Canada Temperance Act, 1878*," is hereby amended by striking out the words "the Stipendiary Magistrate for the city or town," immediately following the words "Prince Edward Island before" in the thirty-sixth line thereof, and inserting in lieu thereof the words "any Stipendiary Magistrate, any Police Magistrate, or any Judge of a County Court." 5

Section 111  
of 41 V., c.  
16 amended.

5. The one hundred and eleventh section of the said "*The Canada Temperance Act, 1878*," is hereby amended by adding thereto the words "or Judge of a County Court." 10

Certain of  
the provisions  
of 41 V., c. 16  
to be deemed  
directory  
only.

6. The provisions of the said "*The Canada Temperance Act, 1878*," relating to matters preliminary to the publication of an Order in Council under the ninety-sixth section thereof, declaring the second part of the said Act to be in force and take effect in any county or city, shall be deemed directory only, and no such Order in Council shall be held void or voidable on account of any irregularity or omission of any matter or thing preliminary to the publication of such Order in Council. And a copy of the *Canada Gazette*, purporting to be printed by the Queen's Printer, in which such Order in Council is published, shall be received as evidence of the making and publication of said Order in Council in all Courts and places whatsoever. 15 20

This Act and  
41 V., c. 16 to  
be construed  
as one Act.

7. The foregoing provisions of this Act, and "*The Canada Temperance Act*," 1878, shall be construed as one Act, and as if the said provisions had formed part of "*The Canada Temperance Act, 1878*," when the same was originally enacted. 30

Section 2 of  
42 V., c. 50  
amended.

8. Section two of the Act passed in the Forty-second year of Her Majesty's reign, (A. D. 1879,) Chapter Fifty, intituled: "An Act to remove doubts as to the true intent and meaning of certain provisions of '*The Canada Temperance Act, 1878*,' and to make certain amendments thereto in so far as the said Act relates to Manitoba," is hereby amended by striking out so much of the said section as comes after the word "separate" in the twelfth line thereof. 35 40

Sec. 4 of 42 V.,  
c. 50 amended

9. Section four of the last mentioned Act is hereby amended by striking out so much of said section as comes after the word "district" in the third line thereof.

M

BILL.

An Act to explain and further to amend  
"The Canada Temperance Act, 1878"  
and the Act of 1879 amending the  
same.

Received and read first time, Tuesday, 22  
February, 1881.

Second reading, Thursday, 24th February,  
1881.

The Honourable  
Mr. VIDAL

OTTAWA :

Printed by Maclean, Roger & Co., Wellington Street,  
1881

## An Act to amend the Consolidated Railway Act.

WHEREAS doubts have arisen as to the true intent and meaning of the word "capital" in the eleventh sub-section of the seventeenth section of "*The Consolidated Railway Act, 1879*," hereinafter called "*The Railway Act*," and it is expedient to remove such doubts: 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 word "capital" as used in the said sub-section meant and means the paid up stock and share capital of the company with interest added for periods during which no dividend is paid, to the exclusion of all subsidies and bonuses and of the debt of the company: And this interpretation of the said word shall apply to all railway companies affected by the said sub-section or by any amendment of the said sub-section in which the said word is used, which is or shall be incorporated with the special act or charter of any railway company.

(2.) The word "*or*" in the third line of the said eleventh sub-section, as printed in the Statute book, is declared to have been inserted by a clerical error and shall be struck out, and shall be held to have been inserted contrary to the intention of Parliament.

(3.) Until Parliament has required the reduction mentioned in the said eleventh sub-section to be compulsory, the Governor in revising any by-law, fixing the rates of tolls under sub-section ten, shall not be bound by the limitation prescribed by the eleventh sub-section.

2. And whereas it is expedient to amend section thirty of the Railway Act; therefore, the words "three months after the end of the calendar year" are hereby struck out of said section thirty, and the words "three months after the first day of July in each year" are substituted for them; and the returns of capital, traffic, working expenditure and all other information to be furnished to the Minister of Railways and Canals shall be in the form contained in schedule *One* appended to this Act, which is hereby substituted for schedule *One* appended to the said "*Railway Act*," schedule *Two* remaining in force for the weekly returns required by the said Act; and such returns shall be dated and signed by and attested upon the oath of the Secretary or other chief officer, and of the President, or in his absence of the Vice-President, of the company; and such returns

shall be made for the period included from the date to which the then last yearly returns made by the same company extended, or from the commencement of the operation of the railway, if no such return has been made, to the last day of June in the then current year.

5

Sub-section 5  
of section 15  
repealed and  
new sub-sec-  
tion substi-  
tuted.

. And whereas it is expedient to amend sub-section five of section fifteen of the Railway Act; therefore the said sub-section five is hereby repealed, except as to things done or offences committed before the passing of this Act, and the following substituted for it:

“5. Every bridge or other erection or structure over or through or under which any railway to which this Act applies, passes, and every tunnel through which any such railway passes, existing at the time of the passing of this Act, of which the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway, are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, shall, with suitable approaches thereto where necessary, be reconstructed or altered within twelve months from the passing of this Act so as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, and shall at all times thereafter be so maintained as to admit of such open and clear headway of at least seven feet. Bridges shall be reconstructed at the cost of the company, municipality or other owner thereof as the case may be. The company before using higher freight cars than those used on the railway at the time of the passing of this Act, or of the reconstruction or alteration as aforesaid, of any such bridge or other erection, structure or tunnel as the case may be, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other erection, structure or tunnel, and the approaches thereto if necessary, so as to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members and portions aforesaid. Provided always, that the Governor may, by Order in Council, exempt any bridge, erection, structure or tunnel now existing from the operation of this section.”

The same.

“5. And whenever a highway bridge or any other erection or structure or tunnel shall hereafter be constructed over or on the line of a railway, or whenever it shall become necessary to reconstruct any highway bridge or other erection or structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such highway or overhead bridge, or of any other erection or structure over any railway or tunnel, and the approaches thereto, shall be constructed or reconstructed at the cost of the company or of the municipality or other owner of the

bridge, erection or structure, or tunnel, as the case may be, and shall at all times be maintained at a sufficient height from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between  
 5 the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge or other erection; and thereafter, the company, before using higher freight cars than those used on their railway at the time of the construction or reconstruction of, or large repair  
 10 to, such bridge or other erection or structure, or tunnel, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, or other erection or structure or tunnel, raise the said bridge or other erection or structure, or tunnel, and the  
 15 approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of not less than seven feet over the top of the highest freight car then about to be used on the railway."

4. And in correction of the French version of sub-section  
 20 six of section sixty-one of the Act hereby amended, the word "plus" shall be substituted for the word "*moins*" in the last line but one thereof. Error in French version corrected.

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### SCHEDULE ONE

Form of Yearly Returns to the Minister of Railways and Canals, required from Railway Companies under the "*Consolidated Railway Act, 1879,*" as amended by this Act.

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RETURNS made by the (*corporate name of the Company*) in pursuance of the Act 43 Victoria, chap. , for the period included between the (*insert the day to which the last Returns extend, or the date of the commencement of operations, as the case may be*), to the last day of June, in the year 18 .

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#### LOCATION AND GENERAL DESCRIPTION OF RAILWAY.

*Showing the County or Counties through which the Railway runs, the Terminal Points, Connections, if any, and giving a general description of the Line and the Country through which it passes.*

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Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

RETURNS of the Capital Account of the said Railway, also  
the Revenue and Expenditure, &c.

No. 1.—CAPITAL ACCOUNT.

	Autho- rized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital .....				
Total amount of ordinary share preference share capital...				
do do .....				
do do .....				
do do .....				
Total amount of ordinary bonds...				
do do .....				
do do .....				
do do .....				
Total amount of Government loans...				
do do bonuses				
Total amount of Government subscription to share .....				
Total amount of Government subscription to bonds .....				
Total amount of municipal loans.....				
do do bonuses...				
do of municipal subscription to shares....				
do of municipal subscription to bonds.....				
do from other sources.....				
Total capital .....				

This statement must agree with the totals shown in the report of the Company, a copy which is to be transmitted also. If there are more than one issue of preference shares or bonds, state them and the amount of each class.

If any floating debt exists it must be stated so as to make the total agree with the published report.

\* State whether dividend is cumulative or not.



**No. 8.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.**

From what source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Subscription to Shares.	Amount of Subscription to Bonds.	Rate of Interest.	Date of Re-payment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	
Governments. ....						
Total.....						
Municipalities. ....						
Total.. .....						

**No. 4.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.**

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.		\$ cts.

**No. 5.—SALES OF LAND MADE BY THE COMPANY.**

Acres sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

**No. 6.—FLOATING DEBT.**

Amount.	Rate of Interest.	Remarks.
\$ cts.	\$ cts.	

No. 7.—CHARACTERISTICS OF ROAD, &c.

OWNED.		Miles.
* Length of main line from	to	
do branch from	to	
do do	to	
do do	to	
do do	to	
LEASED.		
Length of railway from	to	
do do	to	
do do	to	
do do	to	
Total mileage worked		
Length of road laid with iron rails		
do do	steel rails	
do	of sidings	
do	of double-track (if any)	
Weight of rail per yard, main line, iron		Lbs.
do do	do steel	do
do do	branches, iron	do
do do	do steel	do
Number of engine-houses and shops		
do of engines owned by Company		
do do	hired	
do of first-class passenger cars owned by Company		
do do	do hired	
do of second-class and emigrant cars owned by Company		
do do	do hired	
do baggage, mail and express cars owned by Company		
do do	do hired	
do cattle and box freight cars owned by Company		
do do	do hired	
do platform cars owned by Company		
do do	hired	
do coal cars owned by Company		
do do	hired	
do ties to mile, main line		
do do	branches	
Nature of fastenings used to secure joint of rail		
Number of grain elevators		
† Capacity of do	at	
do do		
do do		
Number of level road crossings at which watchmen are employed		
do do	without watchmen	
do	overhead bridges	
Height of do	above rail level	
Number of level crossings of other Railways		
do	junctions with other Railways	
do do	branch lines	
Radius of sharpest curve		
Number of feet per mile of heaviest gradient		
Gauge of Railway		

\* If the line or any portion of it is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

No. 8.—ACTUAL COST OF RAILWAY AND ROLLING STOCK.

1. Cost of land and land damages.....	
2. Cost in connection with the administration of the Land Grant in aid, if any.....	
3. Cost of grading, masonry and bridging, station buildings, &c., &c.....	
4. Cost of rolling stock of all kinds, including workshops.....	
Total.....	

The above total to show the real cash cost of construction and rolling stock.

No. 9.—OPERATIONS OF THE YEAR AND NUMBER OF MILES RUN.

1. Miles run by passenger trains.....	
2. do freight trains.....	
3. do mixed trains.....	
4. Total miles run by trains.....	
5. do engines.....	
6. Total number of passengers carried.....	
7. do tons of freight (of 2,000 lbs.) carried.....	
8. Average rate of speed of passenger trains.....	
9. do freight trains.....	
10. Average weight of passenger trains in motion.....	
11. do freight trains in motion.....	
Total.....	

No. 10.—DESCRIPTION OF FREIGHT CARRIED.

	Weight in Tons.
1. Four in barrels, No.....	
2. Grain in bushels, No.....	
3. Live stock, No.....	
4. Lumber of all kinds, excepting firewood, ft.....	
5. Firewood, number of cords of 128 cubic ft.....	
6. Manufactured goods.....	
7. All other articles.....	
Total weight carried.....	

No. 11.—RATES OF PASSENGER FARES PER MILE.

	Per Mile.
1. For through passengers, 1st class.....	
2. do do 2nd class.....	
3. For way do 1st class.....	
4. do do 2nd class.....	
5. For through immigrants.....	
6. For way do.....	

No. 12.—EARNINGS OF THE RAILWAY.

	\$	cts.
1. From passenger traffic.....		
2. From freight traffic.....		
3. From mails and express freight.....		
4. From other sources.....		
Total.....		

No. 13.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

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No. 14.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

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No. 15, A.—OPERATING EXPENSES—MAINTENANCE OF LINE,  
BUILDINGS, &c.

	\$	cts.
1. Wages, &c., of labor employed on track, including sidings.....		
2. Cost of iron rails and fastenings .....		
3. Cost of steel rails and fastenings .....		
4. Ballasting .....		
5. Repairs of bridges and culverts .....		
6. Repairs and renewals of buildings .....		
7. Repairs of fencing .....		
8. Clearing snow .....		
9. Engineering superintendence.....		
Total.....		

No. 15, B.—OPERATING EXPENSES—WORKING AND REPAIRS  
OF ENGINES.

	\$	cts.
1. Wages of engineer, firemen and cleaners .....		
2. Cost of coal for fuel.....		
Cost of wood for fuel.....		
3. Repairs of engines and tenders .....		
4. Oil, tallow, waste, &c., for engines .....		
5. Pumping engines .....		
6. Repairs of tools and machinery.....		
7. Superintendence.....		
Total .....		

No. 15, C.—WORKING AND REPAIRS OF CARS.

	\$	cts.
1. Wages and material for repairs of passenger cars .....		
2. do do freight cars and snow ploughs .....		
3. Superintendence.....		
Total.....		

No. 15, D.—OPERATING EXPENSES—GENERAL AND OPERATING CHARGES.

	\$	cts.
1. Office expenses, including directors, auditors, management, travelling expenses, stationery, &c.....		
2. Station agents, clerks, porters, &c.....		
3. Conductors, baggagemen and brakemen.....		
4. Compensation for personal injuries.....		
5. Loss or damage to freight.....		
6. Cattle killed.....		
7. Cost of ferries and ferry-boats.....		
8. Cost of foreign agencies.....		
9. Small stores, including lights, lamps and signals.....		
10. All other charges.....		
11.		
12.		
13.		
Total .....		

Blanks are left for any other items of Expenditure not included above.

No. 16.—SUMMARY OF OPERATING EXPENSES.

	\$	cts.
A. Maintenance of line, buildings, &c.....		
B. Cost of working and repairs to engines.....		
C. Cost of working and repairs to cars.....		
D. Cost of general operating expenses.....		
Total cost of operating Railway.....		

The above statement to include the full cost of operating the railway. and the total to correspond with the published return of the company.

No. 17—ACCIDENTS.

Cause of Accident.	Passengers.		Employés.		Others.		Total.
	Killed.	Injured	Killed.	Injured.	Killed.	Injured.	
Fell from cars or engine .....							
Jumping on or off trains or engine when in motion...							
Walking, standing, lying, sitting or being on track..							
At work on or near the track, making up trains ....							
Putting arms or heads out of windows.....							
Coupling cars .....							
Collision, or by trains thrown from track. ....							
Explosions .....							
Striking bridges .....							
Total .....							

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause, the extent inflicted upon each person, and the name of such person.

Date.	Name and Place.	Nature of Accident or Cause.

No. 18.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY.

Name of Directors.	Residences.
	President. Secretary and Treasurer. General Manager. Engineer. Superintendent.

The following is the official name and address of the Company :—

3rd Session, 4th Parliament, 44 Vict., 1880-1.

N.

BILL.

An Act to amend "The Consolidated  
Railway Act, 1879."

Received and read first time, Tuesday, 22nd  
February, 1881.

Second reading Friday, 25th February, 1881.

Honorable  
SIR ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1881



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## BILL.

An Act to amend and consolidate the Laws relating to  
Government Railways.

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

1. This Act may be cited as “The Government Railways New.  
5 Act, 1881.”

2. The provisions of this Act shall apply to all railways New.  
which are vested in Her Majesty, and which are under the  
control and management of the Minister of Railways and  
Canals.

### INTERPRETATION.

10 3. In this Act the following words and expressions shall Interpreta-  
have the meaning hereby assigned to them, unless there be tion clause.  
something in the subject or context repugnant to such con-  
struction, that is to say:—

(1.) The term “Conveyance” shall include a “sur- 37 V., c. 13,  
15 render” to the Crown, and any conveyance to the s. 3.  
Crown, or to the Minister, or any officer of the Department,  
in trust for or to the use of the Crown, shall be held to be a  
surrender; and no surrender, conveyance, agreement or  
award shall require registration or enrolment to preserve the  
20 rights of the Crown under it, but may be registered in the  
Registry Office of Deeds for the place where the lands lie, if  
the Minister deems it advisable.

(2.) The word “Minister” shall mean the Minister of New.  
Railways and Canals; the word “Deputy,” the Deputy  
25 Minister of Railways and Canals; the word “Secretary,” the  
Secretary of the Department of Railways and Canals; and  
the word “Department,” the Department of Railways and  
Canals.

(3.) The words “Superintendent” or “Chief Superinten- New.  
30 dent” in this Act or in the Regulations relating to  
Government Railways, shall mean the Superintendent of the  
Government Railway or Railways over which he has, under  
the Minister, the charge and direction, and his powers shall  
be the same in regard to the railway or railways so under  
35 his charge and direction, whether he is called “Superin-  
tendent” or “Chief Superintendent.”

- New. (4.) The word "Engineer" shall mean any engineer or person permanently or temporarily employed by the Department to perform such work as is ordinarily performed by a civil engineer.
- New. (5.) The words "Arbitrators" or "Official Arbitrators," shall mean the official arbitrators appointed under any Act relating to the Public Works of Canada. 5
- 42 V., c. 9,  
s. 5, ss. 6.  
37 V., c. 13,  
s. 3, ss. 2. (6.) The word "Lands" shall include all granted or ungranted, wild or cleared, public or private lands, and all real estate, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by the Crown under this Act. 10
- 42 V., c. 9.  
s. 5, ss. 7. (7.) The word "Lease" shall include any agreement for a lease. 15
- Ib., ss. 8. (8.) The word "Toll" shall include any rate or charge or other payment payable for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway.
- Ib., ss. 9. (9.) The word "Goods" shall include things of every kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith. 20
- Ib., ss. 10. (10.) The word "County" shall include any union of counties, county, riding, or like division of a county in any Province, or any division thereof into separate municipalities in the Province of Quebec. 25
- Ib., ss. 11. (11.) The word "Highways" shall mean all public roads, streets, lanes and other public ways and communications
- New. (12.) The word "Railway" shall mean any railway, and all property and works connected therewith, under the management and direction of the Department. 30
- New.  
Exercise of powers. 4. Whenever the powers herein given to the Minister are exercised by any officer, employee or servant of the Department, or by any person thereunto specially authorized by the Minister or his Deputy, the same shall be presumed to be exercised by direction and authority of the Minister, and the giving of authority to exercise such powers shall not be called in question except by the Minister or some person acting for him or for the Crown. 35

## POWERS.

- 31 V., c. 13,  
s. 6. 5. The Minister shall have full power and authority by himself, his engineers, superintendents, agents, workmen and servants:— 40
- Ib., ss. 1—  
made general. (1.) To explore and survey the country through which it is proposed to construct any Government railway. 45

(2.) And for that purpose to enter into and upon any public lands or the lands of any corporation or person whatsoever. Ib., ss. 2 and 31 V., c. 12, s. 22.

5 (3.) To make surveys, examinations or other arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as shall be necessary and proper for the Railway. Ib., ss. 3.

(4.) To fell or remove any trees standing in any woods, lands or forests where the Railway shall pass, to the distance of six rods on either side thereof. Ib., s. 4. 43 V., c. 9, s. 7, ss. 14.

(5.) To enter upon and take possession of any lands, real estate, streams, waters and water-courses, the appropriation of which is in his judgment necessary for the use, -construction, maintenance or repair of the Railway. Ib., s. 7 and 31 V., c. 12, s. 24.

(6.) To enter with workmen, carts, carriages and horses, upon any lands, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the line of Railway or works connected therewith, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel, or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing maintaining or repairing such Railway, for which compensation shall be made at the rate agreed upon or appraised and awarded as herein provided; and the Minister may make and use all such temporary roads to and from such timber, stones, clay gravel, sand or gravel pits, required by him for the convenient passing to and from the works during their construction and repair, and may enter upon any land for the purpose of making proper drains to carry off the water from any railway, or for keeping such drains in repair, making compensation as aforesaid. 31 V., c. 13, s. 8. 31 V., c. 12, s. 25.

(7.) To make or construct in, upon, across, under or over any land, streets, hills, valleys, roads, railways or tramroads, canals, rivers, brooks, streams, lakes or other waters, such temporary or permanent inclined planes, embankments, cuttings, aqueducts, bridges, roads, sidings, ways, passages, conduits, drains, piers, arches or other works as he may think proper. 31 V., c. 13, s. 9.

(8.) To alter the course of any river, canal, brook, stream or water-course, and to divert or alter as well temporarily as permanently the course of any such rivers, streams of water, roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of, or by the side of, the Railway, as he may think proper; but before discontinuing or altering any public road he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road, or part of a road, so discontinued may be transferred by the Minister to, and shall thereafter become the property of the owner of the land of which it originally formed a part. 31 V., c. 13, s. 29.

- 31 V., c. 13,  
s. 11, and 31  
V., c. 12, s.  
30. (9.) To make conduits or drains into, through or under  
any lands adjoining the Railway, for the purpose of convey-  
ing water from or to the Railway, and whenever it is  
necessary in the building, maintaining or repairing of any  
Railway to take down or remove any wall or fence of any  
owner or occupier of lands or premises adjoining such Rail- 5  
way, or to construct any back ditches or drains for carrying  
off water ; such wall or fence shall be replaced as soon as the  
necessity which caused its being taken down or removed  
has ceased, and after the same has been so replaced, or when 10  
such drain or back ditch is completed, the owner or occu-  
pier of such lands or premises shall maintain such walls or  
fences, drains or back ditches to the same extent as such  
owner or occupier might be by law required to do if such  
walls or fences had never been so taken down or removed, 15  
or such drains or back ditches had always existed.
- 42 V., c. 9,  
s. 7, ss. 15. (10.) To cross, intersect, join and unite the Railway with  
any other railway at any point on its route, and upon the  
lands of such other railway, with the necessary convenien- 20  
cies for the purposes of such connection ; and in case of dis-  
agreement upon the amount of compensation to be made  
therefor, or upon the point or manner of such crossing and  
connection, the same shall be determined by the official  
arbitrators
- Ib. ss. 6. (11.) To construct, maintain and work the Railway across 25  
along, or upon any stream of water, water-course, canal,  
highway or railway which it intersects or touches ; but the  
stream, water-course, highway, canal or railway so inter-  
sected or touched, shall be restored to its former state, or to  
such state as not to impair its usefulness. 30
- Ib. ss. 7. (12.) To make, complete, alter and keep in repair the Rail-  
way, with one or more sets of rails or tracks, to be worked  
by the force and power of steam, or of the atmosphere, or of  
animals, or by mechanical power, or by any combination of  
them. 35
- Ib. ss. 8. (13.) To erect and maintain all necessary and convenient  
buildings, stations, depots, wharves and fixtures, and from  
time to time to alter, repair or enlarge the same, and to pur-  
chase and acquire stationary or locomotive engines and  
carriages, waggons, floats and other machinery necessary for 40  
the accommodation and use of the passengers, freight or busi-  
ness of the Railway.
- Ib. ss. 11, 10. (14.) To take, transport, carry and convey persons and  
goods on the Railway, and to construct, make and do all  
other matters and things necessary and convenient for the 45  
making, extending and using the Railway.
- 31 V., c. 13,  
s. 13, and 31  
V., c. 12, s.  
24. (15.) To contract and agree with all persons, corporations, sei-  
gneurs, guardians, tutors, curators and trustees whatsoever, not  
only for themselves, their heirs, successors and assigns, but also  
for and on the behalf of those whom they represent, whether 50  
infants, absentees, lunatics, married women or other persons

otherwise incapable of contracting, for the purchase of any land or other property necessary for the constructing, maintenance and use of the Railway, at such prices as may be agreed upon; and also to contract and agree with all such persons and corporations on the amount of compensation to be paid for any damages sustained by them by reason of anything done under and by authority of this Act.

(16.) Between the first day of November in any year and the fifteenth day of April next following, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of railway, and to erect and maintain temporary snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner herein provided, to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the fifteenth day of April so next following.

(17.) At any time to change the location of the line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage: and all and every the provisions of this Act shall refer as fully to the part of such line of Railway, so at any time changed or proposed to be changed, as to the original line.

6. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the Railway, or with any branch thereof; or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Minister, by and with the authority of the Governor in Council, to build, make and construct, and to work and use, sidings, or branch lines of railway, not to exceed in any one case six miles in length. For any and every such purpose the Minister and those acting under him shall have and may exercise all the powers given them with respect to the main line; and each and all provisions of this Act which are applicable to such extension shall extend and apply to every such siding or branch line of railway: Provided always, that where the branch or siding does not exceed one mile in length, the Minister may construct such branch or siding without an Order in Council; and, in case of his so constructing a branch or siding not exceeding one mile in length all the provisions of this Act which are applicable to extensions as aforesaid shall likewise apply in the manner aforesaid.

7. The Department shall not cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

Ib. s. 67.

8. If the Railway be carried across any navigable river or canal, the Department shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal as will not obstruct or impede the free navigation of the river or canal, subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Governor in Council from time to time may make.

Ib. s. 67, ss. 2.

9. No train shall be allowed to pass over any canal, or over the navigable channel of any river, without such proper flooring being first laid under and on both sides of the railway track over such canal or channel as shall be deemed by the Minister sufficient to prevent anything falling from the Railway into such canal or river, or upon the boats or vessels, or craft or persons navigating such canal or river.

## MANNER OF TAKING LANDS, ETC, TITLES, BOUNDARIES.

31 V., c. 13, s. 7, altered to suit case.

10. Lands taken for the use of Government Railways shall be laid off by metes and bounds, and where no proper deed or conveyance thereof to the Crown is made and executed by the person having the power to make such deed or conveyance, or where a person interested in such lands is incapable of making such deed or conveyance, or where for any other reason the Minister shall deem it advisable so to do, a plan and description of such lands signed by the Minister, his Deputy or Secretary, or by the Superintendent or by an engineer of the Department, or by a land surveyor duly licensed and sworn in and for the Province in which the lands are situate, shall be deposited of record in the office of the Registry of Deeds for the county or registration division in which the lands are situate, and such lands by such deposit shall thereupon become and remain vested in the Crown.

42 V. c. 9, s. 8, ss. 5.

(2.) In case of any omission, misstatement or erroneous description in such plan or description, a corrected plan and description may be deposited with like effect.

New.

(3.) Such plan and description may be deposited at any time either before or after the actual entry upon the lands.

New.

(4.) A plan and description of any lands now in the occupation or possession of the Crown and used for the purposes of any Government railway may be deposited at any time, in like manner and with like effect as herein provided, saving always the lawful claims to compensation of any person interested therein.

New.

(5.) In all cases where any such plan and description purporting to be signed by the Deputy Minister, or by the Secretary, or by the Superintendent or by an engineer of the Department, or by a land surveyor duly licensed as aforesaid, is deposited of record as aforesaid, the same shall be

deemed and taken to have been deposited by the direction and authority of the Minister, and as indicating that in his judgment the lands therein described are necessary for the purposes of the Railway, and the said plan and description  
5 shall not be called in question except by the Minister or by some person acting for him, or for the Crown.

(6.) A copy of any such plan and description certified by  
the Registrar of Deeds, or his Deputy, to be a true copy  
thereof shall, without proof of the official character or hand-  
10 writing of such Registrar or Deputy, be deemed and taken in all Courts as *prima facie* evidence of the original, and of the depositing thereof.

(7.) A copy of any such plan and description, certified by  
the Registrar of Deeds, or by his Deputy, as in the last  
15 preceding sub-section mentioned, shall be good and sufficient for the purposes thereof, and shall be deemed and taken as *prima facie* evidence of the original and of the depositing thereof, although such Registrar or Deputy, at the time the same is so offered in evidence, may be dead, or may have  
20 resigned or have been removed from office.

(8.) Where the lands taken are Crown lands, under the  
control of the Executive Government of the Province in  
which such lands are situate, a plan of such lands shall also  
be deposited in the Crown Land Office of the Province.

25 (9.) Where lands were taken for the Intercolonial Railway, under an Act made and passed in the thirty-first year of Her Majesty's reign, entitled: *An Act respecting the construction of "The Intercolonial Railway,"* and plans of such  
lands were deposited of record in the office of the Registrar  
30 of deeds for the county or registration division in which the lands were situate, without any description of the land thereof being deposited of record with such plans as in the seventh section of the said Act required, the filing of the plans only shall be held, taken and construed to have  
35 been a sufficient compliance with the provisions of the said section; and the depositing of such plans only shall be held and taken to have operated as a dedication to the public of such lands, whereupon the same became and were vested in the Crown. A certified copy of any such plan may be used,  
40 and shall be evidence in like manner and effect, and under the like circumstances as herein provided in regard to the plans and description hereinbefore mentioned.

(10) Where any lands now in the possession of Her  
Majesty for the said Railway were taken under any Act or Acts  
45 of the Provinces of Nova Scotia or New Brunswick, by the provisions of which Acts, plans and descriptions of the lands so taken should have been recorded, filed or deposited in the office of the Registrar of deeds of the county in which such  
lands were situate, and plans only without any description  
50 were recorded, filed or deposited as aforesaid, or where plans and descriptions or plans only of lands taken were recorded, filed or deposited as aforesaid, although the Act or Acts under

which they were taken did not require them to be so recorded, filed or deposited, the recording, filing or depositing of the plans and descriptions or plans only, as the case may be, shall be taken and construed to have been a sufficient compliance with the provisions of any such Act or Acts, 5 and the recording, filing or depositing of such plans and descriptions or plans only, as the case may be, shall be held and taken to have vested in the Crown such an interest in the lands taken as would now be vested in the Crown had the provisions of such Act or Acts been fully and literally 10 complied with. A certified copy of any such plans and descriptions or plans only, as the case may be, may be used and shall be evidence in like manner and effect and under like circumstances as herein provided in regard to the plans and descriptions hereinbefore mentioned. 15

42 V. c. 9,  
s. 9, ss. 7.

11. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the plans and description, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the 20 same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party, and possession of the land may be taken, and the agreement and price may be dealt with, as 25 if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Ib., ss. 39.

12. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the Railway, 30 the Department may lay down the necessary sidings, water-pipes or conduits or tracks over or through any lands intervening between the Railway and the lands on which such material or water is found, whatever the distance may be; and all the provisions of this Act, except such as relate to 35 the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the Railway to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the Minister may think proper; and the 40 powers in this section contained may at all times be exercised and used in all respects, after the Railway is constructed, for the purpose of repairing and maintaining the Railway.

Ib., ss. 40.

13. Whenever, for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, main- 45 taining and using the Railway, any land may be taken under this Act, and by purchasing the whole of any lot or parcel of land over which the Railway is to run, or of which any part may be taken under the said provisions, the Minister can obtain the same at a more reasonable price, or 50 to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from the Rail-



way, and may sell and convey the same, or any part thereof, from time to time, as he may deem expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not, in the opinion  
5 of the Minister, necessary for the purposes aforesaid.

14. The Minister may employ any person duly licensed <sup>31 V., c. 12</sup>  
or empowered to act as a surveyor for any Province in <sup>s. 23.</sup>  
Canada, or any engineer, to make any survey, or establish  
any boundary and furnish the plans and descriptions of any  
10 property acquired or to be acquired by Her Majesty for the  
use of any Government railway; and such surveys, bound-  
aries, plans and descriptions shall have the same effect as if  
the operations pertaining thereto or connected therewith had  
been performed by a land surveyor duly licensed and sworn  
15 in and for the Province in which the property is situate;  
and the boundaries of such properties may be permanently  
established by means of proper stone or iron monuments,  
planted by the engineer or surveyor so employed by the  
Minister, and shall be of the same effect to all intents and  
20 purposes as if such boundaries had been drawn, and such  
monuments planted by a land surveyor duly licensed and  
sworn for the Province in which the property is situate;  
and such boundaries shall be held to be the true and unalter-  
able boundaries of such property, provided they are so  
25 established, and such monuments of iron or stone are planted  
after due notice thereof has been given in writing to the  
proprietors of the lands to be thereby affected, and that a  
*Procès-verbal* or written description of such boundaries is  
approved and signed, in the presence of two witnesses, by  
30 such engineer or surveyor on behalf of the Minister, and by  
the other parties concerned; or that in case of the refusal of  
any party to approve or to sign the same, such refusal is  
recorded in such *Procès-verbal* or description; and provided  
such boundary marks or monuments are planted in the  
35 presence of at least one witness, who shall sign the said  
*Procès-verbal* or description; and provided also that it shall  
not be incumbent on the Minister or those acting for him,  
to have the boundaries established with the formalities in  
this section mentioned, but the same may be resorted to  
40 whenever he deems it necessary so to do.

#### COMPENSATION FOR LAND DAMAGES AND PAYMENT THEREOF.

15. Whenever the Minister, or the person acting for him <sup>31 V., c. 13,</sup>  
in that behalf, fails to agree with any person or corporation <sup>s. 14, and 31</sup>  
as to the value to be paid for any lands taken, or for com- <sup>V., c. 12, s.</sup>  
pensation as aforesaid, the Minister, or the person acting <sup>27, 28.</sup>  
45 for him, may tender the reasonable value, in his estimation,  
of the same, with a notice that if the offer is not  
accepted the question will be submitted to the official  
arbitrators; and in case such person does not reside,  
or such corporation has not its office, on or near the  
50 property so required or used, the notice of submission shall  
be published in the *Canada Gazette* and in two newspapers  
published in or near the district or county in which such  
property is situate.

31 V., c. 12,  
s. 39.

**16** The arbitrators shall consider the advantage as well as the disadvantage of any Railway, as respects the land or real estate of any person through which the same passes or to which it is contiguous, or as regards any claim for compensation for damages caused thereby; and the arbitrators shall, 5  
in assessing the value of any land or property taken for the purpose of any Railway, or in estimating and awarding the amount of damages to be paid by the Department to any person, take into consideration the advantages accrued or likely to accrue to such person or his estate, as well as the 10  
injury or damages occasioned by reason of such work.

Ib. s. 40.

**17.** The arbitrators, in estimating and awarding the amount to be paid to any claimant for injury done to any land or property, and in estimating the amount to be paid for lands taken by the Minister under this Act, or taken by 15  
the proper authority under any former Act, shall estimate or assess the value thereof at the time when the injury complained of was occasioned, and not the value of the adjoining lands at the time of making their award.

37 V. c. 13, s.  
1, and 42 V.,  
c. 9, s. 9, ss.  
29.

**18.** The compensation money agreed upon or awarded by 20  
the official arbitrators for any lands or property acquired or taken by the Minister shall stand in the stead of such lands or property; and any claim to or incumbrance upon such lands or property shall, as respects the Crown, be converted into a claim to such compensation money or to a proportionate 25  
amount thereof, and shall be void as respects the lands or property themselves, which shall, by the fact of the taking possession thereof, become and be absolutely vested in the 30  
Crown,—subject always to the determination of the compensation to be paid and to the payment thereof when such 30  
conveyance, agreement or award shall have been made.

37 V., c. 13,  
s. 2, and 42  
V., c. 9, s. 9,  
ss. 30.

**19.** If the party conveying such lands or property could not, without this Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof 35  
is payable, refuses to execute the proper conveyance or other requisite instrument of transfer of the premises, or if the party entitled to claim the same cannot be found or is unknown to the Minister, or if the Minister has reason to fear any claim or incumbrance, or if for any other reason he 40  
deems it advisable,—then if the lands or property so acquired or taken are situate in any of the Provinces of Canada other than Quebec, the Minister may pay such compensation money or award, or if there has been no compensation money agreed upon or amount awarded, then such sum of money 45  
as in the opinion of the Minister shall be sufficient compensation for such lands or property, into the office of one of the superior courts for the Province in which the lands are situate (with the interest thereon for six months,) and may deliver to the clerk of the court a copy of the conveyance or 50  
of the agreement or award, or a certified copy of the plan and description.

20. A notice in such form and for such time as the court may appoint, shall be inserted by the clerk in some newspaper, if there be any published in the district or county in which the lands are situate, which shall state that the title of the Crown, namely, the conveyance, the depositing of the plan and description or the agreement or award, or if there be none such, then that the notice of the Minister to the Clerk of the Court, is under this Act, and shall call upon all persons entitled to the lands or to any part thereof, or representing or being the husbands of any parties so entitled, or claiming to hold or represent incumbrances thereon or interests therein, to file their claims to the compensation money or any part thereof; and all such claims shall be received and adjudged upon by the court, and the said proceedings shall forever bar all claims to the compensation or any part thereof, including any claim in respect of dower as well as in respect of all mortgages or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation money and for the securing of the rights of all parties interested, as to right and justice and according to the provisions of this Act and to law shall appertain.

37 V., c. 13,  
s. 2, ss. 2, and  
42 V., c. 9,  
s. 9, ss. 31.

21. If the lands or property so acquired or taken are situate in the Province of Quebec, the Minister may pay such compensation money or award, or if there have been none such, then such sum of money as in the opinion of the Minister shall be sufficient compensation for such lands or property, into the hands of the Prothonotary of the Superior Court for the district in which the land is situate (with the interest thereon for six months), and deliver to the said prothonotary an authentic copy or a copy verified by him of the conveyance or of the agreement or award, or a certified copy of the plan and description; and the same shall be deemed the title of the Crown to the lands or property therein mentioned, and proceedings shall be had for the confirmation of such title of the Crown in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice in such cases, the prothonotary shall state that the title of the Crown, that is the conveyance, the depositing of the plan and description or the agreement or award, or if there has been none such, then the notice of the Minister to the Clerk of the Court is under this Act, and shall call upon all persons entitled to the lands or property or any part thereof, representing or being the husband of any party so entitled, to file their claims to the compensation money or any part thereof; and all such claims shall be received and adjudged upon by the court; and the said proceedings shall forever bar all claims to the compensation or any part thereof (including dower not yet open) as well as in respect of any mortgage, hypothec or incumbrance upon the same, and the court shall make such order for the distribution, payment or investment of the compensation money and for the security of the rights of all parties interested as to right and justice and the provisions of this Act and to law shall appertain.

Ib. ss. 3.  
Ib. ss. 34.

37 V., c. 13, s.  
2, ss. 4, and  
42 V., c. 9, s.  
9, ss. 32, 33.

**22.** The costs of the proceedings or any part thereof shall be paid by the Minister or by any other party, as the court may order, and if the order of distribution be obtained in less than six months from the payment of the compensation money into the court or to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the Minister; and if from any error, fault or neglect of the Minister it is not obtained until after six months have expired, the court shall order the Minister to pay into court or to the prothonotary the interest for such further period as may be right.

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37 V., c. 13, s.  
2, ss. 5.

**23.** Provided always, that in any case where the price or compensation money agreed for or awarded does not exceed one hundred dollars, it may, in any Province, be paid to the party who under this Act can lawfully convey the lands or property or agree for the compensation to be made in the case, with the same effect as if it had been paid into court under this Act; saving always the rights of any other party to such compensation money as against the party receiving the same.

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Ib., ss. 6.

**24.** If any party entitled to any compensation as aforesaid is dissatisfied with the amount so paid by the Minister into a court or to the prothonotary of a court as aforesaid, the question of the amount of compensation may be referred to the Board of Arbitrators or to one or to any greater number of arbitrators as he may see fit, and proceedings thereon shall be had according to this Act, and the Minister may pay the amount of any award thereon into a court or to the prothonotary of a court, as the case may be, and the court shall make such order as to the same as if it had been paid in compensation as hereinbefore mentioned.

25

30

31 V., c. 12, s.  
26.

**25.** The compensation agreed on between the parties, or appraised and awarded in the manner hereinafter set forth, shall be paid for such land, real property, streams, water and water-courses, timber, stone or other material, to the owners or occupiers of such lands or property, or to the persons suffering such damage as aforesaid, or into court as aforesaid, within six months after the amount of such compensation has been agreed on or appraised and awarded, and all the foregoing provisions of sections *sixteen to twenty-four*, both inclusive, shall apply to any lands or property taken, or the compensation for which was agreed upon or awarded before the passing of this Act, but in such last mentioned case the compensation money, if paid into court, shall be so paid within six months after the passing of this Act.

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37 V., c. 13, s.  
4.

**26.** As respects the North-West Territories, the Court of Queen's Bench in the Province of Manitoba shall, unless and until there be a superior court therein, be held to be the court referred to in sections *nineteen to twenty-five*, both inclusive.

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42 V., c. 9, s.  
101, ss. 3.

## WHAT OTHER CASES MAY BE REFERRED TO ARBITRATION.

27. If any person or body corporate has any claim for <sup>31 V., c. 12, s. 34.</sup> property taken, or for alleged, direct or consequent damage to property, arising from or connected with the construction, repair, maintenance or working of any Government railway undertaken, commenced, completed or purchased at the expense of the Dominion, or of the late Province of Canada, or of the Provinces of Nova Scotia or New Brunswick or Prince Edward Island, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the construction or maintenance of any such railway, made and entered into with the said Minister, either in the name of Her Majesty, or in other manner whatsoever, or with any other Minister, Board or Commissioners lawfully authorized to enter into the same on behalf of the Dominion of Canada, or the late Province of Canada, or of the said Provinces of Nova Scotia or New Brunswick, or Prince Edward Island, such person or body corporate may give notice in writing of such claim to the said Minister, stating the particulars thereof, and how the same has arisen;—And thereupon the Minister may, at any time within thirty days after such notice, tender what he considers a just satisfaction for the same, with notice that the said claim will be submitted to the decision of the arbitrators acting under this Act, unless the sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the Minister or the person acting for him in that behalf, and notified to the person or body corporate having such claim;—And a tender so made shall be sufficient likewise in case of tender of compensation by the Minister under any other section of this Act.

(2.) But before any claim under this or any other section of this Act shall be arbitrated upon, the claimant shall give security to the satisfaction of the official arbitrators (or any one of them) for the payment of the costs and expenses incurred by the arbitration in the event of the award being against such claimant, or of its not exceeding the sum so tendered as aforesaid.

(3.) If any person or body corporate now has or shall hereafter have any supposed claim upon the Government of Canada for property taken, or for alleged direct or consequent damage to property arising from the construction, or connected with the maintenance or repair of any Government railway undertaken, commenced, completed or purchased at the expense of the said Government, or of the Government of the late Province of Canada, or of Nova Scotia, or of New Brunswick, or of Prince Edward Island, or any claim arising out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract for the construction, maintenance or repair of any Government railway, or

arising out of any death or any injury to person or property on any such railway, such person or body corporate may give notice of such claim to the Minister, stating the particulars thereof and how the same has arisen; and in case the Minister, from want of sufficient or reliable information as to the facts relating to the claim, or on account of conflicting statements of facts, does not consider the case one in which a tender of satisfaction should be made, he may refer the claim to one or more of the official arbitrators for examination and report, both as to matters of fact involved, and as to the amount of damages, if any, sustained; and thereupon the arbitrator or arbitrators to whom the claim has been referred shall have all the powers in reference thereto that he or they would have if such claim had been one coming within the purview of the first part of this section, and had been referred after tender of satisfaction made; but the arbitrators' duty in such case shall be confined to reporting his or their findings upon the questions of fact, and upon the amount of damages, if any, sustained, and the principles upon which such amount has been computed.

31 V., c. 12, s.  
35.

**28.** The Minister may refer any of the claims aforesaid either to one or to any greater number of arbitrators as he may see fit; and except in case of appeal as hereinafter provided, when the claim has not been referred to the whole Board, the award of the sole arbitrator shall be binding, if there be only one, and the award of the majority of the said arbitrators if there be three or more acting in the case, shall be binding as if made by all the arbitrators; and in any case where the claim is referred to more than one of the arbitrators, any one of them may receive the evidence and hear the parties, and may exercise all the powers of the arbitrators preliminary or incident to the hearing and to the taking of the evidence, which shall thereafter be submitted to all the arbitrators to whom the case is referred, and the award of the majority of whom shall be binding, except in case of appeal as aforesaid.

Ib. s. 36.

**29.** No arbitration shall be allowed in any case where by the terms of the contract therein it is provided that the determination of any matters of difference arising out of or connected with the same shall be decided by the Minister, or the architect, or by any engineer or officer of the Department.

Ib. s. 37.

**30.** No claim for land or other property alleged to have been taken for, or injured by the construction, improvement, maintenance, or management of any Government railway, or for damages alleged to have been occasioned directly or indirectly to any such lands or other property by the construction, maintenance or management of any such Government railway,—and no claim arising out of, or connected with the execution or agreement for the construction or maintenance of any such Government railway, or of any part thereof, shall be submitted to, or be entertained by the arbitrators under this Act, unless such claims and the particulars thereof have been filed with the Secretary of the Department, within twelve calendar months next after the

loss or injury complained of, when such claim relates to the taking of, or damage occasioned to, land or other property, — and when such claim relates to, or is alleged to arise out of, the execution or fulfilment of any contract or agreement for  
 5 the construction or maintenance of any Government railway, or any part thereof, or some work, building or undertaking connected therewith or for the supply of materials therefor, unless the same has been filed as aforesaid, within three calendar months next after the date of the final  
 10 estimate made under such contract; but nothing in this section shall prevent the arbitrators from entertaining, investigating, or awarding upon any claims filed in the proper office within the delay allowed by any Act then in force in the Province in which such work was constructed.

POWERS OF THE ARBITRATORS, AND PROCEEDINGS BY OR BEFORE THEM.

15 31. The said arbitrator or arbitrators may, by summons Ib. s. 38. or order in writing, signed by any one of them or by their clerk or secretary, to be left at the usual or last place of residence of the party to whom it is addressed, command the attendance from any part of Canada, of all witnesses, or the  
 20 production of any documents required by any of the parties, and may swear the said witnesses to testify truly respecting the matters on which they are to be interrogated; and the disobedience of such summons or order in writing, or neglect to attend and produce such documents shall subject the  
 25 party disobeying, neglecting or refusing to a penalty of not less than *five dollars*, nor more than *twenty-five dollars*, to be recovered before any Justice of the Peace and levied under the warrant of such justice, by distress and sale of the goods and chattels of the offender, unless the party establishes a  
 30 reasonable cause for such disobedience, neglect or refusal.

(2.) But no person shall be compelled to produce any Ib. s. 38. document that he would not be compelled to produce at a trial in the Queen's Bench, Common Pleas, Supreme Court or Superior Court, or to attend as a witness more than three  
 35 consecutive days; and every witness shall be allowed in addition to his reasonable travelling expenses, a sum not exceeding *one dollar* a day at the discretion of the arbitrators; and such remuneration shall be paid by the party requiring his attendance.

40 32. In awarding upon any claim arising out of any contract in writing, the arbitrators shall decide in accordance Ib. s. 41. with the stipulations in such contract, and shall not award compensation to any claimant on the ground that he expended a larger sum of money in the performance of his  
 45 contract than the amount stipulated therein, nor shall they award interest on any sum of money which they consider to be due to such claimant, in the absence of any contract in writing, stipulating payment of such interest, and no clause  
 50 stipulated for the non-performance of any condition thereof, or any neglect to complete any work, or to fulfil any

covenant in such contract, shall be considered as comminatory, but it shall be construed as importing an assessment by mutual consent, of the damages caused by such non-performance or neglect.

- Ib. s. 42.**      **33.** In the investigation of any claim the arbitrators shall 5  
cause all legal evidence offered on either side to be taken  
down and recorded in writing, and shall make and keep a  
list of all plans, receipts, vouchers, documents and other  
papers which may be produced before them during such  
investigation ; but they may, with the consent in writing 10  
of the Minister and of the opposite party, take the  
testimony of the witnesses adduced on either side orally, and  
in such case need not reduce it to writing.
- 41 V., c. 8, s. 1**      (2) With the consent of the Minister or his agent and of  
the opposite party, the testimony of the said witnesses may 15  
be taken down in shorthand by a stenographer, who shall  
be previously sworn before one of the arbitrators faithfully  
to take down and transcribe the testimony, and who shall at  
the conclusion of the examination of a witness read over the  
same to him ; and such testimony shall, when transcribed 20  
in ordinary writing and signed by the witness, if he can  
write, and if not, then attested by the stenographer, form the  
record of his testimony.
- Ib. s. 2.**      (3.) The expenses incurred under this section in any case  
shall be costs therein, and taxed and paid as such ; and the 25  
provisions hereof shall apply to cases now pending.
- 31 V., c. 12, s. 43.**      **34.** The arbitrators shall deliver to the Minister a copy of  
their award in each case, and to each individual claimant a  
copy of so much thereof as relates to his particular claim,  
within one month after they have agreed to the same.      30
- Ib. s. 44.**      **35.** If in any case where a claim has, under the *twenty-*  
*eighth* section, been referred to one arbitrator, or to more than  
one arbitrator, but not to the whole Board, the claimant is  
dissatisfied with the award made, such claimant may, by  
notice in writing delivered to any arbitrator who has joined 35  
in the award, or to the Clerk or Secretary of the Board, within  
one month after the award has been notified to the claim-  
ant, pursuant to the last preceding section of this Act,  
appeal to the Board of Arbitration, and it shall be the duty  
of the Board to hear the appellant, and to make such 40  
decision and award as to them, or a majority of them, may  
seem just.
- Ib. s. 45.**      **36.** In case of such appeal, the appellant shall have no  
right to adduce further evidence than that already given on  
the original reference, unless he shows to the satisfaction of 45  
the Board that his knowledge of the existence of such  
further evidence has arisen since the first hearing of the  
case, or unless the Board shall think it right on hearing the  
claimant to admit further evidence.



37. The Clerk or Secretary to the arbitrators shall, on payment at the rate of *ten cents* for every hundred words and *twenty cents* additional for every certificate, deliver to any person requiring the same, certified copies of any 5 depositions or papers taken or filed before the arbitrators. Ib. s. 46.

38. If the sum awarded in any case is greater than the sum tendered, the Minister shall pay the costs of arbitration, but if less, the costs shall be paid by the person who refused the tender. Ib. s. 47.

10 39. And such costs shall in other cases where the award is in favor of the claimant, be paid by the Minister, in addition to the sum awarded, and shall in either case be taxed by the proper officer of the Court of Queen's Bench, Supreme Court or Common Pleas, in the Provinces of 15 Ontario, Nova Scotia, New Brunswick, Prince Edward Island, Manitoba, and British Columbia, and in the Province of Quebec by a Judge of the Superior Court. Ib. s. 48.

#### APPEAL TO THE EXCHEQUER COURT.

40. The Exchequer Court of Canada shall have appellate jurisdiction over all cases of arbitration arising under this 20 Act or any Act by which it may be amended, when the claim exceeds in value the sum of five hundred dollars according to the *bonâ fide* belief of the party or parties complaining of such arbitration, as shown on affidavit. 42 V., c. 8,  
s. 2.

41. In any such case the submission, whether compulsory 25 or by consent, may be made a rule of the said court upon motion and affidavits setting forth the facts. Ib. s. 3.

42. The court shall have power at any time and from 30 time to time to set aside the award made and to remit the matters referred, or any or either of them, to the reconsideration and re-determination of the arbitrators, as the case may require, upon such terms as to costs or otherwise as the court shall deem proper. Ib. s. 4.

43. All applications to set aside any award made, or to 35 have the matter thereof remitted for re-consideration, shall be made to the Court within three months after the publication of the award and notice to the parties: Provided that the time of the vacations of the court shall not be counted as part of such time. Ib. s. 5.

44. The court may, if they think proper, upon the evi- 40 dence taken before the arbitrators, or upon the same and any further evidence which they may order to be adduced before them, make such final order and determination of the matters referred as they shall deem just and right between the parties; and such final order and determination shall 45 be ordered to be performed and shall be enforced by the court, and the same shall be taken and dealt with as a final award under the authority hereof. Ib. s. 6.

- Ib. s. 7.**        **45.** No application shall be entertained by the court to set aside any award made, or to remit the subject-matter thereof for re-consideration, until a deposit of fifty dollars shall have been paid to the Registrar of the court as security for any costs that may be incurred, to be subject to the order of the court. 5
- Ib. s. 8.**        **46.** The court shall have and may exercise all the powers contained in the Supreme and Exchequer Court Acts which, according to the nature of the case, are applicable to cases of reference under this Act 10
- Ib. s. 9.**        **47.** An appeal shall lie from the Exchequer Court to the Supreme Court from all judgments, orders, rules and decisions, in like cases and upon the same terms and conditions as are provided in the Supreme and Exchequer Court Acts. 15
- Ib. s. 10.**       **48.** All costs on appeal, whether for or against the claimant or claimants, or for or against the Crown, shall be in the order and discretion of the court, and are to be taxed and allowed by its proper officer, and all judgments, orders and decisions of the court shall be enforced by its process 20

## HIGHWAYS AND BRIDGES.

- 42 V., c. 9, s. 15, s.s. 1.**    **49** The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on the completion of the works, replacing the highway; but in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction: 25
- New.**            Provided always, that this section shall not limit or interfere with the powers of the Minister to divert or alter any road, street or way, where another convenient road is substituted in lieu thereof, as provided in the *eighth* sub-section of section *five*. 30
- 42 V., c. 9, s. 15, s.s. 2.**    **50.** No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway within the limits aforesaid. 35
- Ib., ss. 3.**        **51.** The span of the arch of any bridge erected for carrying the railway over or across any highway, shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet. 40

**52.** The ascent of all bridges erected to carry any highway over any railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway ; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge. Ib., ss. 4.

**53.** Every bridge or other erection or structure over or through or under which any railway to which this Act applies, passes, and every tunnel through which any such railway passes, existing at the time of the passing of this Act, of which the lower beams, members or portions of that part of such bridge, erection, structure or tunnel which is over the railway, are not of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, shall, with suitable approaches thereto, where necessary, be reconstructed or altered within twelve months from the passing of this Act so as to admit of an open and clear headway of at least seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members or portions, and shall at all times thereafter be so maintained as to admit of such open and clear headway of at least seven feet. Bridges shall be reconstructed at the cost of the Department, municipality or other owner thereof as the case may be. The Department before using higher freight cars than those used on the railway at the time of the passing of this Act, or of the reconstruction or alteration as aforesaid, of any such bridge or other erection, structure or tunnel as the case may be, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other erection, structure or tunnel, raise every such bridge or other erection, structure or tunnel, and the approaches thereto if necessary, so as to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars used on the railway and the bottom of such lower beams, members and portions as aforesaid. Provided always that the Governor may, by Order in Council, exempt any bridge, erection, structure or tunnel now existing from the operation of this section. Ib., ss. 5.  
altered to suit  
the case.

(2) And whenever a highway bridge or any other erection or structure or tunnel shall hereafter be constructed over or on the line of a railway, or whenever it shall become necessary to reconstruct any highway bridge or other erection or structure or tunnel already built over or on the line of a railway, or to make large repairs to the same, the lower beams, members or portions of the superstructure of any such tunnel, highway or overhead bridge, or of any other erection or structure over any railway, and the approaches thereto, shall be constructed or reconstructed at the cost of the Department or of the municipality or other owner of the bridge, erection or structure, or tunnel, as the case may be, and shall at all times be maintained at a sufficient height

from the surface of the rails of the railway to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars then used on the railway and the lower beams, members or portions of such bridge or other erection or tunnel; and thereafter, the Department, 5 before using higher freight cars than those used on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, or tunnel, shall, after having first obtained the consent of the municipality, or of the owners of such highway bridge, 10 or other erection or structure, or tunnel, raise the said tunnel or bridge, or other erection or structure, and the approaches thereto, if necessary, so as to admit, as aforesaid, of an open and clear headway of not less than seven feet over the top of the highest freight cars then about to be used on 15 the railway.

**Ib., ss. 6.**

**54.** Signboards stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the sign- 20 board, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length.

#### FENCES

**Ib., s. 16.**

**55.** Within six months after any lands have been taken for the use of the Railway, the Minister, if thereunto 25 required by the proprietors of the adjoining lands, shall erect and maintain on each side of the Railway, fences at least four feet high and of the strength of an ordinary division fence, with swing gates, or sliding gates commonly called hurdle gates, with proper fastenings, at farm crossings 30 of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle-guards at all public road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway.

**Ib., ss. 2.**

**56.** Until such fences and cattle-guards are duly made, 35 the Department shall, subject to the provisions of sections *sixty*, *sixty-one*, and *sixty-two*, be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway which have gained access thereto for want of such fence and cattle-guards. 40

**Ib., ss. 3.**

**57.** After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done.

**Ib., ss. 4.**

**58.** If any person rides, leads or drives any horse or any 45 other animal, or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, without the consent of some officer or employee of the Department, he shall for every such offence forfeit a sum not exceeding *forty dollars*, and shall also pay to the party 50

aggrieved all damages sustained thereby: Provided always, that no person shall be liable to the said penalty where he rides, leads or drives any horse or other animal over a farm crossing, unless he allows such horse or other animal to  
5 loiter unnecessarily or remain upon the Railway or the appurtenances thereof.

59. If any person other than those connected with or employed by the Department walks along the track of the Railway, except where the same is laid across or along a  
10 highway, he shall for every such offence forfeit a sum not exceeding *twenty dollars*. Ib., ss. 5, with penalty?

#### CATTLE CLAIMS.

60. No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway within half a  
15 mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection. 42 V. c. 9, s. 79.

61. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large,  
20 be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for tres-  
25 pass on private property. Ib. s. 80.

62. If the cattle of any person, being at large contrary to the provisions of section *sixty*, are killed or injured by  
30 any train at such point of intersection, he shall not have any action or be entitled to compensation in respect of the same, unless the same are killed or injured through the negligence or wilfulness of some officer, employee or servant of the Department. Ib. s. 81.

63. At every road and farm crossing on the grade of the Railway, the crossing shall be sufficiently fenced on both sides  
35 so as to allow of the safe passage of trains. Ib. s. 82.

64. Neither the Department, nor any officer, employee or servant thereof (except where the killing or injuring is negligent or wilful) shall be liable for any damage which may  
40 be done by any train or engine to cattle, horses or other animals, on the Railway: New.

(1.) Where they, being at large contrary to the provisions of section *sixty*, are killed or injured by any engine or train at such point of intersection.

(2.) Where they gain access to the Railway from property  
45 other than that of the owner, or in which the owner has a right of pasturage.

(3.) Where they gain access to the Railway through a gate of a farm or private crossing, the fastenings of which are in good order, unless such gate is left open by an employee of the Department.

(4.) Where they gain access to the Railway through or over a fence constructed in accordance with section *fifty-five*.

(5.) Where they, being at large contrary to the provisions of section *sixty*, gain access to the Railway from the highway at the point of intersection.

WORKING THE RAILWAY.

**65.** There shall be provided and used in and upon trains run for the conveyance of passengers, such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages. 10  
15  
20

42 V. c. 9, s.  
72.

**66.** Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute. 25

b. s. 75.

**67.** In all cases where a railway passes any draw or swing-bridge over a navigable river, canal or stream which is subject to be open for the purposes of navigation, the trains shall in every case be stopped at least three minutes before crossing, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing. 30

Ib. s. 70.

**68.** An officer shall be stationed at each point on the line crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear. 35

Ib. s. 74.

**69.** No locomotive or railway engine shall pass in or through any thickly-peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced. 40

Ib. s. 76.

**70.** Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, there shall be stationed on the last car in the train a person who shall warn parties standing on or crossing the track of such railway, of the approach of such train. 45

Ib. s. 77.

**71.** Every servant of the Department employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge which shall indicate his office, and he shall not without such badge be entitled to demand or receive 5 from any passenger any fare or ticket, or to exercise any of the powers of his office or to interfere with any passenger or his baggage or property. Ib. s. 25.

**72.** The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping-places established for receiving and discharging way-passengers 15 and goods from the trains. Ib. ss. 2.

**73.** Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor. Ib. ss. 3.

**74.** The Department shall not be relieved from liability by any notice, condition or declaration, in case of any damage arising from any negligence, omission or default of any officer, employee or servant of the Department; nor shall any officer, employee or servant be relieved from liability by any notice, condition or declaration, if the damage arise from his negligence or omission. Ib. ss. 4.

**75.** The baggage, freight, merchandize, or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall be guilty of a misdemeanor, and shall be punished accordingly. Ib. ss. 8.

**76.** The Department shall have a lien on all goods transported over the Railway, for the freight and charges thereon, as well as for any balance which may be previously due for freight or otherwise by the owner or consignee, and the said goods shall be liable to be sold by public auction for the payment of the charges thereon and other balances which may be due; and if the owner or owners, or his or their agent, do not within *ten days* after the arrival of the goods at the place of destination, pay the freight and other charges due thereon, or payable in respect thereof, and take possession of and remove such article from the railway premises, the superintendent may sell or cause the same to be sold at public auction after giving ten days public notice of such sale, to defray the Railway claims and all expenses incurred thereon, and in the meantime the said goods shall be at the risk of the owners thereof. Railway Regulations,  
12 Dec. 1874,  
No. 9.

**77.** If any goods remain in the possession of the Department unclaimed for the space of twelve months, the superintendent may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the 42 V., c. 9, s.  
17, ss. 3, 4, 5

Province in which such goods are, and in such newspapers as he may deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and may, out of the proceeds thereof, defray the Railway claims and all expenses incurred thereon, the balance of the proceeds, if any, being kept and applied to the general purposes of the Railway until claimed by the party entitled thereto. 5

Ib. s. 25, ss. 9. 78 Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle. 10

Ib. ss. 10. 79. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, and the Department shall be liable for all damages sustained by any person by reason of any neglect thereof, and one-half of such damages shall be chargeable to and be deducted from any salary due to the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid, or shall be collected from such engineer. 15 20

42 V., c. 9, s. 25, ss. 12. & Railway Regulations s. 50. 80. Passengers are required to produce and deliver up their railway tickets to the conductor or other person in charge of the train whenever requested so to do by such officer. Should they refuse to do this, or to pay the proper fare, they may be removed from the train, the train being first stopped and no unnecessary force being used: Provided always, that the place of removal is not more than half a mile distant from a station, or not more than half a mile distant from a dwelling-house in sight of the place of removal and accessible therefrom. 25 30

New. (2.) Any person refusing to produce his ticket or pay his fare when requested so to do by the conductor or other person in charge of the train, shall for such offence forfeit the sum of *twenty dollars*, and on conviction of the offence and failure to pay the penalty and costs, shall be imprisoned in the common gaol of the district or county where the offence is committed or tried, for a period not exceeding thirty days. 35

42 V., c. 9, s. 25, ss. 13. 81. Any person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 40 45

Ib. ss. 14. 82. No passenger shall be entitled to carry or to require any officer, employee or servant of the Department to carry upon the Railway, aquafortis, oil of vitriol, gunpowder, dynamite, nitro-glycerine, or any other goods which may be of a dangerous nature; and if any person sends by the Rail- 50



way any such goods without, at the time of sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the Department with whom the same are left, he shall forfeit to the Crown the sum of *five hundred dollars* for every such offence.

83. Any officer, employee or servant of the Department may refuse to take any package or parcel which he suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact, and it shall not be lawful to carry any such goods of a dangerous nature except in cars specially designated for that purpose, on each side of each of which shall be plainly marked in large letters the words "dangerous explosives."

84. All thistles and other noxious weeds growing on the cleared land or ground adjoining the Railway and belonging to the Railway shall be cut down and kept constantly cut down, or rooted out of the same,

## TOLLS.

85. The Governor may, by Order in Council to be issued and published as hereinafter provided, impose and authorize the collection of tolls and dues upon any railway vested in Her Majesty, or under the control or management of the Minister, and from time to time in like manner may alter and change such dues or tolls, and may declare the exemptions therefrom; and all such dues and tolls shall be payable in advance, if so demanded by the collector thereof.

86. All such tolls and dues may be recovered, with costs, in any court having civil jurisdiction to the amount, by the collector or person appointed to receive the same, in his own name or in the name of Her Majesty, and by any form of proceeding by which debts to the Crown may be recovered.

87. All tolls, dues or other revenues imposed and collected on any Government Railway, shall be paid by the persons receiving the same to the Receiver-General of Canada, in such manner and at such intervals as may be appointed by him, but such intervals shall in no case exceed one month.

## RULES AND REGULATIONS.

88. And for the due use and proper maintenance of Government railways, and to advance the public good, the Governor may, by Order in Council, enact from time to time such regulations as he may deem necessary for the management, proper use and protection of all or any such railways, or for the ascertaining and collection of the tolls, dues and revenues thereon, or to be observed by the conductors, engine drivers and other officers and servants of the Department, and by all companies and persons using such railways

or relating to the construction of the carriages and other vehicles to be used in the trains on such railways.

31 V., c. 12, s.  
66.

89. The Governor may, by such orders and regulations, impose such fines not exceeding in any one case *four hundred dollars*, for any contravention or infraction of any such order or regulation, as he deems necessary for insuring the observance of the same and the payment of the tolls and dues to be imposed as aforesaid; and may also by such orders and regulations provide for the detention and seizure at the risk of the owner, of any carriage, animal, timber or goods, on which tolls or dues have accrued and have not been paid, or in respect of which any such orders or regulations have been contravened or infringed, or any injury done to such railways and not paid for, or for or on account of which any fine has been incurred and remains unpaid; and for the sale thereof, if such tolls, dues, damages or fine be not paid by the time to be fixed for the purpose, and for the payment of such tolls, dues, damages or fine out of the proceeds of such sale, returning the surplus, if any, to the owner or his agent; and for the retention out of the salary of any officer, employee or servant of the Department of the amount of any forfeiture incurred by him for contravention of any such order or regulation; but no such provision shall impair the right of the Crown to recover such tolls, dues, fines or damages in the ordinary course of law; section of this Act; and such order and regulations shall be taken and read as part of this Act.

New.

90. All rules, regulations and orders relating to Government railways in Canada, or to any of them, heretofore ordained by Orders in Council under and by virtue of an Act passed in the thirty-first year of Her Majesty's reign, entitled "*An Act respecting the Public Works of Canada*," and in so far as the same are consistent with this Act and have not been rescinded or repealed, shall continue in force the same as though they had been ordained under the provisions of this Act, subject to being altered, amended, added to or rescinded, by any Order or Orders in Council made under the power and authority herein given.

New.

(2.) A copy of the *Canada Gazette* purporting to be printed by the Queen's Printer, or a volume purporting to be so printed and containing Orders in Council, or Orders in Council and Acts of Parliament, and containing any such rules, regulations or orders, shall be evidence of such rules, regulations or orders.

31 V., c. 12.,  
s. 70.

91. All Proclamations, Regulations or Orders in Council made under this Act, shall be published in the *Canada Gazette*, and a copy of such *Gazette*, purporting to be printed by the Queen's Printer, or a volume containing Orders in Council, or Orders in Council and Acts of Parliament, and purporting to be printed by the Queen's Printer, and containing any such Proclamation, Order or Regulation, shall be evidence thereof.

## GENERAL PROVISIONS.

- 92.** All Government railways are, and shall be taken and deemed to be, public works belonging to the Dominion of Canada. <sup>31 V., c. 13, s. 2.</sup>
- 93.** The Governor may from time to time require any person or corporation, or any provincial authority, having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records, not being private property, and relating to any railway, building or property connected therewith, which is now or which may hereafter be placed under the control of the Department, to deliver the same without delay to the Secretary of the Department. <sup>31 V., c. 12, s. 9.</sup>
- 94.** The Governor may, at any time, cause a line or lines of electric telegraph to be constructed along the line of the railway for the use of the Government, and for that purpose may enter upon and occupy such lands as may be necessary for the purpose. <sup>42 V., c. 9, s. 2, ss. 3.</sup>
- 95.** Any company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service. <sup>1b, ss. 2.</sup>
- 96.** Her Majesty's naval or military forces, and all artillery, ammunition, baggage, provisions, or other stores for their use, and all officers and others travelling on Her Majesty's naval, military or other service and their baggage and stores, shall at all times, when thereunto required by one of Her Majesty's Principal Secretaries of State, or by the Commander of Her Majesty's Forces in Canada, or by the Chief Naval Officer on the North American or *North Pacific* Station, be carried on the Railway on such terms and conditions, and under such regulations as the Governor in Council shall from time to time make, or as shall be agreed upon between the Government of Canada and one of Her Majesty's Principal Secretaries of State. <sup>31 V., c. 13, s. 6.</sup>
- 97.** All lands, streams, water-courses and property, whether acquired before or after the passing of this Act for the use of any Government railway shall be vested in Her Majesty, and the same or any portion thereof not required for the purpose of the Railway, may be sold or leased by the Minister; and the proceeds of all such sales and leases shall be accounted for as public money. <sup>31 V., c. 12, and 38 V., c. 22, s. 2.</sup>
- 98.** Letters patent may be granted to the purchasers of any such lands, streams, water-courses, or property, or a deed or conveyance of the same, as well as a release, discharge, or quit-claim of any interest in any lands or property under the control of the Department, or mortgaged or hypothecated to the Crown as security for the fulfilment of a contract, <sup>35 V., c. 22, s. 2, and new.</sup>

engagement or undertaking entered into with the Department, may be made, executed and acknowledged, by the Minister for the time being.

31 V., c. 12,  
s. 7, and 42V.,  
c. 7, s. 11,  
altered.

**99.** No deeds, contracts, documents or writings shall be deemed to be binding upon the Department unless signed or signed and sealed by the Minister, or unless signed or signed and sealed by his deputy and countersigned by the secretary, or unless signed or signed and sealed by some person specially authorized by him for that purpose: Provided always, that the granting or existence of such authority from the Minister to any person professing to act for him shall not be called in question except by the Minister or by some person acting for him or for the Crown. 5 10

31 V., c. 12,  
s. 17.

**100.** The Minister or his deputy, or any officer of the Department whose duty it is to investigate or pay or certify for payment any claim, may require any account sent in by any contractor, or any person in the employ of the Department, or any claim for damages, to be attested on oath, which oath, as well as that to be taken by any witness, the Minister, his deputy or such officer may administer. 15 20

Ib., s. 18

**101.** The Minister may send for, and examine, on oath, all such persons as he deems necessary, touching any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things as it may be necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements, and such persons shall attend to the summons of the Minister after due notice, under the penalty of *twenty dollars* in each case. 25 30

New.

**102.** The Minister, or any person acting for him, in investigating or making enquiry into any accident upon the Railway, or relating to the management of the Railway, may examine witnesses under oath, and for that purpose shall have full power to administer such oath. 35

31 V., c. 12,  
s. 19.

**103.** The Minister shall make and submit to the Governor, an annual Report on all the Railways under his control, to be laid before both Houses of Parliament within twenty-one days from the commencement of each Session, showing the state of each Railway, and the amounts received and expended in respect thereof, with such further information as may be requisite. 40

Ib. s. 20.

**104.** It shall be the duty of the Minister to invite tenders by public advertisement for the execution of all works, except in cases of pressing emergency where delay would be injurious to the public interest, or where, from the nature of the work, it could be more expeditiously and economically executed by the officers and servants of the Department. 45

Ib. s. 21.

**105.** The Minister, in all cases or where any public work under his control is being carried out by contract, shall take 50

all reasonable care that good and sufficient security be given to and in the name of Her Majesty, for the due performance of the work, within the amount and time specified for its completion; and also in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder, it shall be his duty to report the same and obtain the authority of the Governor previous to passing by such lowest tender; but no sum of money shall be paid to the contractor on any contract, nor shall any work be commenced, until the contract has been signed by all the parties therein named, nor until the requisite security shall have been given.

**106.** No warrant shall be issued for any sum of the public money appropriated for any Railway under the management of the said Minister, except on the certificate of the Minister or his deputy that such sum ought to be paid to any person named in the certificate, in whose favor a warrant may then issue, which warrant shall in all cases be deemed a legal tender to such person. Ib. s. 16.

**107.** Moneys in the hands of an officer, employee or servant of the Department, as an officer or servant of the Crown or otherwise in the employ of her Majesty, due or payable by the Crown to any person or out of which any payment by the Department is to be made, and given to, or being in the possession of such officer, employee or servant for that purpose, shall not be subject to any execution, attachment or garnishee process, and in case any such officer, employee or servant is served with any execution, attachment or garnishee process in regard to such moneys the same shall be set aside with costs by any Court or Judge having jurisdiction in the matter. New.

**108.** All actions, suits and other proceedings at law or in equity, for the enforcement of any contract, agreement or obligation in respect of any railway, building or property under the control of the Department, or in respect of the construction, maintenance, working or repair of the same, may be instituted in the name of Her Majesty's Attorney-General for Canada. 31 V., c. 12,  
s. 8.

**109.** All claims for indemnity for any damage or injury sustained by reason of the Railway shall be made within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards. 42 V., c. 9,  
s. 27.

#### PROTECTION OF OFFICERS.

**110.** No action shall be brought against any officer, employee or servant of the Department for anything done by virtue of his office, service or employment, unless within three months after the act committed, and upon one month's previous notice thereof in writing, and the action shall be tried in the county or judicial district where the cause of action arose. 42 V., c. 9,  
s. 27, and  
new.

Ib. Similar provisions are in Acts relating to other Departments.

**111.** The defendant in any such action may plead the general issue and give the special matter in evidence. If it appears that the defendant lawfully acted by virtue of an office, service or employment held, rendered or given under this Act, or any other Act now or hereafter passed relating 5 to the Department or to Government Railways or any of them, or under any rules, orders or regulations now or hereafter made for the direction of the Department or in regard to Government Railways, or any of them, or that the cause of action arose in another county or judicial district, the 10 verdict or judgment shall be in his favor.

New.

**112.** Every such action shall be confined to the matter stated in the notice, and the defendant may at any time before action brought tender amends, and if not accepted he may pay such money into court, and if the plaintiff does 15 not recover greater damages than the amount tendered, the defendant shall recover his costs of suit.

New.

**113** Upon the application of any officer, employee or servant of the Department who is a defendant in any action brought against him in respect of any goods or merchandize 20 in his possession or under his control as such officer, employee or servant, made after declaration and before plea, by affidavit or otherwise, showing that he does not claim any interest in the subject-matter of the suit, or that the same is claimed by or supposed to belong to some third party, and that he does 25 not in any manner collude with such third party, a Judge of the court in which the action is brought may order such third party to appear and state the nature and particulars of, and maintain or relinquish his claim, and upon such order may hear the allegations as well of such third party as of 30 the plaintiff, and in the meantime may stay the proceedings in such action, and may order such third party to make himself defendant in the same or some other action, or proceed to trial on a feigned issue, and also direct which of the parties shall be plaintiff or defendant on such trial, or, 35 with the consent of the plaintiff and such third party, may dispose of the merits of their claims and determine the same in a summary manner, and make such other order therein, as to costs and all other matters, as may appear just

New.

**114.** Such decision of a Judge in a summary manner shall 40 be conclusive against the parties and all parties claiming under them.

New

**115.** If such third party does not, on service of the order, whether the same be served within or without the jurisdiction of the court or Judge, appear to maintain or 45 relinquish his claim, or neglects to comply with any order made after appearance, the Judge may declare him, and all persons claiming under him, to be forever barred from prosecuting his claim against the original defendant, his executors or administrators, saving the right of such third 50 party against the plaintiff, and thereupon may make such order between such defendant and the plaintiff, as to costs and other matters, as may appear just.

116. Any such order may be rescinded or altered by the **New.** court, and in any stage of the proceedings the Judge may refer the matter to the court, who shall hear and dispose of the same.

5 117. All rules, orders and decisions made in pursuance **New.** hereof, except only the affidavits to be filed, may, together with the declaration in the cause, if any, be entered of record, to the end that the same may be evidence of the proceedings and to secure and enforce the payment of costs  
10 directed by any such rule or order, and every such rule or order so entered shall have the force and effect of a judgment, except as to lands. If the costs are not paid within fifteen days after taxation and demand thereof, execution may issue therefor.

#### RAILWAY CONSTABLES.

15 118. The Justices of the Peace for any county in the **42 V., c. 9,** Provinces of Ontario, Prince Edward Island, British Columbia, **s. 61, and s.** Manitoba, and the North-West Territories, assembled at any **101, s.s. 3.** General or Quarter Sessions of the Peace, and any two Justices of the Peace or a Stipendiary or Police Magistrate,  
20 in the Provinces of Nova Scotia and New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace in the Province of Quebec, on the application of the Superintendent of any Railway which  
25 passes within the local jurisdiction of such Justices of the Peace, Magistrate, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Superintendent, to act as constables on and along such Rail-  
30 way; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

“I, A B., having been appointed a constable to act upon and  
“along (*here name the Railway*) under the provisions of (*here*  
35 “*insert the title of this Act*), do swear that I will well and  
“truly serve our Sovereign Lady the Queen, in the said  
“office of constable, without favor or affection, malice or ill-  
“will; and that I will, to the best of my power, cause the  
“peace to be kept, and prevent all offences against the peace;  
40 “and that while I continue to hold the said office, I will to  
“the best of my skill and knowledge, discharge the duties  
“thereof faithfully, according to law. So help me God.”

(2) Such oath or declaration shall be administered in **Ib. s.s. 2.**  
either of the Provinces of Ontario, Nova Scotia, New  
45 Brunswick, Prince Edward Island, British Columbia or Manitoba and the North-West Territories, by any one such Justice or Magistrate, and in the Province of Quebec by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every constable so appointed, and having taken such  
50 oath or made such declaration, shall have full power to act as a constable for the preservation of the peace, and for the

security of persons and property against felonies and other unlawful acts on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises thereof. whether the same be in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, and in all places not more than one-quarter of a mile distant from such Railway; and shall have all such powers, protections, and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constable-wick; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts, rules or regulations affecting any such railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

42 V., c. 9,  
s. 61, s.s. 3.

(3.) Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, *British Columbia*, or *Manitoba and the North-West Territories*, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such constable, who may be acting within their several jurisdictions; and the Superintendent may dismiss any such constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such Railway, without the consent of the authority by which he was dismissed.

*Ib.* s.s. 4.

(4.) The Superintendent shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district or other local jurisdiction through which such Railway may pass, the name and designation of every constable so appointed at his instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and the Clerk of the Peace shall keep such record in a book to be open to public inspection, charging such fee or fees as the Governor in Council may from time to time authorize, and in such form as the Governor in Council may from time to time direct.



(5) Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction through which such Railway may pass, to a penalty of not more than *eighty dollars*, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the Department, or to imprisonment, with or without hard labor, for not more than two months, in the gaol of such county, city, district or other local jurisdiction. Ib. s.s. 5.

(6) Every person who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than *eighty dollars*, or to imprisonment, with or without hard labour, for not more than two months. Ib. s.s. 6.

#### PENALTIES AND FORFEITURES.

**119.** Any person in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor. 42 V., c. 9,  
s. 25, s.s. 11.

**120.** If any officer or servant of or any person employed by the Department on any Railway under the control of the Department, wilfully or negligently contravenes any rule, order or regulation of the Department, or any Order in Council, lawfully made or in force respecting the Railway on which he is employed, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed; then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment or both, so as no such fine exceeds *four hundred dollars*, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the penitentiary for the Province or Territory in which the conviction takes place. 31 V., c. 12,  
s. 67, and 42  
V., c. 9, s. 93,

**121.** If such contravention does not cause injury to any property or person, nor expose any property or person to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant, or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Department, in the discretion of the Justice of the Peace before Ib., s. 68 and  
94.

whom the conviction is had, and such penalty shall be recoverable with costs before any one Justice of the Peace, having jurisdiction where the offence has been committed or where the offender is found, on the oath of one credible witness other than the informer.

5

42 V., c. 9,  
s. 86.

122. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall 10 be punished by imprisonment in the common gaol of the district or county where the conviction takes place, for any term less than two years, or in the penitentiary, for a term not to exceed five years, and not less than two years.

Ib., s. 87.

123. Every person wilfully and maliciously, and to the 15 prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful 20 hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless 25 the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony; and the court by and before whom the person is tried and convicted may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, 30 as the case may be, are directed to be punished by the laws in force in Canada.

Ib., s. 88.

124. If any person wilfully and maliciously displaces or removes any railway switch or rail of any Railway, or breaks 35 down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, with intent thereby to injure any person or property passing over or along such railway, or to endanger human life, such person shall be guilty of a 40 misdemeanor, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in 45 consequence of such act done with the intent aforesaid, any person so passing over and along such railway, actually suffers any bodily harm, or if any property passing over and along such railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence 50 a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

**125.** Whosoever unlawfully and maliciously puts or Ib., s. 89.  
 throws upon or across any Railway, any wood, stone or  
 other matter or thing, or unlawfully and maliciously takes  
 up, removes or displaces any rail, sleeper or other matter or  
 5 thing belonging to any Railway, or unlawfully and malici-  
 ously turns, moves or diverts any point or other machinery  
 belonging to any Railway, or unlawfully and maliciously  
 makes or shows, hides or removes any signal or light, upon  
 or near to any Railway, or unlawfully or maliciously does or  
 10 causes to be done any other matter or thing, with intent in  
 any of the cases aforesaid, to endanger the safety of any  
 person travelling or being upon such Railway, is guilty of  
 felony, and shall be liable to be imprisoned in the peniten-  
 tiary for life, or for any term not less than two years, or to  
 15 be imprisoned in any other gaol or place of confinement for  
 any term less than two years with or without hard labor.

**126.** If any person wilfully and maliciously does or Ib., s. 90.  
 causes to be done any act whatever whereby any building,  
 fence, construction or work of any Railway or any engine,  
 20 machine or structure of any Railway, or any matter or thing  
 appertaining to the same is stopped, obstructed, impaired,  
 weakened, injured, or destroyed, the person so offending  
 shall be guilty of a misdemeanor, and be punished by  
 imprisonment with hard labour not exceeding one year, in  
 25 the common gaol of the territorial division in which the  
 offence was committed or has been tried.

**127.** Every person who bores, pierces, cuts, opens or Ib., s. 91.  
 otherwise injures any cask, box or package, containing wine,  
 spirits or other liquors or any case, box, sack, wrapper, pack-  
 30 age or roll of goods, in, or about any car, waggon, boat,  
 vessel, warehouse, station-house, wharf, quay or premises of  
 or belonging to any Railway, with intent feloniously to steal  
 or otherwise unlawfully to obtain or to injure the contents,  
 or any part thereof, or who unlawfully drinks, or wilfully  
 35 spills or allows to run to waste, any such liquors, or any  
 part thereof, shall, for every such offence, be liable, on sum-  
 mary conviction before one or more Justices of the Peace,  
 to a penalty of not more than *twenty dollars*, over and above  
 the value of the goods or liquors so taken or destroyed, or  
 40 to imprisonment, with or without hard labour, for not more  
 than one month.

**128.** Every person wilfully obstructing any officer or Ib., s. 92  
 employee in the execution of his duty, shall, on conviction made appli-  
 before a Justice of the Peace having jurisdiction in the place cable.  
 45 where the offence has been committed, forfeit and pay for  
 every such offence any sum not exceeding *forty dollars*; and  
 in default of payment of any penalty so adjudged, immedi-  
 ately, or within such time as the said Justice of the Peace  
 appoints the same justice, or any other justice having juris-  
 50 diction in the place where the offender resides, may commit  
 the offender to prison for any period not exceeding three  
 months; but such commitment shall be determined on pay-  
 ment of the amount of the penalty; and every such penalty

shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

31 V. c. 12,  
s. 61. ss. 2.

**129.** Except as herein otherwise provided, all pecuniary penalties imposed by this Act, or by any regulation made or continued under the authority hereof, shall be recoverable with costs before any Justice of the Peace for the district, county or place in which the offence was committed, upon proof by confession, or by the oath of any one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justice; and if sufficient distress cannot be found, and such penalty be not forthwith paid, such Justice may, by warrant under his hand and seal, cause the party offending to be committed to the common gaol of the district or county, there to remain without bail or mainprize, for such time as such Justice may direct, not exceeding thirty days, unless a longer time is by this Act in that behalf provided, and in that case not exceeding the time so provided. The party offending may be discharged at any time on payment of the penalty and costs. One moiety of any penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Department, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

Ib. s. 69, and  
42 Vict., c. 9,  
s. 92.

#### INTERCOLONIAL RAILWAY.

38 V., c. 22,  
s. 1.

**130.** The line of railway from the City of Halifax to Pictou in the Province of Nova Scotia, and the line of railway from the City of Saint John to Point du Chêne in the Province of New Brunswick, together with the line from Hadlow in the Province of Quebec to Moncton in the Province of New Brunswick, and from Painsec Junction in the Province of New Brunswick to Truro in the Province of Nova Scotia, and all branches, works and property thereto appertaining are hereby declared to constitute and form the Intercolonial Railway.

#### REPEAL.

New.

**131.** The second and fourth sections of an Act made and passed in the forty-second year of Her Majesty's reign entitled "*An Act to amend and consolidate The Railway Act of 1868 and the Acts amending it,*" in so far as the same relate to Government railways, and all other Acts and parts of Acts inconsistent herewith, are hereby repealed; saving always all acts lawfully done and all rights acquired, and all penalties, liabilities and forfeitures incurred; and provided also that anything heretofore done in pursuance of or in contravention of any provision in any Act heretofore in force and applying to Government railways, which is repeated without material alteration in this Act, may be alleged or referred to as having been done in pursuance of or in contravention of the Act in which such provision was made or of this Act; and every such provision shall

be construed not as a new enactment, but as having and as having had the same effect and from the same time as under such Act ; and any reference in any former Act or document to any such Act or to any provision in any such Act shall hereafter be construed as a reference to this Act or to the corresponding provision in this Act.

ACTS AND PARTS OF ACTS INCLUDED IN THIS ACT.

31 Vic. c. 12, ss. 7, 8, 9, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 58, 61 (except part 3), 63, 65, 66, 67, 68, 69 and 70.

31 Vic. c. 13, ss. 2 (part), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 26.

37 Vic. c. 13. The whole.

38 Vic. c. 22, s. 1.

41 Vic. c. 8. The whole.

42 Vic. c. 7, s. 11.

42 Vic. c. 8. The whole.

42 Vic. c. 9, ss. 5, (subs. s. 6, 7, 8, 9, 10 and 11) 7, (ss. 6, 7, 8, 9, 10, 11, 14, 15, 18 and 19) 8, (subs. 5) 9, (subs. 7, 29, 30, 31, 32, 33, 34, 39 and 40) 15, (subs. 2, 3, 4, 5, 6) 16, (subs. 2, 3, 4, 5 and 6) 17, (ss. 3, 4 and 5) 25, (ss. 2, 3, 4, 8, 9, 10, 11, 12, 13, 14 and 15) 27, 28, (ss. 2 and 3) 61, 62, 65, 67, 70, 72, 74, 75, 76, 77, 79, 80, 81, 82, 83, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 101 (part of subs. 3.)

SECTIONS OF THIS ACT WHICH CONTAIN NEW PROVISIONS.

Sections 1, 2, 3, 4, 10, 49, 53, 59, 64, 80, 90, 98, 99, 102, 107, 110, 111, 112, 113, 114, 115, 116, 117, 131.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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O.

BILL.

An Act to amend and consolidate the laws relating to Government Railways.

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Received and read first time, Tuesday, 22nd February, 1881.

Second reading, Monday, 28th February, 1881.

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The Honourable  
Sir ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.  
1881.

## BILL.

An Act to amend "*The Consolidated Insurance Act, 1877.*"

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

1. Every Insurance Company heretofore licensed (under  
5 "*The Consolidated Insurance Act, 1877,*" or any other Act or  
law) to transact any business of life insurance in Canada,  
which has ceased to carry on its business there, accord-  
ing to the conditions and in the manner required by the  
said Acts, but which nevertheless has continued and con-  
10 tinues to receive premiums on the policies issued before  
such cessation, ought to have filed and shall file the  
the power of attorney prescribed by the ninth section of the  
above cited Act, and a duplicate thereof shall be filed,  
if it has not already been filed, within one month after  
15 the commencement of this Act, in the office and in the man-  
ner pointed out in the said section.

Power of Attorney to be filed by every life insurance company that has ceased to carry on business in Canada but continues to receive premiums.

2. The tenth section of the above cited Act is amended  
by adding after the words "at its chief agency," the follow-  
ing words: "as well as any deed, writing, notice, protest,  
20 writ, plea or document whatsoever, extra-judicial or judicial."

Section 10 of 40 V., c. 42, amended.

3. In case the power of attorney required by the above  
cited Act and by this Act has not been filed, or in case of  
the absence of the agent or attorney thereby required, or of  
there not being any such agent or attorney, the services  
25 mentioned in the above cited Act and in this Act shall be  
held to have been duly effected if a copy of the deed, writ-  
ing, notice, protest, writ, plea or document whatsoever has  
been deposited in an envelope having on it the name of the  
Company and the name of the place, either in Canada or  
30 elsewhere, reputed to be that at which the Company was  
first established or has the principal or original site of its  
business, such envelope having been registered (the postage  
on it having been paid in advance) in one of Her Majesty's  
Post Offices, in one of the towns or cities in Canada.

How writs, &c., may be served on companies without an agent or attorney.

4. The thirteenth section of the above cited Act is hereby  
repealed, and is replaced by what follows:—

New section substituted for sec. 13 of 40 V., c. 42.

"13. Every Company or person who shall deliver a policy  
of insurance or who shall receive a premium of insurance  
40 " (save on policies issued in favour of persons not domiciled  
" in Canada at the time of the issuing thereof) or who shall  
Penalty for transacting life insurance business in the name of

a company without a license or that has not filed a power of attorney.

“ transact any business of insurance for and in the name of  
“ a life insurance company without the license required by  
“ the said Act, or without having filed a power of attorney  
“ as required by the said Act and by this Act, or which  
“ having ceased to carry on its business, nevertheless con- 5  
“ tinues to receive premiums on policies issued before such  
“ cessation, without having filed such power of attorney, shall  
“ incur for each such offence a penalty of not less than one  
“ hundred dollars currency, and not more than one thousand  
“ dollars currency; and such penalty may be sued for and 10  
“ recovered before any Court of competent jurisdiction in  
“ Canada, by any person of the age of twenty-one years or  
“ more, as well in his own name as in the name of the Attor-  
“ ney-General of Canada; and one-half of the penalty, when  
“ recovered, shall be paid to the Crown, and the other half 15  
“ to the prosecutor, with the costs.”

Imprisonment in default of payment.

2. “ In case of non-payment of the penalty and costs with-  
“ in the space of one month after the rendering of the judg-  
“ ment, the person condemned to pay (if a person and not a  
“ Company) shall be liable to be imprisoned for a period not 20  
“ exceeding six months, in the discretion of the Court ”

3rd Session, 4th Parliament, 44 Vict., 1880-1.

P

BILL.

An Act to amend “ *The Consolidated In-  
surance Act, 1877.* ”

Received and read first time, Tuesday, 22nd  
February, 1881.

Second reading, Thursday, 24th February,  
1881.

The Honourable  
Mr. BELLEROSE.

OTTAWA :

Printed by MacLean, Roger & Co., Wellington Street  
1881



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## BILL.

An Act to amend the Inland Revenue Act, 1880.

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

Preamble.

5   **1.** Section eighty-three of the Inland Revenue Act, 1880, is hereby repealed, and the following is substituted therefor :—

Section 83 of 43 V., c. 19 repealed.

10   **83** All tobacco manufactured in Canada shall, before it is offered for sale, be packed in packages as follows, and each package shall be duly stamped :

How tobacco shall be packed.

(a) Cavendish and all pressed tobacco shall be packed in rectangular boxes, each containing not more than one hundred and ten pounds of tobacco ;

Cavendish.

15   (b) Cut tobacco of all kinds and scrap shall be packed in packages, each containing not more than one pound, but any number of such packages not exceeding together one hundred pounds in weight may be inclosed in an outer case or package, provided each of the lesser packages have been separately stamped ;

Cut tobacco.

20   (c) Snuff shall be packed in packages each containing not more than ten pounds ;

Snuff.

25   (d) Common Canada twist may be put up in rolls or coils each not exceeding two pounds in weight ; and every such roll or coil shall be secured by cording or otherwise and enclosed in a paper or other band or casing so that a stamp may be securely attached thereto ;

Common Canada twist.

(e) Cigars shall be packed in rectangular boxes each containing not more than two pounds.

Cigars.

30   **2.** When any package of tobacco contains less than a pound it shall be such part of a pound as will be covered by some denomination of stamp then authorized and in use, and if any package contains a quantity of tobacco not represented by a stamp then in use the next higher denomination of stamp shall be used, and the duty levied and collected as if  
35   the full quantity of tobacco represented by the stamp were contained in the package.

Packages containing less than a pound.

3. Each package of manufactured tobacco which, when imported, is packed in packages of the respective kinds men-

Packages to be stamped

at ports of entry.

tioned in the sub-sections *a, b, c, d* and *e* of this section, shall be stamped at the port where it is entered before the same is delivered to the importer.

Imported tobacco not packed as above to be bonded.

4. All imported manufactured tobacco which, when imported, is not packed in packages of the respective kinds mentioned in said sub-sections *a, b, c, d* and *e* shall be bonded in a Customs warehouse to be approved of by the Collector of Customs at the port of entry. The bond shall be for a sum equal to double the amount of Customs duty to which the tobacco is liable, and the conditions shall be that the Customs duty shall be paid—that such tobacco shall, within such limited time and in accordance with such conditions as may be fixed by regulations of the Governor in Council, be packed in packages of the respective kinds mentioned in said sub-sections *a, b, c, d* and *e* and duly stamped or be exported or destroyed.

Amount and conditions of bond.

Stamps to be removed when package has been emptied.

5. So soon as any package containing any tobacco, cigars or snuff, and which has been stamped as herein required, has been emptied or partly emptied, the stamp thereon and every trace of such stamp shall be completely removed from such package, and it shall be the duty of all officers of Customs or Excise to destroy every such empty or partly empty package, wherever found, upon which there may remain any revenue stamp or any part of such stamp.

Stamped packages not to be retained after contents have been removed.

6. No licensed tobacco manufacturer, dealer or other person shall retain in his possession any stamped package, used for putting up or packing tobacco upon which there remains any revenue stamp or any part of such stamp after the contents thereof have been removed or partly removed.

Empty packages with stamps not allowed in manufactory.

7. No empty or partly filled package of a description such as is used for packing tobacco, cigars or snuff, and having attached to it any stamp or part of a stamp, whether such stamp has been defaced or not, shall be brought into or remain in any tobacco manufactory.

Packages on which duty has been paid or secured to be forthwith stamped by the manufacturer.

8. Every distinct package of tobacco, cigars or snuff manufactured in Canada, and upon which the duty has been paid or secured to the Collector of Inland Revenue, shall be forthwith stamped by the manufacturer in such manner as may be required by any Departmental regulations and to the satisfaction of the Collector or other proper officer, in accordance with such regulations as may be, from time to time, adopted by the Minister of Inland Revenue.

Extension of power under section 89 of 43 V., c. 19.

2. The power of the Governor in Council to make regulations under section eighty-nine of the Inland Revenue Act, 1880, shall extend to imported manufactured tobacco.

Interpretation.

3. The following words in the Inland Revenue Act, 1880, and in this Act have the following meanings, viz.: - "Cigars" includes cigarettes and other manufactures of tobacco intended to be smoked as cigars or cigarettes are smoked;

"package" includes box, jar, cannister, case, bag, barrel, parcel, wrapper.

4. Section one hundred and twenty-seven of the said Act is hereby amended by striking out the words "forty gallons" and inserting the words "one barrel or twenty-five gallons." Section 127 of 43 V., c. 19 amended.

5. This Act shall be read and construed as one Act with the Act hereby amended. One Act with 43 V., c. 19.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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Q

BILL.

An Act to amend the Inland Revenue  
Act, 1881.

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Received and read first time, Tuesday, 1st  
March, 1881.

Second reading, Thursday, 3rd March, 1881.

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The Honourable Mr. AIKINS.

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OTTAWA;

PRINTED BY MACLEAN, ROGER & Co.

1881.

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**B I L L .**

An Act to provide for the extension of the boundaries  
of the Province of Manitoba.

*(Reprinted as proposed to be amended in a Committee of the Whole.)*

**W**HEREAS, by an Act of the Legislature of the Province Preamble.  
of Manitoba, passed during the session thereof held in  
the present year of Her Majesty's reign, and intituled: "An  
Act to provide for the extension of the boundaries of the  
5 Province of Manitoba," the Legislature of that Province  
hath consented to the increase of the same by the alteration  
of its limits, as hereinafter enacted, upon the terms and con-  
ditions hereinafter expressed: Therefore Her Majesty, by  
and with the advice and consent of the Senate and House  
10 of Commons of Canada, enacts as follows:—

1 The Province of Manitoba shall be increased as herein- Boundaries  
of Manitoba.  
after defined, that is to say, so that the boundaries thereof  
shall be as follows:—"Commencing at the intersection of  
the International Boundary dividing Canada from the United  
15 States of America by the centre of the Road Allowance  
between the twenty-ninth and thirtieth ranges of town-  
ships lying west of the first principal meridian in the system  
of Dominion Land Surveys; thence northerly, following  
upon the said centre of the said road allowance as the same  
20 is or may hereafter be located, defining the said range line  
on the ground across Townships one to forty-six, both in-  
clusive, to the intersection of the said centre of the said road  
allowance by the centre of the road allowance on the twelfth  
base line in the said system of Dominion Land Surveys;  
25 thence easterly along the said centre of the road allowance on  
the twelfth base line, following the same to its intersection  
by the easterly limit of the District of Keewatin, as defined  
by the Act thirty-ninth Victoria, Chapter twenty-one, that  
is to say, to a point where the said centre of the road allow-  
30 ance on the twelfth base line would be intersected  
by a line drawn due north from where the westerly  
boundary of the Province of Ontario intersects the aforesaid  
International Boundary Line dividing Canada from the  
United States of America; thence due south, following upon  
35 the said line to the International Boundary aforesaid; and  
thence westerly, following upon the said International Boun-  
dary Line dividing Canada from the United States of America,  
to the place of beginning," and all the land embraced by the  
said description not now within the Province of Manitoba  
40 shall, from and after the passing of this Act, be added  
thereto, and the whole shall, from and after the said date,  
form and be the Province of Manitoba

Terms and  
conditions  
of increase.

2. The terms and conditions upon which such increase is made are as follows :—

(a) All the enactments and provisions of all the Acts of the Parliament of Canada which have since the creation of the Province of Manitoba been extended into, and made to apply to, the said Province, shall extend and apply to the territory by this Act added thereto as fully and effectually as if the same had originally formed part of the Province and the boundaries thereof had, in the first instance, been fixed and defined as is done by this Act.

(b.) The said increased limit and the territory thereby added to the Province of Manitoba shall be subject to all such provisions as may have been or shall hereafter be enacted, respecting the Canadian Pacific Railway and the lands to be granted in aid thereof.

Continuance  
of existing  
laws, courts,  
officers, &c.

3. All laws and ordinances in force in the territory hereby added to the Province of Manitoba at the time of the coming into force of this Act, and all courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative and ministerial, existing therein at the time of the coming into force of this Act, shall continue therein as if such territory had not been added to the said Province; subject, nevertheless, with respect to matters within the legislative authority of the Legislature of the Province of Manitoba, to be repealed, abolished or altered by the said Legislature.

Commence-  
ment of this  
Act.

4. This Act shall come into force only upon, from and after a day to be appointed in that behalf by proclamation of the Governor published in the *Canada Gazette*.

R

BILL.

An Act to provide for the extension of the boundaries of the Province of Manitoba.

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

The Honourable  
Sir ALEXANDER CAMPBELL

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO

1884

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## B I L L .

An Act to amend "The Indian Act, 1880."

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

Preamble.

1. The Governor in Council may make such provisions and regulations as may, from time to time, seem advisable for prohibiting or regulating the sale, barter, exchange or gift, by any band or irregular band of Indians, or by any Indian of any band or irregular band, in the Province of British Columbia, the North-West Territories, the Province of Manitoba, or the District of Keewatin, of any grain or root crops, or other produce grown upon any Indian Reserve in the Province of British Columbia, the North-West Territories, the Province of Manitoba, or the District of Keewatin; and may further provide that such sale, barter, exchange or gift shall be absolutely null and void unless the same be made in accordance with the provisions and regulations made in that behalf. All provisions and regulations made under this Act shall be published in the *Canada Gazette*.

Power to the Governor in Council to make regulations for prohibiting or regulating sale of produce by Indians.

2. Whosoever buys or otherwise acquires from any such Indian, or band, or irregular band of Indians, contrary to any provisions or regulations made by the Governor in Council under this Act, is guilty of an offence, and is punishable, upon summary conviction, by fine, not exceeding *one hundred dollars*, or by imprisonment for a period not exceeding three months, in any place of confinement other than a penitentiary, or by both fine and imprisonment.

Penalty for buying from Indians contrary to such regulations.

3. If any such grain or root crops or other produce as aforesaid, be unlawfully in the possession of any person, within the intent and meaning of this Act, and of any provisions or regulations made by the Governor in Council, under this Act, any person acting under the authority, either general or special, of the Superintendent-General may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent-General or any officer or person thereunto by him authorized, may direct.

Superintendent General may seize produce unlawfully possessed by any person.

4. The Governor in Council may make such provisions and regulations as may, from time to time, seem advisable for prohibiting the cutting, carrying away or removing from

Power to Governor in Council to prohibit cut-

ting of trees on reserves. any reserve or special reserve, of any hard or sugar-maple tree or sapling.

Penalty for contravention of regulations to that effect.

5. Whosoever cuts, carries away or removes from any reserve or special reserve any hard or sugar-maple tree or sapling, or buys or otherwise acquires from any Indian or non-treaty Indian or other person, any hard or sugar-maple tree or sapling so cut, carried away or removed from any reserve or special reserve, contrary to any provisions or regulations made by the Governor in Council under this Act, is guilty of an offence, and is punishable upon summary conviction by fine not exceeding *one hundred dollars*, or by imprisonment for a period not exceeding *three months* or by both fine and imprisonment. 5 10

Who may act as a Justice, or as two Justices, of the Peace.

6. Any one Judge, Judge of Sessions of the Peace, Recorder, Police Magistrate, District Magistrate or Stipendiary Magistrate, sitting at a police court or other place appointed in that behalf, for the exercise of the duties of his office, shall have full power to do alone whatever is authorized by *The Indian Act*, 1880, to be done by a Justice of the Peace or by two Justices of the Peace. 15 20

Jurisdiction in city or town to be jurisdiction in surrounding county or district.

7. Any Recorder, Police Magistrate or Stipendiary Magistrate, appointed for or having jurisdiction to act in any city or town shall, with respect to offences and matters under *The Indian Act*, 1880, have and exercise jurisdiction over the whole county or union of counties or Judicial District in which the city or town for which he has been appointed or in which he has jurisdiction, is situate. 25

Section 90 of 43 V., c. 28, amended.

8. Section ninety of the said Act is hereby amended by adding after the words, "or non-treaty Indian," in the ninth line thereof, the words, "or of any person, or upon any other part of the reserve or special reserve, or sells, exchanges with, barter, supplies or gives to any person on any reserve or special reserve, any kind of intoxicant." 30

Section 91 of 43 V., c. 28, amended.

9. Section ninety-one of *The Indian Act*, 1880, is hereby amended by striking out of the eleventh line thereof the word "may," and inserting in lieu thereof the words, "or suspected to be upon any reserve or special reserve, may, upon a search warrant in that behalf being granted by any Judge, Stipendiary Magistrate or Justice of the Peace." 35 40

Assistant Indian Commissioners to be *ex-officio* Justices of the Peace.

10. Every Indian Commissioner, Assistant Indian Commissioner, Indian Superintendent, Indian Inspector or Indian Agent shall be *ex-officio* a Justice of the Peace.

Informer may give evidence.

11. In all cases in *The Indian Act*, 1880, where it is provided that the conviction must take place on the evidence of one credible witness other than the informer or prosecutor, the informer or prosecutor shall nevertheless be allowed to give evidence. 45



**12.** The Governor in Council may appoint an Assistant Indian Commissioner for Manitoba, Keewatin and the North-West Territories or an Assistant Commissioner for Manitoba and Keewatin, and an Assistant Indian Commissioner for the North-West Territories, with such of the powers and duties of the Commissioner, and such other powers and duties as may be provided by Order in Council.

Appointment  
of Assistant  
Indian Com-  
missioners.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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BILL.

An Act to amend "*The Indian Act*,  
1880."

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Received and read, first time, Friday, 11th  
March, 1881.

Second reading, Monday, 14th March, 1881.

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The Honourable Mr. AIKINS.

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OTTAWA:

PRINTED BY MACLEAN, ROGER & CO,  
1881

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## BILL.

An Act in amendment of the Acts respecting Steam-boats.

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

5   1. For and notwithstanding any thing to the contrary in the Act passed in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the inspection of Steamboats and for the greater safety of Passengers by them,*" or in any Act amending it. Act 31 V., c. 65, amended.

10   (1.) The Minister of Marine and Fisheries may authorize the use in individual specified cases, of boats of different dimensions from those specified in section sixteen of the Act above cited, and upon such authorization being granted, it shall be sufficient that boats of the dimensions specified in  
15 such authorization be provided for and carried on the steamboat to which such authorization relates.

20   (2.) In cases where an iron tube or tubes equal in diameter to the hose carried by the steamboat, connected with a force-pump or pumps, and extending at least one half of the length of the steamboat, is or are fixed under the hurricane deck thereof, and provided with nozzles placed at distances of not more than thirty feet from each other or from either end of the steamboat, to which nozzles the hose carried by the  
25 steamboat can be readily attached, it shall not be necessary that the hose should be of greater length than will be sufficient to reach from some one of such nozzles to either end of the steamboat.

30   (3.) In steamboats under one hundred tons measurement, one steam pump of suitable size, or if steam cannot be employed, one force-pump of suitable size worked by hand, shall be sufficient.

35   (4.) Three davits properly constructed and placed shall be considered sufficient for lowering two boats.

2. The words "and with an efficient fog-horn to be sounded by a bellows or other mechanical means," in the  
35 third, fourth and fifth lines of article twelve of section two of the Act passed in the forty-third year of Her Majesty's reign and intituled "*An Act to make better provision respecting the navigation of Canadian Waters,*" are hereby repealed. Act 43 V., c. 29, amended.

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3rd Session, 4th Parliament, 44 Vict., 1880-1.

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BILL.

An Act in amendment of the Acts  
respecting Steamboats.

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Received and read first time, Thursday, 17th  
March, 1881.

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Second reading, Friday, 18th March, 1881.

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Honourable  
Sir ALEXANDER CAMPBELL.

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OTTAWA:

PRINTED BY MacLEAN, ROGER & Co.  
1881.

