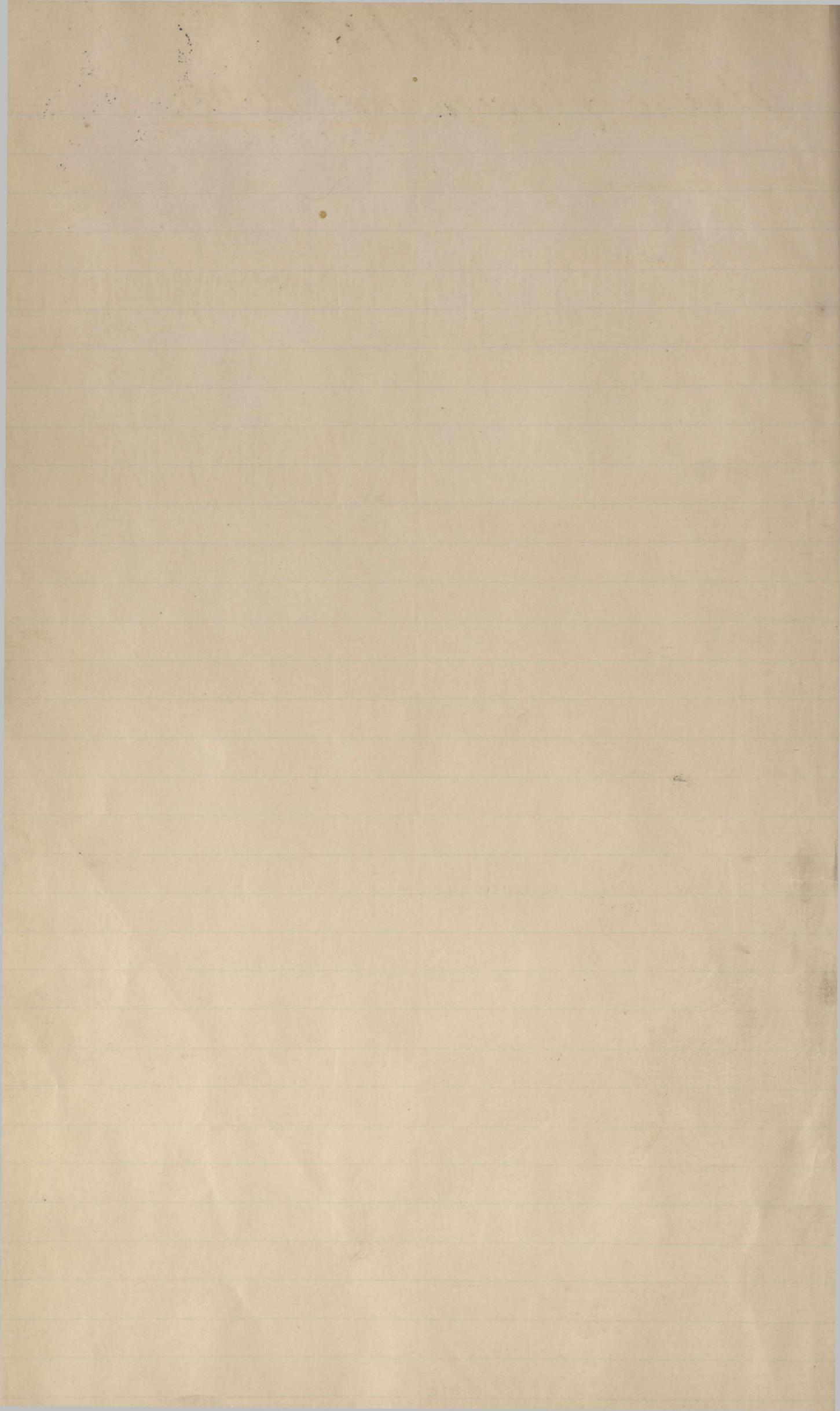


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# Bills.

## House of Commons. 1898.



1	<i>(Pro forma)</i>	No. 9.	An Act to amend the law respecting Holidays.
No. 2.	An Act to secure the better observance of the Lord's Day, commonly called Sunday, as a day of rest.	No. 9.	An Act to amend the law respecting Holidays.
No. 3.	An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.	No. 10.	An Act to authorize the appointment of a Board of Civil Service Supervisors.
No. 4.	An Act further to secure the safety of railway employees and passengers.	No. 11.	An Act to amend the Criminal Code, 1892, with respect to cruelty to animals.
No. 5.	An Act respecting Drainage on and across the property of Railway Companies.	No. 12.	An Act further to amend the Criminal Code, 1892.
No. 6.	An Act to confirm an Agreement between Her Majesty and William Mackenzie and Donald D. Mann, and to incorporate the Canadian Yukon Railway Company.	No. 13.	An Act to amend the Mounted Police Pension Act, 1889.
No. 7.	An Act to regulate Freight Rates on Railways.	No. 14.	An Act respecting the attachment of Salaries and Moneys in the hands of the Government.
No. 8.	An Act respecting the Importation and Employment of Aliens.		

No. 15. An Act further to amend the Mounted Police Pension Act, 1889.

No. 22. An Act respecting the Hudson's Bay and Pacific Railway Company.

No. 16. An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

No. 23. An Act to incorporate the Lewes River Tramway Company, Limited.

Memorandum as to Provincial Laws, to accompany Bill No. 16 relating to the Franchise and Elections.

No. 17. An Act to amend the Act respecting the Civil Service of Canada.

No. 24. An Act to amend the Charter of the Union Bank of Canada.

No. 18. An Act further to amend the Railway Act.

No. 25. An Act to incorporate the Ontario and Quebec Bridge Company.

No. 19. An Act to regulate the transit of Grain in Manitoba and the North-West Territories.

No. 26. An Act to incorporate the Kettle River Valley Railway Company.

No. 20. An Act further to amend the Chinese Immigration Act.

No. 27. An Act to incorporate the Cañon Railway Company.

No. 21. An Act to amend the Railway Act with respect to the shipment of grain.

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No. 29.

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No. 36.

An Act to amend the Act respecting the sale of Railway Passenger Tickets.

No. 30.

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

No. 37.

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No. 31.

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No. 33.

An Act to incorporate the Pacific and Yukon Railway, Navigation and Mining Company.

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An Act respecting the Columbia and Western Railway Company.

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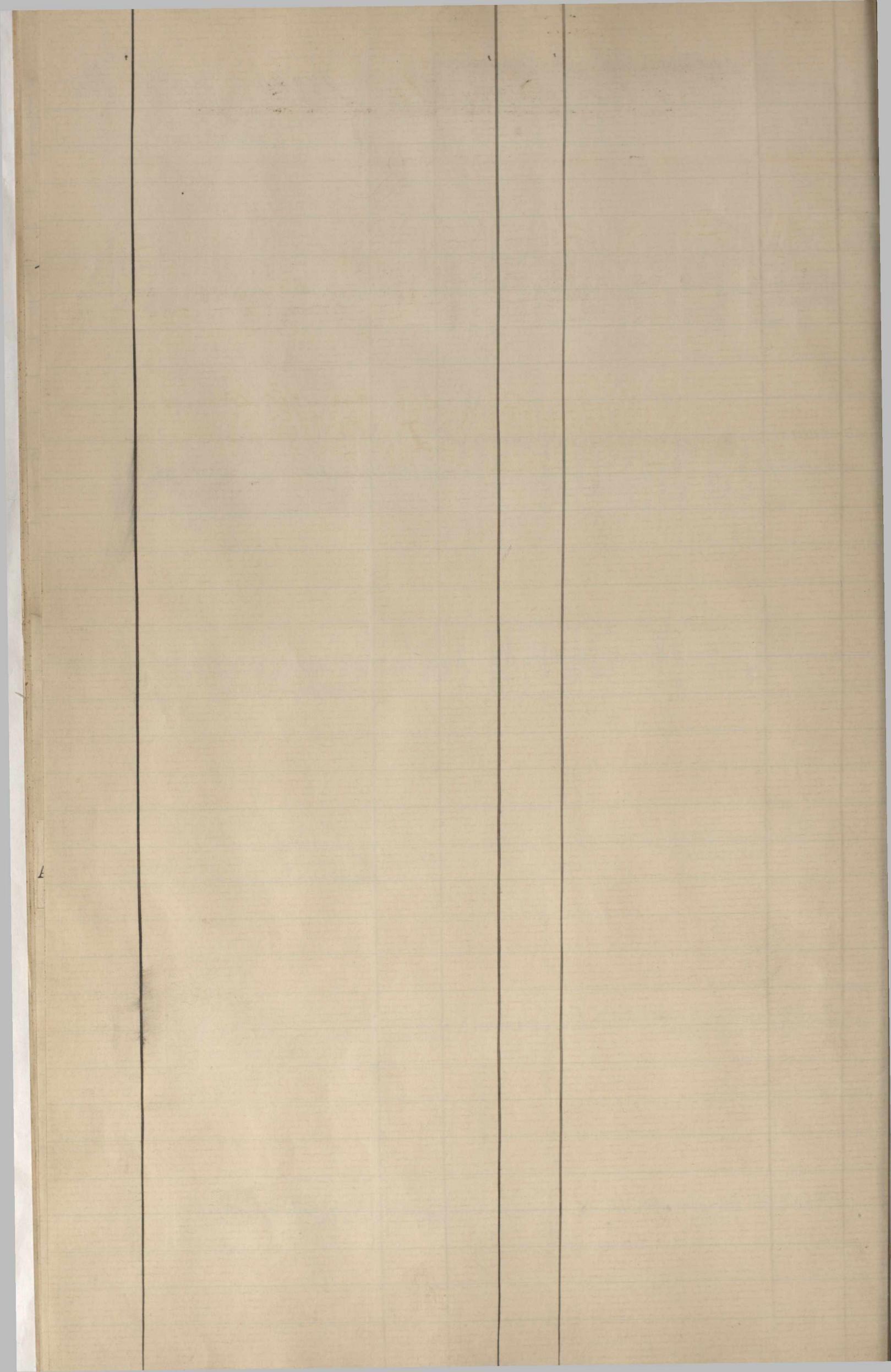
An Act to amend the Customs Tariff,  
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H

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B

An Act incorporating The Central Canada Loan and Savings Company.

I

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D

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L

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F

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P

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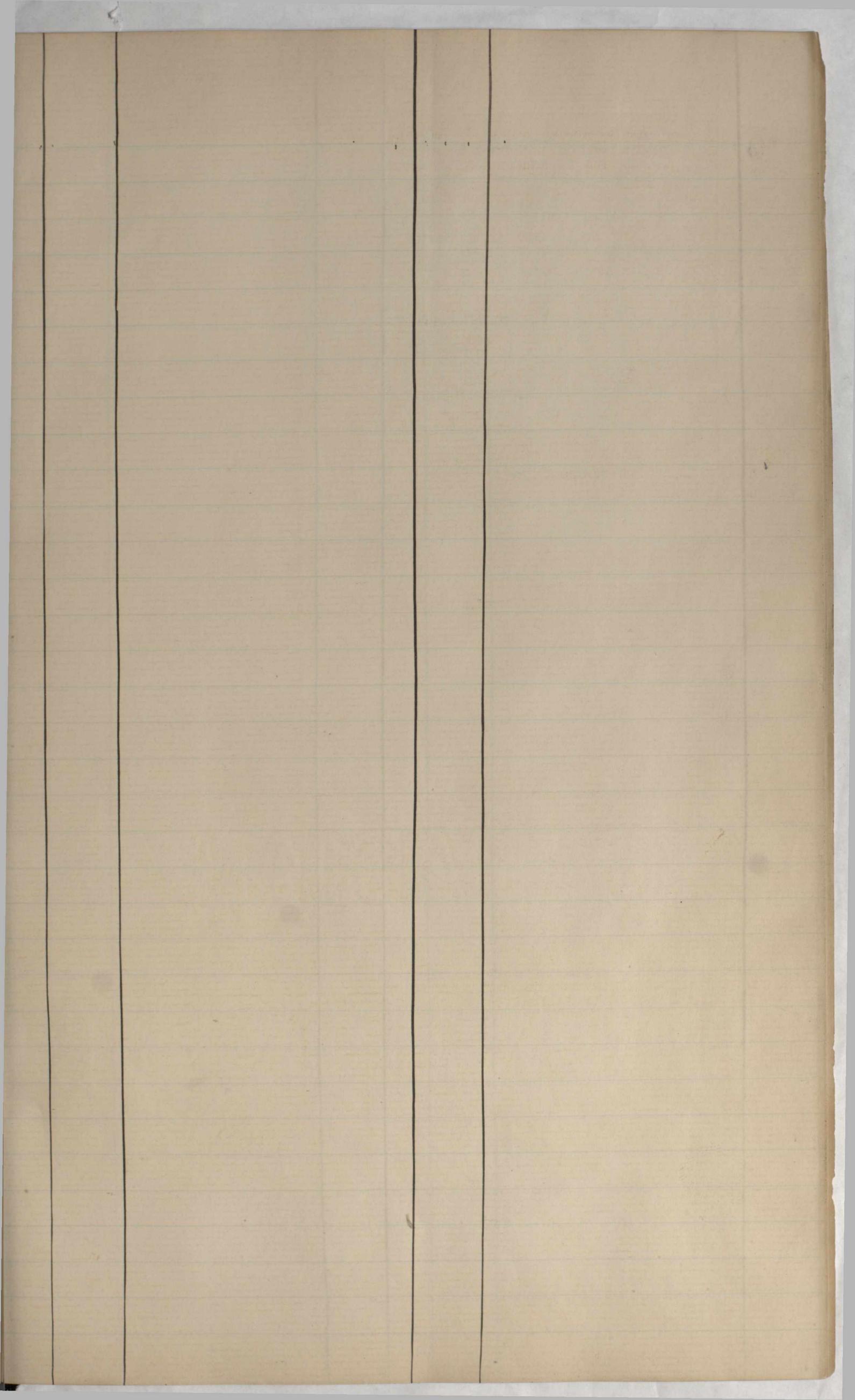
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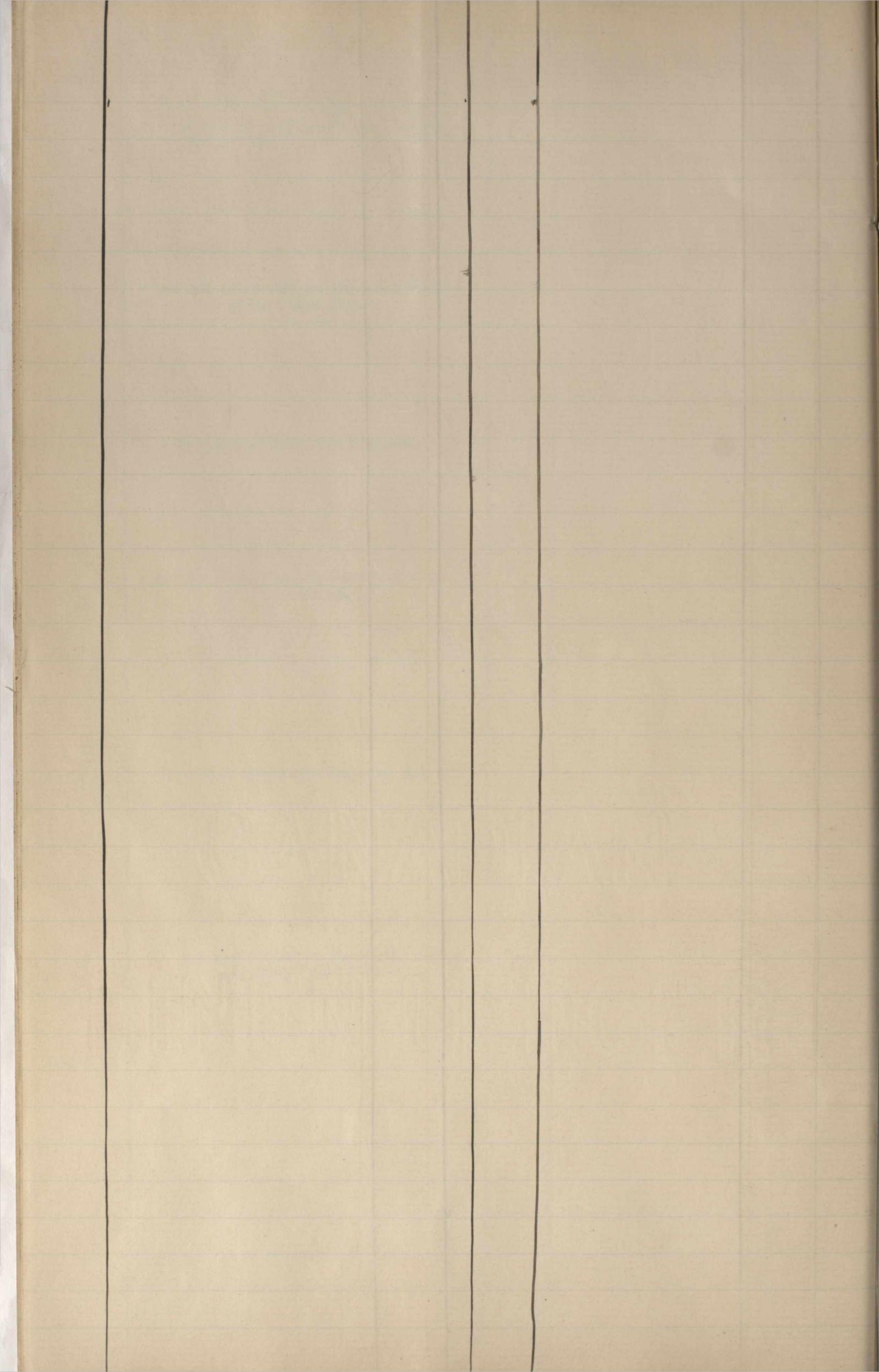
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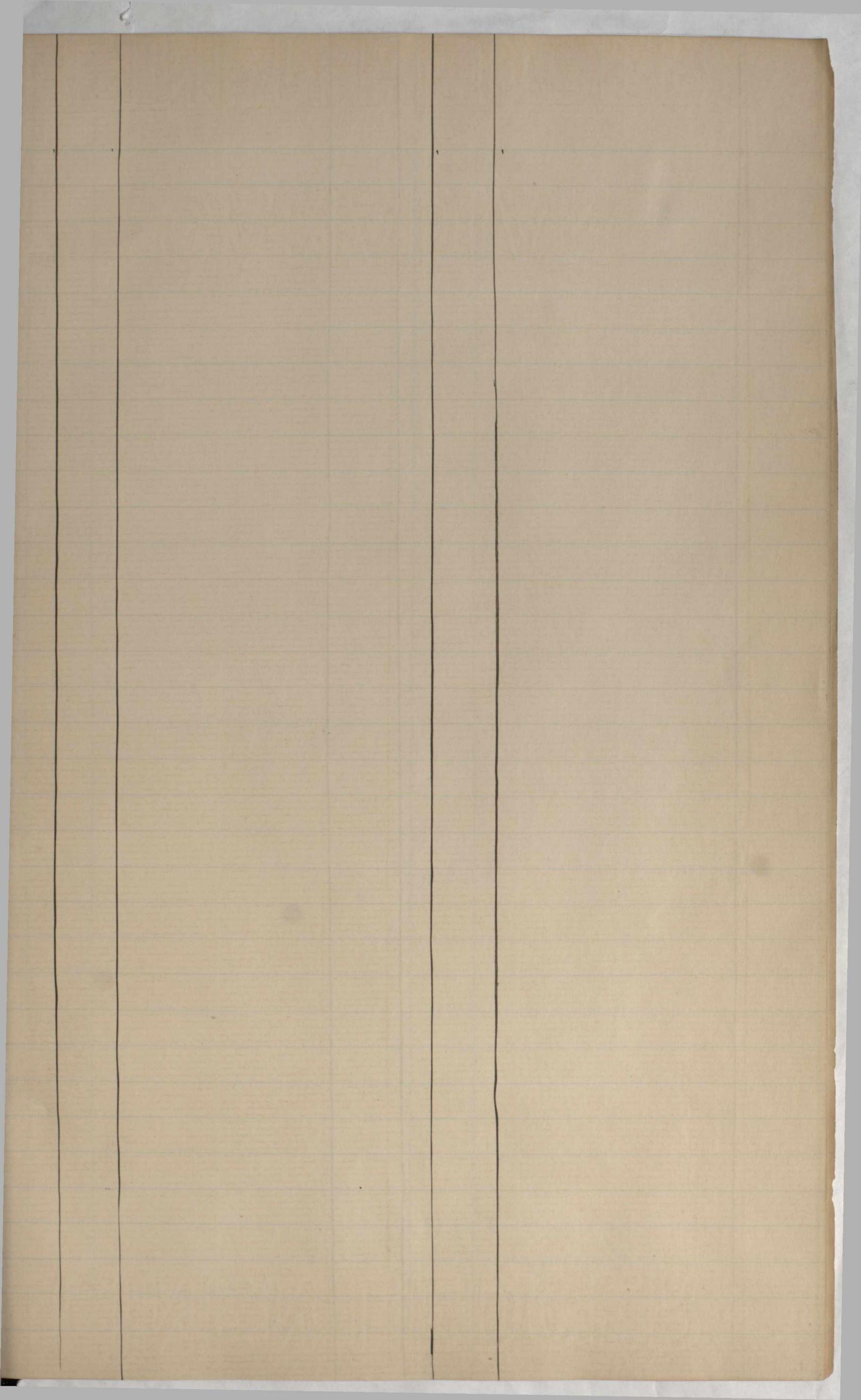
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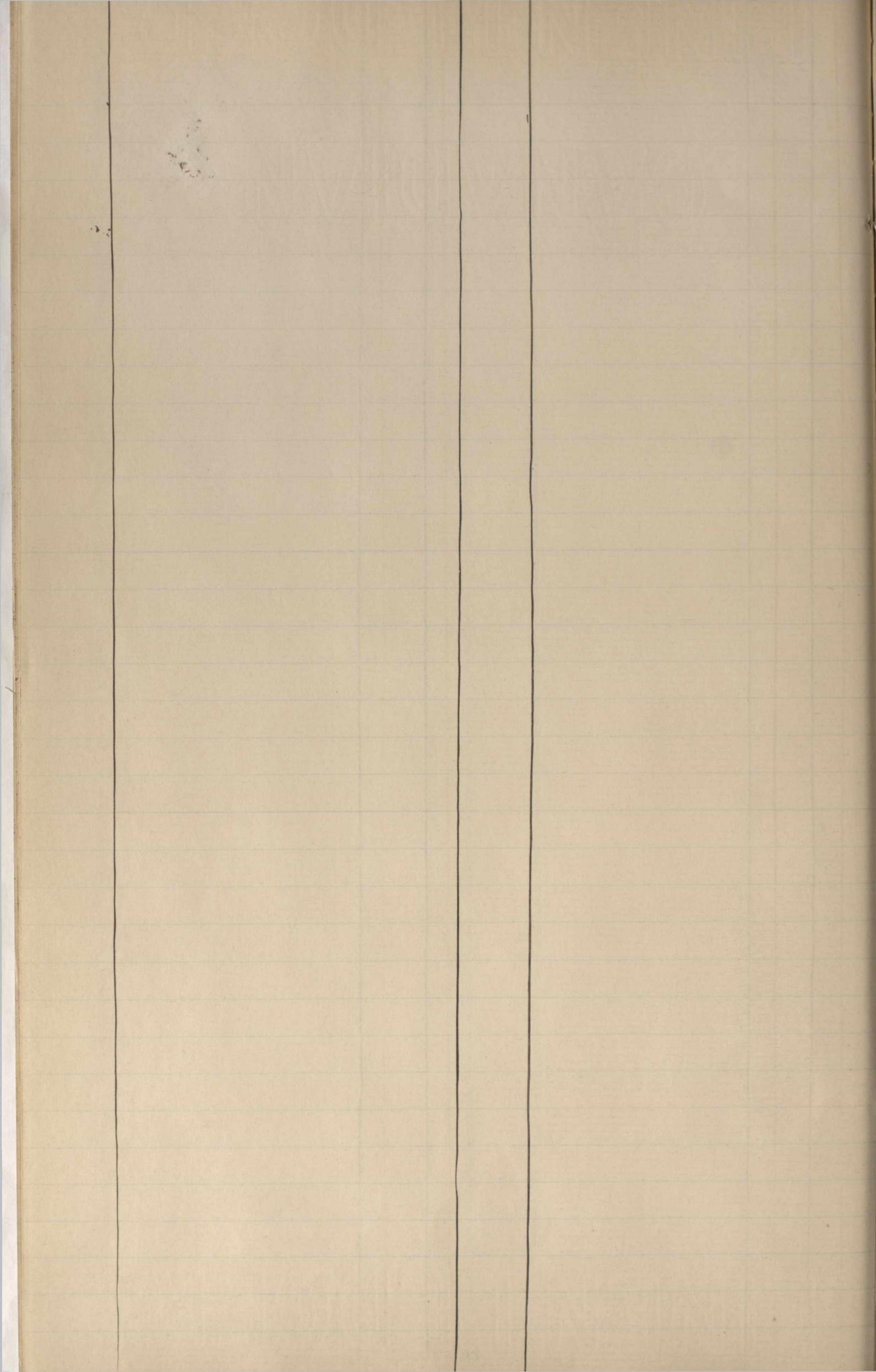
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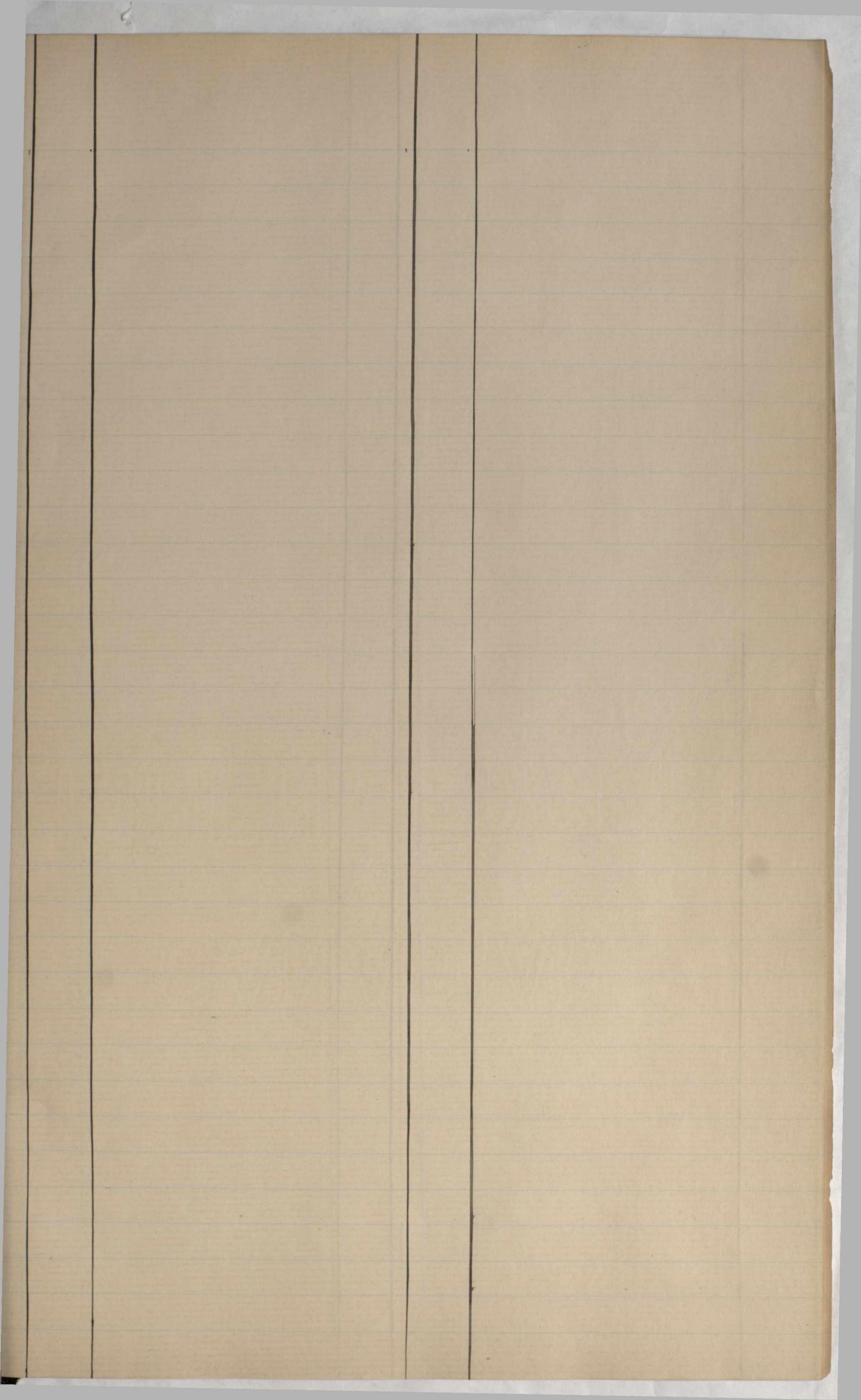
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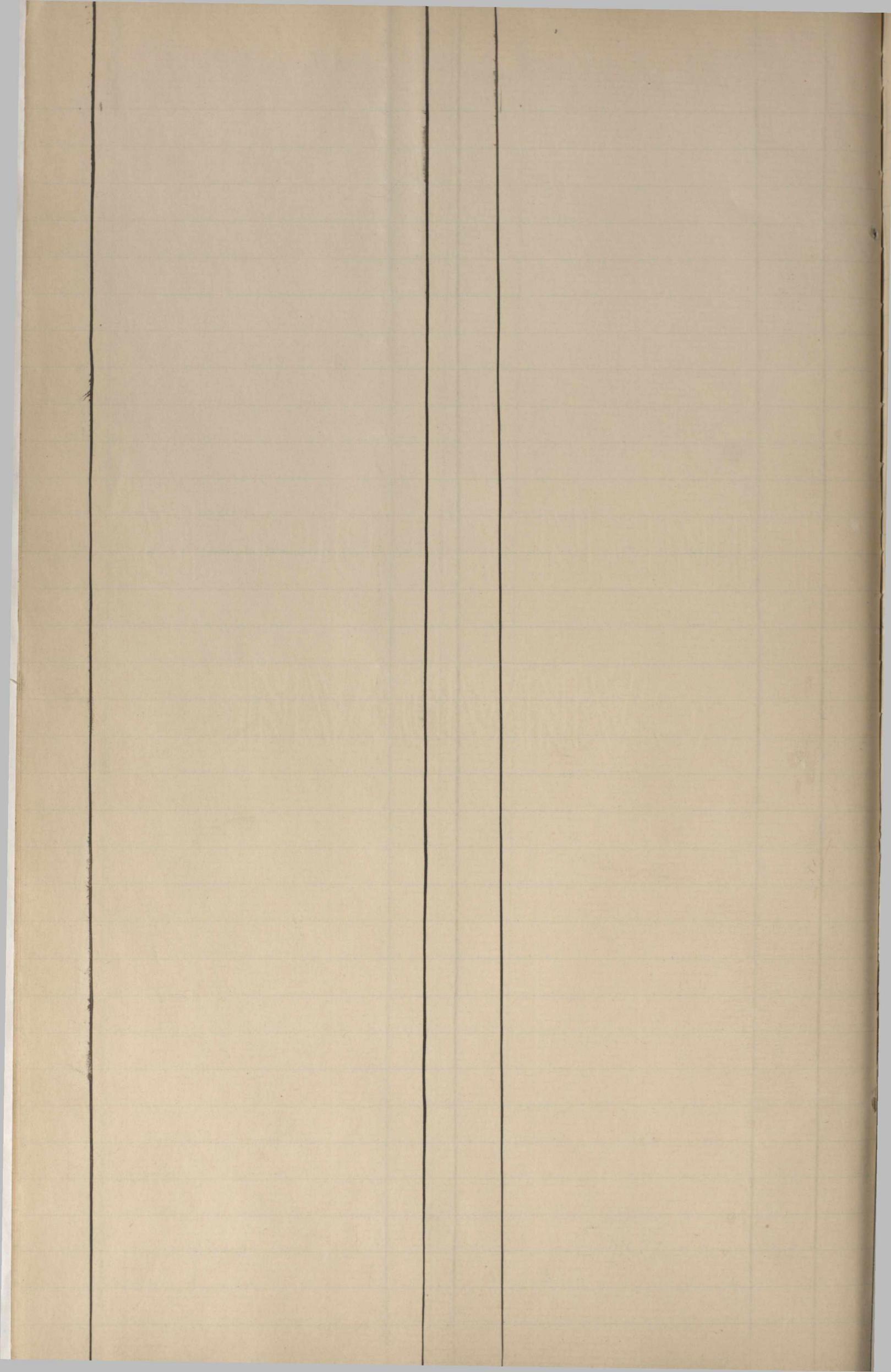


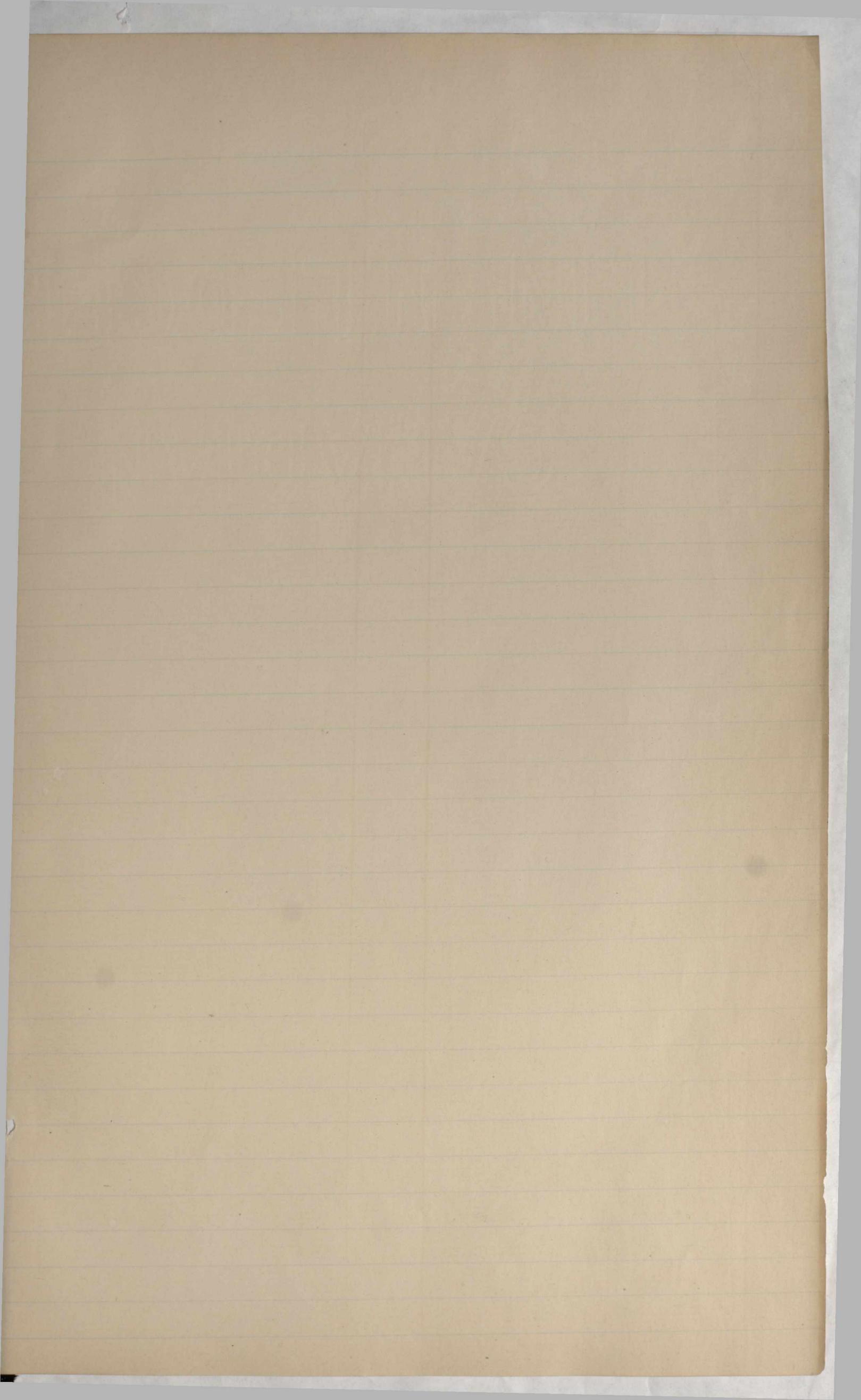


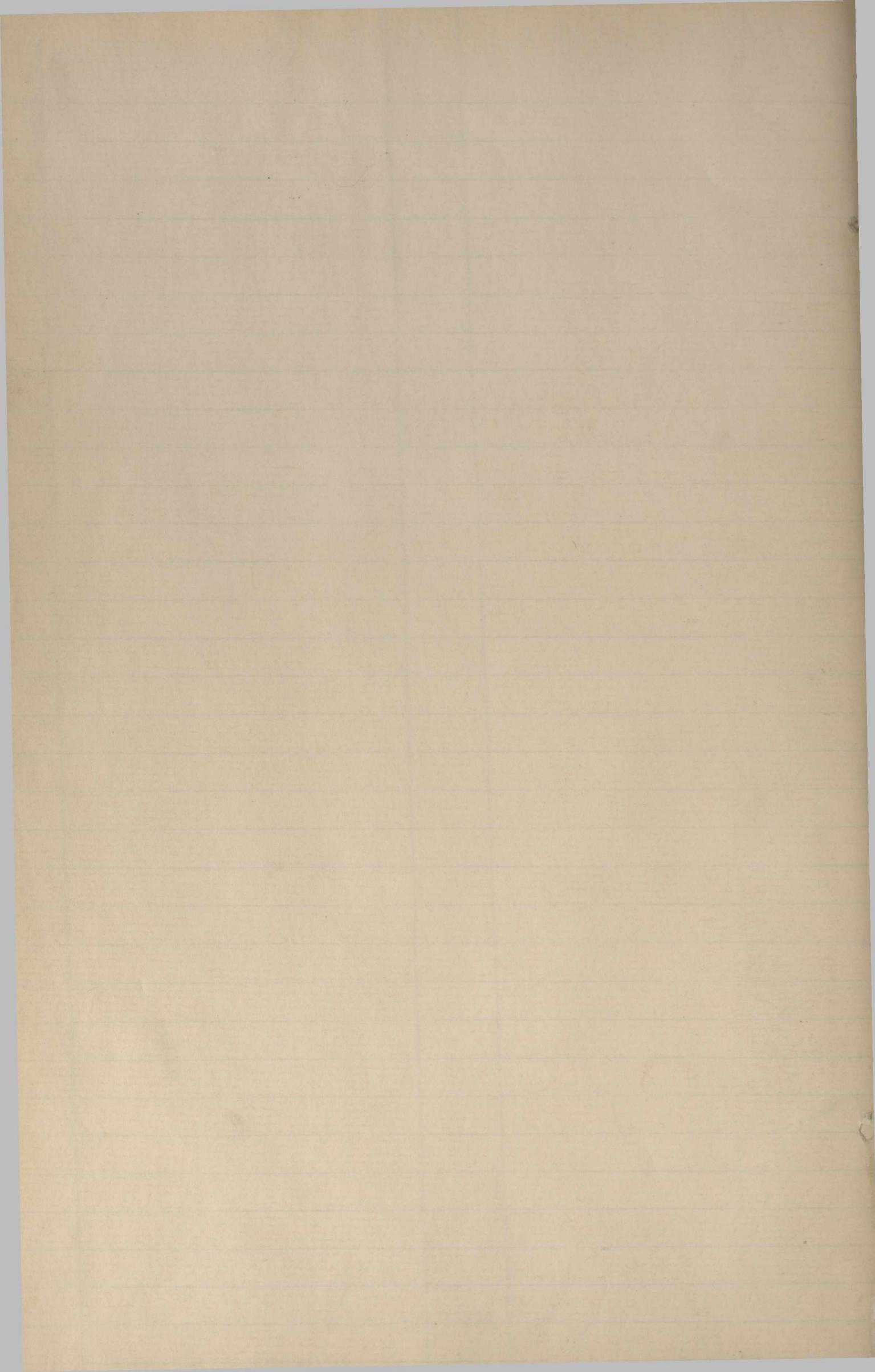


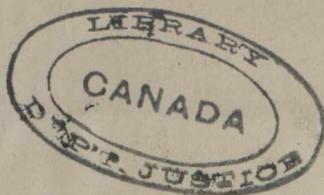












No. 2.]

**BILL.**

[1898.

An Act to secure the better observance of the Lord's Day, commonly called Sunday, as a day of rest.

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

1. *The Criminal Code, 1892*, is hereby amended by adding 1892, c. 29  
5 the following section thereto immediately after section 173:— amended.

“173A. Every one is guilty of an offence and liable, on Publication<sup>o</sup> or  
summary conviction, to a fine not exceeding fifty dollars and sale of news-  
costs for the first offence, and not exceeding one hundred paper on  
dollars and costs for each subsequent offence, and in default of Sunday.  
10 payment to one month's imprisonment, who,—

“(a.) Being the proprietor, publisher or manager of any newspaper, publishes or issues, or prepares for publication or issue, any copy or number of such newspaper for sale on Sunday, or with the intent that such copy or number shall be  
15 sold on Sunday; or

“(b.) Sells or employs or procures any person to sell any newspaper on Sunday;

“Provided that the publishing or issuing or preparing for Proviso as to  
publication or issue of any copy or number of a religious news- religious  
20 paper for distribution on Sunday, or with the intent that it newspaper.  
shall be distributed on Sunday, shall not be an offence under this section.

“2. The word ‘newspaper’ in this section has the same “Newspaper”  
meaning as it has under paragraph (p1) of section 3, in the defined.  
25 sections relating to defamatory libel.

“3. No prosecution for an offence against this section shall Time for  
be commenced after the expiration of one month from the prosecution  
commission of such offence.” limited.

No. 2.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to secure the better observance  
of the Lord's Day, commonly called  
Sunday, as a day of rest.

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First reading, February 8, 1898.

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Mr. CHARLTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.

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

1. Section 181 of *The Criminal Code, 1892*, is hereby <sup>1892, c. 29,</sup> amended by substituting the word “eighteen” for the word <sup>s. 181</sup> “sixteen” in the fifth line thereof. amended.
2. Section 182 of the said Code is hereby amended by sub- <sup>Section 182</sup> stituting the word “eighteen” for the words “twenty-one” <sup>amended.</sup> in the first line thereof.
- 10 3. Section 283 of the said Code is hereby amended by sub- <sup>Section 283</sup> stituting the words “twenty-one” for the word “sixteen” in <sup>amended.</sup> the fourth and last lines thereof.

No. 3.

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3rd Session, 8th Parliament, 61 Victoria, 1893

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BILL

An Act to amend the Criminal Code,  
1892, so as to make more effectual  
provision for the punishment of seduc-  
tion and abduction.

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First reading, February 8, 1893.

---

Mr. CHARLTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1893

BILL No. 4.

An Act further to secure the safety of railway employees and passengers.

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

1. All cars fitted with air-brakes shall, within two years after it is made to appear to the Railway Committee of the Privy Council that a satisfactory device of this kind is in existence, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer.

*Cars fitted with air-brakes to be provided with certain device.*

2. All box freight cars built for use on Canadian railways after the passing of this Act, shall be of a uniform standard height of drawbar from the top of the rail, and shall be provided, for the security of railway employees, with outside and end ladders, on opposite corners of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame.

*As to box freight cars.*

2. Such standard height and such ladders shall be subject to the approval of the Minister of Railways and Canals.

*Approval of Minister.*

3. Every person who—

(a.) after the expiration of the period of two years mentioned in section 1 of this Act builds any car fitted with air brakes which is not provided with an automatic device such as is required by that section, or

*Penalty for building car not in accordance with this Act.*

(a.) after the passing of this Act, builds for use on a Canadian railway a box freight car which does not comply in all respects with the requirements of section 2 of this Act;—

is guilty of an offence and liable upon summary conviction to a penalty of not more than twenty-five dollars for each car so built.

4. Every railway company or person who—

(a.) after the expiration of the said period of two years uses any car fitted with air brakes and not provided with an automatic device such as is required by section 1 of this Act, or

*Penalty for using cars not in accordance with this Act.*



An Act respecting Drainage on and across the property of Railway Companies.

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

1. This Act may be cited as *The Railway Drainage Act*, Short title.  
6 1898.
2. The words "drains" and "drainage" in this Act shall Interpretation.  
include respectively all kinds of drains or sewers, open or "Drains."  
covered, or constructed of tiles, and the removal of surplus "Drainage."  
water through natural watercourses or by drains.
- 10 3. Subject to the provisions of this Act, municipalities and Right of  
landowners shall have the right of drainage on and across the drainage  
property of any railway company, to the same extent as they across rail-  
have by law on and across the property of any other land- ways.  
holder.
- 15 4. Every railway company shall permit the opening and Railway com-  
construction of all necessary drains and outlets for drains, and pany to per-  
the opening, widening and deepening of outlets for natural mit drainage.  
watercourses, which are required for the drainage of lands  
adjacent to the property of such railway company, or which  
20 are constructed or opened under the authority of any municipi-  
pality.
5. Every existing ditch, drain, creek or watercourse, situate Existing  
on the property of a railway company, and running along or drains on com-  
under its railway, may be deepened, widened or extended, pany's land  
25 and any existing bridge or culvert in the road-bed of such rail- may be en-  
way may be deepened or widened, or a new bridge or culvert larged.  
may be constructed, when it is found and reported upon by Culverts.  
the engineer of any municipality adjacent to the railway, as required  
30 by this Act, or agreed and reported upon as hereinafter pro-  
vided, that such works are necessary as an outlet for any  
creek or watercourse, or of any ditch or drain that has been or  
is to be constructed under the authority of such municipality,  
and that such works can be done without detriment to the  
safety of the railway : Provided that such works shall be done  
35 in such a manner as not to injure the bridges, culverts or road-  
bed of the railway, or in any way interfere with the traffic  
thereof. Railway not  
to be injured.
6. Any owner of land adjacent to the property of a railway Adjoining  
company, or of land, the natural drainage of which passes land owners  
40 through such property, and who wishes to secure drainage may obtain  
surveyor's re-

port for proposed drainage work.

along or across such property, may procure a land-surveyor, duly qualified according to the law of the province in which such land is situate, to report upon the proposed drainage work; and such landowner and land surveyor shall have respectively the same rights and duties as are conferred upon and assigned to a municipality and the engineer of such municipality by this Act, and such land-surveyor is hereinafter referred to as the engineer of such landowner. 5

Engineer to report,

7. The engineer of a municipality or land owner, making a report under this Act, shall report whether the drainage works desired by the municipality or landowner are necessary for the proper drainage of the lands affected thereby, or in order to afford an outlet for such drainage, and shall prepare a plan showing such proposed works in so far as they affect the property of the railway company, and also a plan and profile of the enlargement of any bridge or culvert, but only to show the extent, depth and width of the required enlargement of such bridge or culvert, or of any new bridge or culvert, as the case may be, together with a statement of the estimated cost of the work to be done upon the lands of the company, including the costs of any excavation required to be made in enlarging or constructing any bridge or culvert, and a statement of what proportion, if any, of the cost of such drainage work should in his opinion be borne by the railway company. 10 15 20

Make plan of work,

Statement of case, and apportionment.

Report, plans, etc., to be sent to company.

8. The clerk of the municipality, or the engineer of the landowner desiring to have such drainage works constructed, shall send to the manager of the railway company, by registered letter, a copy of the report, plans, profiles and estimates made by the engineer in accordance with the next preceding section. 25 30

Company to notify parties interested.

Approval of report by company.

2. The manager of the company, or some one acting on his behalf, shall, within fifteen days after receiving such report forward to the clerk of the municipality interested, or to the landowner, by registered letter, a notice stating whether he approves or disapproves of the said report. If he approves of it, his letter of approval, together with the said report, and the plans, profiles and estimates, shall be filed in the office of the clerk of the municipality in which the said drainage work is situated, or, if it extends into two or more municipalities, with the clerk of each municipality; and the said letter and report shall constitute a bargain binding on all parties concerned and liable for the performance of the work, or the cost thereof, upon the lands of the railway company, and shall not be subject to appeal. 35 40

Disapproval of report by company.

3. If the manager of the railway company objects to the said report, in whole or in part, he shall, in such notice, state his objections, and shall also fix a day, not later than twenty, nor earlier than fifteen days from the mailing of such notice, upon which the engineer of the railway, or some one acting on his behalf, will meet the engineer of the municipality, or of the landowner, at the place where the work is proposed to be done, for the purpose of arriving at an amicable agreement as to the work objected to by the manager of the railway, or as to the cost thereof. 45 50

4. If the engineer of the railway company and the engineer of the municipality or of the landowner agree upon any portion of, or the whole of, the said work objected to by the manager of the company, then such report, amended, if need be, as  
 5 agreed upon, shall be made out in duplicate and signed by both engineers, one copy to be retained by the engineer of the railway company and one by the engineer of the municipality or landowner; and the said report shall be binding upon all parties concerned, as set forth in subsection two of this section,  
 10 and shall be filed as provided in the said sub-section.

When engineers agree, report to be binding.

5. If the engineer of the railway company and the engineer of the municipality or land owner fail to agree upon the matters in dispute, as mentioned in subsection three of this section, then the said matters in dispute shall be referred to the  
 15 decision of an engineer to be appointed by the Minister of Railways and Canals, whose report and decision shall be final and binding upon all parties interested, as set forth in subsection two of this section, and shall be filed as provided in the said subsection.

When engineers disagree, dispute to be referred to engineer appointed by Minister.

20 6. When the said disagreement takes place, the engineer of either of the parties represented may, within four days thereafter, by registered letter, request the Minister of Railways and Canals to appoint an engineer as provided in the next preceding subsection, and shall in such letter give the name  
 25 and post-office address of the engineer representing the other party, and also his own post-office address, and state the locality where the proposed work is to be done.

Minister may be requested to appoint engineer as a referee.

7. The Minister of Railways and Canals shall, within six days after receiving the said request, appoint a competent engineer to  
 30 settle the matters in dispute. The engineer so appointed shall, within six days after his appointment, notify, by registered letter, the engineer of the railway company and the engineer of the municipality or landowner, of the day on which he will attend at the place of the proposed work, which day shall not  
 35 be earlier than ten, nor later than twenty days from the date of such notification; and the said engineers shall attend at the time and place mentioned in such notice, and shall give all necessary information to the engineer appointed by the Minister of Railways and Canals, and the said last-named  
 40 engineer shall carefully inquire and examine into all the objections made, and differences of opinion existing between the engineer of the railway company and the engineer of the municipality or landowner, with reference to the proposed work upon the lands of the railway company, and the cost thereof.

Minister to appoint engineer who shall inquire into matters in dispute.

45 8. Or the engineers of the parties interested may, after the said disagreement takes place, agree upon a third engineer to act in the place of the engineer directed to be appointed by the Minister of Railways and Canals in the next preceding subsection, and such third engineer shall proceed in all respects  
 50 as provided in this Act with regard to notice, attendance, inquiry and report as in the case of an engineer appointed by the Minister of Railways and Canals.

Engineers may agree upon third engineer.

9. If the engineer of either of the parties interested fails to attend, or to act as provided by this Act, the Minister of Rail-  
 55 ways and Canals may appoint a competent engineer to act in place of such engineer, who shall have the same powers and

Where engineer fails to act.

duties as if he had been appointed by the party interested, on whose behalf he is so appointed to act.

Adjournments.

10. The engineers may adjourn their meetings from time to time for periods not exceeding one week.

Third engineer to make report.

11. The engineer appointed by the Minister of Railways and Canals, or agreed upon as umpire by the other engineers, shall, within ten days after such meeting as provided for in subsection seven, make out a report in duplicate, one to be sent, by registered letter, to the manager of the railway company, and one to be sent, by registered letter, to the engineer of the municipality or landowner, which copy shall be filed as provided in subsection two of this section; and such report shall be final and binding, as set forth in that subsection. 5 10

Notice to company of commencement of work.

9. The engineer of the municipality or landowner shall, within four days after the final decision with regard to such drainage works, given in any of the ways hereinbefore provided, send to the manager of the railway company, by registered letter, a notice stating the place and day upon which he intends to commence the said works, which day shall not be sooner than twenty, nor later than thirty days, from the day of notice, and in such notice he shall ask the manager of the railway which of the following modes of doing the work he will select on behalf of the railway company: 15 20

Work may be done by company's employees.

(a) First, the railway company shall do the work by its own employees for such amount as is finally agreed or decided upon; or 25

Or by parties interested.

(b) Second, the work shall be done by the parties liable for the cost thereof, and under the supervision of the railway engineer, or of some one acting in his behalf, and subject to the provisions of section five of this Act. 30

Company to notify parties which mode selected.

2. The manager of the railway, or some one acting in his behalf, shall, within ten days after receiving the said notice, inform the engineer of the municipality or of the landowner, by registered letter, which of the said modes of doing the work he will select on behalf of the railway company. 35

If work done under (b) company to be asked to inspect work.

3. If the work is done under paragraph (b) of subsection one of this section, the parties who have done the work shall, within four days after the completion thereof, request the engineer of the railway company, by registered letter, to inspect the said work. 40

When work satisfactorily completed, company's engineer to notify other engineer.

4. When the work has been completed, the engineer of the railway company shall send to the engineer of the municipality or landowner, by registered letter, a certificate that the work has been completed in accordance with the plans and profiles as finally agreed or decided upon, and furnished to the railway company. 45

Cost of enlarging culverts.

10. Where any existing bridge or culvert in the road-bed of a railway has to be enlarged, under the provisions of this Act, by the deepening or widening thereof, such deepening or widening shall be done by the railway company, but at the cost of the municipality or landowner. 50

**11.** If the railway company neglects or refuses to proceed with the work within the time specified in the report for the completion thereof, then in such case the parties liable for the payment of the costs of the work, may proceed with and complete the said work upon the lands of the railway company, except the enlarging of bridges or culverts and the excavation in connection therewith.

If company does not proceed with work, parties interested may do work.  
Exception.

**12.** If the railway company neglects or refuses to enlarge or construct a bridge or culvert within the time specified in the award or the report for the completion thereof, the railway company shall be held liable to pay to the parties interested the sum of ten dollars, as fixed and liquidated damages, for each day from the date mentioned for the commencement of the work, during which the company so neglects or refuses to proceed with the work.

Damages where company does not enlarge culverts.

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No. 5.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act respecting Drainage on and across  
the property of Railway Companies.

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First reading, February 8, 1898.

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MR. CASEY.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act to confirm an Agreement between Her Majesty and William Mackenzie and Donald D Mann, and to incorporate the Canadian Yukon Railway Company.

**W**HEREAS it is necessary in the public interests of Canada Preamble.  
that railway and steamboat communication with the Yukon District should be established without delay; and whereas, subject to the approval of Parliament, Her Majesty, 5  
therein represented by the Minister of Railways and Canals and the Minister of the Interior, entered into a contract, dated the twenty-fifth day of January, one thousand eight hundred and ninety-eight, with William Mackenzie and Donald D. Mann, contractors, providing for the construction of a rail- 10  
way from the navigable waters of the Stikine River in British Columbia, to the navigable waters of Teslin Lake, and providing for the incorporation of a company with power to acquire and perform such contract, and with other powers; and whereas it is expedient to approve and confirm the said 15  
contract and to incorporate such a company: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The contract a copy of which is set out in the schedule to this Act is hereby approved and confirmed and declared to be binding upon the parties thereto, and Her Majesty and the contractors therein named are hereby respectively authorized and empowered to perform and carry it out according to the true intent and meaning thereof, and all franchises and powers necessary or useful to enable them to carry out the said contract and to avail themselves of the rights, privileges and advantages thereof are hereby conferred upon Her Majesty and the contractors. Contract approved.

**2.** William Mackenzie, Donald D. Mann, and Roderick J. Mackenzie, of Toronto, and such other persons as become Company incorporated.  
shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian Yukon Railway Company," hereinafter called "the Company."

**3.** The head office of the Company shall be in the city of Head office.  
Toronto, or in such other place in Canada as the directors from time to time by by-law determine. 35

**4.** *The Railway Act* and amendments thereto shall, so far 1888, c. 29.  
as not inconsistent with the provisions of this Act and of the said contract, apply to the railways mentioned in the said contract and to the railways of the Company.

- Number of directors.      **5.** The board of directors of the Company shall be of such number (not less than five) as the directors by by-law, approved at an annual or at a special meeting of shareholders, from time to time determine.
- Annual meeting.      **6.** The annual meeting of the shareholders of the Company shall be held on the fourth Monday in the month of January, or on such other day as the directors from time to time determine. 5
- Provisional directors.      **7.** The said William Mackenzie and Donald D. Mann and Roderick J. Mackenzie shall be the first or provisional directors of the Company; and after the sum of one hundred thousand dollars has been expended, or expenditure to that amount has been *bonâ fide* incurred by the contractors upon and in connection with the works undertaken to be done by them under the said contract, the provisional directors may call a general meeting of the shareholders of the Company to be held at the head office for the election of the board of directors from among the shareholders duly qualified to act as directors,—at which meeting each shareholder present or represented by proxy shall have one vote for each share subscribed for by him. 10 15 20
- First meeting of shareholders.      **8.** The capital stock of the Company shall be ten millions of dollars divided into shares of one hundred dollars each: Provided, however, that if the directors by by-law limit the issue of securities under section seventeen hereof to a sum less than twenty-five thousand dollars per mile for the line of railway between the Stikine River and Teslin Lake, the said capital stock may by such by-law be increased by an amount not greater than the difference between twenty-five thousand per mile of the said line and the sum so limited for the said issue. 25 30
- Election of directors.      **9.** The directors of the Company may, by by-law, create, and issue any part of the capital stock as preference stock, giving it such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by the by-law. 35
- Capital stock.      **2.** No such by-law shall have any force or effect unless at the first general meeting or at a special general meeting of the Company, whereat there are present or represented by proxy shareholders holding at least two-thirds of the whole issued capital stock of the Company, a majority in value of the shareholders so present or represented, vote to sanction such by-law. 40
- Increase.      **3.** The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as is considered expedient. 45
- Preference stock.      **4.** Holders of such preference stock shall be shareholders and shall in all respects possess the rights and be subject to the liabilities of shareholders; provided, however, that with respect to dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preference given by any by-law as aforesaid. 50

5. Nothing in this section shall affect or impair the rights of creditors of the Company.

10. The Company may acquire and carry out the said contract, and all franchises and powers necessary or useful to enable the Company to carry out the said contract and to avail itself of the rights, privileges and advantages thereof are hereby conferred upon it; and upon the said contract being assigned by the contractors to the Company, and upon the Company covenanting with Her Majesty to carry it out, and upon the railway from Stikine River to Teslin Lake mentioned in the said contract being completed and accepted as therein provided, the contractors shall be relieved from personal responsibility under the said contract and the Company shall be thereafter deemed to be the parties of the second part thereto in lieu of the contractors and shall be bound as such and be entitled to their rights thereunder.

Powers of company.

Effect of company taking over contract.

11. The Company may lay out, construct, and operate the lines of railway, and extensions and branch and other lines mentioned in clauses one and two of the said contract; provided that the power to build the line from Lynn Canal to Fort Selkirk and the branch lines and the lines from navigable waters to property owned by the Company shall not be exercised without the consent of the Governor in Council; provided also that section 89 of *The Railway Act* shall not apply to the Company; provided further that it shall not be necessary to make or deposit with the Minister of Railways and Canals or with any registrar a map or plan and book of reference of the line of railway from the Stikine River to Teslin Lake before the completion of the said line.

Lines of railway described.

Time not limited.

Deposit of plan, etc., not necessary.

12. The Company may charter, purchase, or otherwise acquire, and construct and maintain and operate steamers and other vessels for passengers and freight in connection with its railways and property, and may sell and otherwise dispose thereof; it may also lease, construct, purchase or otherwise acquire, and maintain and operate wharfs, docks, landing places, dockyards, elevators, warehouses and other works for promoting and facilitating traffic upon its lines of railway, and may sell or otherwise dispose thereof.

Powers as to steamers, docks, elevators, etc.

13. The Company may—

40 (a.) lease, purchase or otherwise acquire, and operate mines and minerals and mining rights in British Columbia and the Provisional District of Yukon and the North-West Territories, and may crush, smelt, reduce and amalgamate ores for itself or others;

45 (b.) with the consent of and subject to the regulation of any municipality affected thereby, construct, or aid in the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore houses, and other buildings and works necessary or convenient for the purposes of the Company;

50 (c.) erect, use and manage works, machinery and plant for the generation and transmission of electric light, heat or power;

Further powers.

(d.) carry on in British Columbia, the Provisional District of Yukon and the North-West Territories, the business of carriers, forwarders and transportation agents and other business incident thereto, also of wharfingers, shippers and vessel owners, and may purchase and vend merchandise, ores and mineral products ; 5

(e.) for all or any of the purposes above-mentioned, purchase, lease or otherwise acquire lands, buildings, patent rights, letters-patent, and other property real and personal, and mortgage, sell or otherwise dispose thereof. 10

Telegraph and telephone lines.

**14.** The Company may construct, acquire and operate, for its own use and that of the public, lines of telegraph and telephone in connection with and along any of its lines of railway and branches, also telegraph and telephone lines beyond the said lines of railway and branches to any point in the Provisional District of Yukon or the North-West Territories or British Columbia, and may lay submarine lines for such telegraph and telephone connections. 15

Expropriation of land.

**15.** Should the Company require land for wharfs, docks or elevators and not agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, inclusive, of *The Railway Act* shall apply to the subject-matter of this section and to the obtaining of such land and the determining the compensation therefor. 25

Aid from government, etc.

**16.** The Company may receive from any government, corporation or person, in aid of any of its undertakings, lands, moneys, guarantees, debentures or other rights or properties real or personal and the Company may mortgage, sell or otherwise dispose of any real or personal property not required for the carrying on of its undertakings. 30

Issue of bonds.

**17.** The Company may, pursuant to section 93 of *The Railway Act*, issue bonds, debentures, debenture stock and other securities to an amount not exceeding in all twenty-five thousand dollars per mile of its lines of railway and extensions and branch and other lines, but such securities shall be issued only in proportion to the length of railway constructed or under contract to be constructed ; such securities may be issued from time to time separately with respect to any one or more specified lines of railway, extensions, branches or other lines, or as to all combined ; and any franchise, undertaking, tolls, income, rents, revenues, real or personal property excepted by special or general reference from the mortgages, which the Company is hereby authorized to give under section 94 of *The Railway Act*, securing such bonds, debentures, debenture stock or other securities, shall be also excepted out of the preferential claim and charge created by section 95 of the said Act. 45

Borrowing powers.

**18.** The directors, under the authority of a resolution of the shareholders passed at the first general meeting, or at any special meeting called for the purpose, or at any annual meeting, at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person 50

or by proxy may, from time to time, at their discretion, borrow money for the purposes of the Company and secure repayment thereof in such manner and upon such terms and conditions as they think best, and for this purpose may mortgage, pledge and charge all or any assets and property of the Company, subject, however, to any mortgage mentioned in section 17 hereof.

19. The directors, under such authority from the shareholders as is mentioned in section 18 hereof, may from time to time issue, in addition to those mentioned in section 17 hereof, bonds, debentures, debenture stock, or other securities of the Company, secured by mortgage upon the lands or any parts thereof to be granted by the Government pursuant to clause eleven and subsequent clauses of the said contract, and upon the Company's right therein and thereto, and may sell or pledge them, at the best price and upon the best terms and conditions which they are able to obtain, in order to raise money for the purposes of the Company; but no such security shall be for a less sum than one hundred dollars. The mortgages securing such securities shall be subject to the terms and conditions of the said contract and to the rights and royalties reserved to Her Majesty thereby; but, subject thereto, such mortgages may contain such covenants, powers, rights and remedies, including powers of sale, for the enforcement and realization of the security thereby granted as the directors think proper; and every such mortgage shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given by the Company in the *Canada Gazette*.

Additional issue of bonds secured by mortgage on lands granted by Government.

20. Section 57 of *The Railway Act* shall not apply to the said William Mackenzie or Donald D. Mann or Roderick J. Mackenzie or to their executors or administrators.

1888, c. 29, s. 57.

21. The tolls to be collected upon the said line of railway between the Stikine River and Teslin Lake, whether by the contractors named in the said contract, or by the Company, and whether for passengers or freight, including Her Majesty's forces, police, and others travelling on Government service, and Government stores and freight, shall be first fixed by the Governor in Council, and the tolls so fixed shall not be liable to reduction until the said railway has been in operation for four years; but such tolls shall be reduced by the Governor in Council by twenty-five per cent from and after such four years, and after the said railway has been in operation seven years they shall be reduced twenty-five per cent off the tolls as previously reduced, and after the said railway has been ten years in operation the fixing of tolls shall be subject to the provisions of *The Railway Act*.

Tolls to be fixed by Governor in Council.

Reduction.

How fixed, after ten years.

22. The lands granted to the contractors or to the Company under the said contract, shall be free from taxation for ten years from the granting thereof, except municipal taxation by an incorporated city, town or village within the Provisional District of Yukon.

Taxation of lands.

What lands  
may be  
granted to  
company.

**23.** The lands referred to in the contract out of which selection may be made shall be such lands only as are at the disposal of the Government at the time of selection.

Opening of  
railway.

**24.** Notwithstanding anything contained in *The Railway Act*, so soon as the said railway, or any portion thereof, has been made fit for regular and efficient operation as mentioned in clause one of the said contract, although the whole work is not fully completed, the said railway or portion thereof may, with the sanction of the Minister of Railways and Canals, be opened for public conveyance of passengers. 5 10

Discrimina-  
tion forbidden

**25.** Neither the contractors under the said contract, nor the Company, shall, in operating the said railway, or any railway constructed by the Company, discriminate between customers, or intending customers, whether by discriminating rates or treatment, or by means of steamships or other connections, or otherwise. 15

#### SCHEDULE.

THIS contract made the twenty-fifth day of January, A.D. 1898, between Her Majesty the Queen, herein represented by the Honourable A. G. Blair, Minister of Railways and Canals, and the Honourable Clifford Sifton, Minister of the Interior, Canada, hereinafter called the Government of the first part, and William Mackenzie, of Toronto, contractor, and Donald D. Mann, of Montreal, contractor, and hereinafter called the contractors of the second part, witnesseth as follows:—

1. The contractors covenant with the Government to lay out, construct, equip and fully complete a line of railway with proper terminal facilities from the navigable waters of the Stikine River in British Columbia at or near the mouth of Telegraph Creek, Glenora, or the mouth of Clearwater River, thence running northward to the navigable waters of Teslin Lake, a distance of about one hundred and fifty miles more or less, on or before the first day of September, A.D. 1898, the said railway when fully completed, to be of the general standard and gauge of the Kaslo and Slocan Railway in British Columbia and according to the specifications to be approved by the Minister of Railways; provided also, that the said railway shall be the property of the contractors but shall be subject to inspection and approval by an engineer to be named by the Minister of Railways and Canals before being accepted as complete by the Government; provided further, that for the purposes of the season of 1898 and of complying with the requirements of this contract in respect to the completion of the line on or before the said first of September it shall be sufficient if on or before that date the contractors have the rails laid in such manner as will permit of regular and efficient operation of the railway although the whole work be not fully completed, and if the said railway be sufficiently equipped for such operation. Provided also, that the location of said railway between the points mentioned shall be such as the contractors may decide upon without filing plans thereof prior to completion, provided that the grant of land hereby contracted

for shall not be made upon a larger mileage than the Minister of Railways considers reasonably necessary for traversing the distance between the terminal points.

2. The Government shall submit to Parliament at its next ensuing session a measure for the necessary Act confirming this agreement and authorizing the Government and the contractors to perform and carry out the same, also incorporating the contractors and such others as may become shareholders into a company under the name of the Canadian Yukon Railway Company or other name approved by the contractors (hereinafter referred to as the contractors' company) with power to acquire and perform and carry out this agreement and with all necessary provisions in that behalf and with all necessary powers to build and operate the railway above mentioned and an extension thereof northward to Dawson City or thereabouts, and an extension southward to a point in British Columbia to be designated by the Government and capable of being made an ocean port, also a line of railway from the waters of Lynn Canal to Fort Selkirk or thereabouts by way of Chilcat Pass, also branch lines of railway from any points on the Company's railways to any property owned by the Company, also lines of railway from any navigable waters to any property owned by the Company; provided that the power to build said line from Lynn Canal to Fort Selkirk, and said branch lines and said lines from navigable waters shall not be exercised without the consent of the Governor General in Council.

The said Act of incorporation also to give the Company full and sufficient powers to build and otherwise acquire and operate docks, wharfs and lines of steam and other vessels in connection with its railways and property, also telegraph and telephone lines, also to carry on mining and smelting operations and such other powers as may be necessary for the due operating and conduct of all business connected with and incidental to the development and working of the lands (to be granted by the Government as hereinafter provided) and the minerals therein including power to issue land grant bonds, and bonds secured by the Company's undertakings.

3. Upon the incorporation of said Company, and upon the assignment by the contractors to such Company of this agreement, and upon the said Company covenanting with the Government to carry out the same, and upon the said railway from Stikine River to Teslin Lake being completed and accepted as aforesaid, the contractors shall then, but not before, be relieved from personal responsibility hereunder, and the Company shall be thereafter deemed to be the parties of the second part hereto, in lieu of the contractors, and shall be bound as such, and be entitled to their rights hereunder.

4. For five years from the 1st September, 1898, no line of railway shall be authorized by Parliament to be constructed from Lynn Canal or thereabouts, or from any point at or near the International boundary between Canada and Alaska into the Yukon District, and for five years from said date no aid in land or money shall be granted to any person or company other than the contractors and the contractors' company to assist in building any such railway.

5. The contractors and the contractors' company shall be entitled to receive in preference to any other person or company during ten years from the said 1st of September, 1898, such aid or assistance in land or money as the Government may be authorized and may see fit to grant in aid of a line of railway from the Stikine River to an ocean port in British Columbia, provided that the contractors or contractors' company are willing to undertake the construction of the same at once and completion thereof within a reasonable time upon receiving notice thereof from the Government.

6. The tolls to be collected by the contractors or contractors company upon the line of railway hereby contracted for between Stikine River and Teslin Lake shall be first fixed by the Governor General in Council, and the tolls so fixed shall not be liable to reduction until the said railway has been in operation for four years, but such tolls shall be reduced by the Governor in Council by twenty-five per cent from and after such four years, and after the said railway has been in operation seven years they shall be reduced by twenty-five per cent off the tolls as previously reduced, but after the said railway has been ten years in operation the tolls shall be subject to the general railway laws of Canada in that behalf.

7. The land granted to the contractors or contractors' company hereunder shall be free from taxation for ten years from the granting thereof, except municipal taxation by an incorporated city, town or village within the Yukon Provisional District.

8. The contractors shall immediately construct a practicable sleigh road from the mouth of Stikine River to Teslin Lake and shall provide suitable shelters or stopping places for travelers at intervals of not more than twenty-five miles along such road, such road and stopping places to be available for use at the earliest possible moment and in any event not later than six weeks from the execution of this agreement.

9. The contractors or the contractors' company shall provide or arrange with others to provide steamboat transport of freight and passengers between the terminus of said railway on Teslin Lake or other terminus northerly thereof and Dawson City to and fro.

10. The contractors shall within ten days after the execution hereof deposit with the Government in cash or approved cash security the sum of two hundred and fifty thousand dollars as security that the railway from Stikine River to Teslin Lake hereby contracted for will be completed and equipped in accordance with the terms hereof, and on such railway being completed and equipped and accepted as hereinbefore specified the said sum or security shall be returned to the contractors or to whom they may appoint, and if the same be deposited in cash, interest at the rate of three per cent per annum thereon shall be paid for the time such cash has been so deposited.

11. In aid of the construction of said line of railway from Stikine River to Teslin Lake the Government shall grant to the contractors for each mile of said railway twenty-five thousand acres of land to be selected as hereinafter mentioned from the Yukon Provisional District and from that part of the Northwest Territories of Canada lying west of the Mackenzie River and Liard River and north of the 60th parallel of lati-

tude, such land to be and become vested in the contractors upon the said railway being completed and accepted as complete by the Government and upon the said land being selected as hereinafter set forth.

12. The lands shall be selected by the contractors along base lines and the base lines may be of two kinds :

*First.* The contractors may take as a base line a line which will correspond with the general course of any lake, river, stream or watercourse, such line to be determined by survey or approximate survey to the satisfaction of the authorized agent of the Minister of the Interior, and to follow the general course of the lake, river, stream or watercourse for the required distance ; and

*Second.* The contractors may take as a base line a line commencing at any point located by them and running from such point due north, east, south or west. The land along a base line shall be divided into blocks, each block to extend three miles along the base line and to extend three miles backwards on each side of the base line. On each base line there shall be at least eight of such blocks, but there may be more at the option of the contractors. These blocks shall be numbered from one up consecutively ; the odd-numbered blocks shall be the property of the contractors : the even-numbered shall remain the property of the Government. The contractors shall take at least four blocks on each base line established by them for the purpose of selection, but shall not be bound to take more but they may take as many more as they desire and as circumstances permit. Thus upon each base line so established there shall be laid out a tract not less than twenty-four miles along the course of said base line by three miles on each side thereof in width making eight blocks of three miles by six miles. Provided that if in the selection of lands along any base line the courses thereof prevent rectangular blocks being laid out, such blocks shall be adjusted to the required angles preserving as far as practicable blocks of an area of three miles by six. Any shortage or surplus of such area shall be adjusted by the prolongation or shortening of such base line.

The contractors may also at their option select additional blocks lying on either end of any odd-numbered block along a base line, but such additional blocks must be three miles square each and they shall not exceed three in number on each end of each such odd-numbered block.

13. The contractors shall make selection of one-half of the lands to which they become entitled under this contract within three years from the first day of September, 1898, and of the remainder within six years from that date.

14. No portions of the beds of the rivers Yukon, Lewes or Hootalinqua or of the lakes Teslin, Bennett, Tagish, Labarge or Marsh (said lakes and rivers forming continuous water-courses) or of the banks thereof for twenty-five feet on each side from ordinary high water mark, shall pass to the contractors under any selection of lands made under the agreement.

15. The free rights of passage and use along navigable or floatable streams within the lands selected by the contractors shall not be impeded by them and if any stream be diverted

by them from its natural channel an equally convenient navigable or floatable channel shall be provided in lieu, and the Gold Commissioner of the district shall decide any dispute which may arise as to whether such equally convenient channel has been provided and from his decision there shall be an appeal to the Governor General in Council.

16. Any and all mining claims actually held and recorded pursuant to Government regulations by a free miner or free miners and being within a block of land taken or selected by the contractors hereunder shall be excepted from the grant and shall not pass to the contractors provided that such claims have been so actually held and recorded prior to the base line, along or with reference to which such block is taken being actually run and marked on the ground by the contractors.

17. There shall be payable to and reserved by the Government a royalty of one per cent upon all gold mined by placer or alluvial or hydraulic mining upon the lands selected hereunder and if and so long as any royalty up to one per cent is levied by the Government upon all gold got by quartz mining in Government land in the Yukon District, a royalty of an equal amount up to one per cent but no more shall be payable to and reserved by the Government upon all gold got by quartz mining in the lands selected hereunder.

18. So soon as any ten continuous miles of said railway between Stikine River and Teslin Lake have been completed and in running order, and certified so to be by an officer named by the Minister of Railways in that behalf, the contractors may select ninety-two thousand one hundred and sixty acres, or two blocks of land, hereunder and thereupon such blocks shall be reserved by the Government from sale, or location, or free miners' claims, and upon the completion from time to time, in a similar way, of any other ten miles, the contractors shall have a similar right to select ninety-two thousand one hundred and sixty acres, or two blocks, which shall thereupon be similarly reserved, and upon the completion of the said railway, and acceptance thereof by the Government as completed, the blocks so reserved shall be granted to the contractors. All free miners' claims being excepted, as provided by clause 16 hereof.

19. In case any land is excepted out of blocks taken by contractors on account of free miners claims or otherwise the quantity so excepted shall not be counted in the acreage of lands to which the contractors are entitled hereunder.

20. The contractors shall upon application sell to actual settlers for farming purposes at prices to be fixed by the Governor in Council any arable lands forming part of those selected hereunder. Provided, however, that upon such sale all minerals and the right to mine same shall be reserved, and this clause shall not extend to lands suitable for village or town sites.

21. So soon as the contractors notify the Minister of Railways and Canals to send an engineer to inspect and approve of any ten miles of the line of railway hereby contracted for, such engineer shall be sent without delay to make such inspection and shall thereafter remain ready to inspect each ten miles until the whole line is completed.

22. The grants of lands selected by the contractors hereunder shall be in fee-simple and shall include all precious metals and all minerals whatever, reserving only the royalties above provided for.

23. Provision shall be made in the Act incorporating the contractors company against any discrimination by such company in operating its railways between customers, whether by discriminating rates or treatment or otherwise, or by means of its steamships or other connections or otherwise.

24. Water available for hydraulic or placer mining on the contractors' lands, or on Government lands, shall be used by those mining on such lands under such regulations as may be established by or under the authority of the Governor General in Council for the purpose of securing an equitable and fair division and use thereof.

25. This contract shall be subject to the approval of Parliament.

In witness whereof this contract has been duly executed.

In presence of—

Z. A. LASH.	{	WM. MACKENZIE.	[L.S.]
		D. D. MANN.	[L.S.]

RODOLPHE BOUDREAU.	{	H. JOLY DE LOTBINIÈRE,
		<i>For Minister of Railways and Canals.</i>
		CLIFFORD SIFTON,
		<i>Minister of the Interior.</i>

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to confirm an Agreement between  
Her Majesty and William Mackenzie  
and Donald D. Mann, and to incorpor-  
ate the Canadian Yukon Railway  
Company.

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First reading, February 8, 1898.

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Hon. Mr. BLAIR.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act to regulate Freight Rates on Railways.

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

- 1.** In this Act, unless the context otherwise requires,—
- 5 (a.) The expression “railway” includes all bridges and ferries used or operated in connection with a railway, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease. Meaning of “railway.”
- 10 (b.) The expression “transportation” includes all instrumentalities of shipment or carriage. “Transportation.”
- (c.) The expression “carrier” means and includes every common carrier to which this Act applies. “Carrier.”
- 2.** This Act shall apply to common carriers engaged in the transportation of passengers or property wholly by railway or partly by railway and partly by water when both are used, under a common control, management or arrangement, for a continuous carriage or shipment, from one province of Canada to another province of Canada, or from any place in Canada to an adjacent foreign country, or from any place in Canada through a foreign country to any other place in Canada, and also to the transportation in like manner of property shipped from any place in Canada to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in Canada and carried to such place from a port of entry either in Canada or in an adjacent foreign country: Provided, however, that this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one province and not shipped to or from a foreign country from or to any province as aforesaid. Application of Act.
- 3.** All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited. Charges to be reasonable.
- 4.** If any carrier directly or indirectly, by any special rate, rebate, drawback, or other device, charges, demands, collects or receives from any person, a greater or less compensation for any service rendered, or to be rendered, in the transportation No special rate to be made.

of passengers or property subject to the provisions of this Act, than such carrier charges, demands, collects, or receives from any other person for doing him a like and contemporaneous service in the transportation of a similar kind of traffic under substantially similar circumstances and conditions, such carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited. 5

No undue preference.

**5.** No carrier shall make or give any undue or unreasonable preference or advantage to any person, or locality, or any particular description of traffic, or shall subject any person, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage. 10

Or discrimination.

**6.** All carriers shall afford all reasonable and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any carrier to give the use of its tracks or terminal facilities to another carrier engaged in the same business. 15 20

Rates to be equalized.

**7.** No carrier shall charge or receive for the transportation of passengers or of the same kind or property under substantially similar circumstances and conditions any greater compensation in the aggregate for a shorter than for a longer distance over the same line, in the same direction, the shorter being included with the longer distance; but this shall not be construed as authorizing a carrier to charge and receive as great compensation for a shorter as for a longer distance: Provided, however, that upon application to the commission appointed under the provisions of this Act, such carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such carrier may be relieved from the operation of this section. 25 30 35

Combinations.

**8.** No carrier shall enter into any contract, agreement, or combination with any other carrier for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in case of any such agreement, each day of its continuance shall be deemed a separate offence. 40

Schedule of rates.

**9.** Every carrier shall print, and keep open to public inspection, schedules showing the rates, fares and charges for the transportation of passengers and property which it has established and which are in force at the the time upon its route. 45

2. Such schedules shall plainly show the places upon its railroad between which property and passengers, will be carried, and shall contain the classification of freight in force, and 50

shall also show separately the terminal charges and any rules and regulations which in any wise change, affect or determine any part or the aggregate of such rates, fares and charges.

3. Such schedules shall be plainly printed in large type, and 5 copies for the use of the public shall be posted in two public and conspicuous places, in every depot, station or office of such carrier where freight or passengers, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.
- 10 4. Any carrier receiving freight in Canada to be carried through a foreign country to any place in Canada shall also in like manner print and keep open to the public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and 15 charged by such carrier to all points in Canada beyond the foreign country to which it accepts freight for shipment; and any freight shipped from Canada through a foreign country into Canada, the through rate on which has not been made public as required by this Act, shall, before it is admitted into 20 Canada from such foreign country be subject to customs duties as if it were of foreign production.

5. No advance shall be made in the rates, fares and charges so established and published, except after ten days' public notice, which shall plainly state the changes proposed to be 25 made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such 30 published rates, fares or charges shall only be made after three days' previous public notice, to be given in the same manner as notice of an advance in rates.

6. When any carrier has so established and published its rates, fares and charges it shall be unlawful for it to charge, 35 demand, collect or receive from any person a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges.

7. Every carrier shall file with the commission hereinafter 40 provided for copies of its schedules of rates, fares and charges which have been so established and published and shall promptly notify such commission of all changes made therein. Every carrier shall also file with the said commission copies of all contracts, agreements, or arrangements with other carriers, 45 in relation to any traffic affected by the provisions of this Act, to which it is a party. In cases where passengers and freight pass over continuous lines or routes, operated by more than one carrier, and the several carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such 50 continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with the said commission. Such joint rates, fares and charges on such continuous lines so filed shall be made public by such carriers when directed by the said commission, in so far as the commission deems practicable; 55 and the commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares

and charges, or to such part of them as it deems it practicable for such common carriers to publish, and the places in which they shall be published.

8. No advance shall be made in joint rates, fares and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares and charges, except after three days' notice to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances, or such reductions, in such manner as it deems practicable, and may prescribe from time to time the measure of publicity which carriers shall give to advances or reductions in joint tariffs.

9. No carrier, party to any joint tariff, shall charge, demand, collect, or receive from any person a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare or charge is named thereon, than is specified in the schedule filed with the commission and in force at the time.

10. The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form when found expedient.

11. If any carrier neglects or refuses to file or publish its schedules or tariffs of rates, fares and charges or any part thereof, as provided in this section, such carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any court of competent jurisdiction in the judicial district wherein the principal office of the carrier is situated, or wherein such offence is committed, and if such carrier is a foreign corporation, then in the judicial circuit wherein such carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the Queen at the relation of the commissioners appointed under the provisions of this Act; and the failure to comply with its requirements shall be punishable as contempt; and the commissioners, as complainants, may also apply, in any court of competent jurisdiction for a writ of injunction against such carrier to restrain it from receiving or transporting property among the several provinces, or between Canada and adjacent foreign countries, or between ports of transshipment and of entry and the several provinces of the Dominion of Canada, as mentioned in the first section of this Act, until such carrier has complied with the provisions of this section.

No agreement to prevent continuous passage of freight.

10. No carrier shall enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place

of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this Act.

5 **11.** If any carrier does, causes to be done, or permits to be done, any thing in this Act prohibited, or omits to do anything in this Act required to be done, such carrier shall be liable to the person injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act.

Damages to person injured.

10 **12.** Any person claiming to be damaged by a carrier may either make complaint to the commission as hereinafter provided for, or may bring suit in his own behalf for the recovery of the damages for which such carrier is liable under the provisions of this Act, in any court of competent jurisdiction; but such person shall not have the right to pursue both such remedies, and must in each case elect which one of the two methods of procedure herein provided for he will adopt. The court before which any such action brought for the recovery of damages is pending may compel any director, officer, receiver, trustee or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit.

How claims for damages to be made.

25 **13.** Any carrier,—or if such carrier is a corporation, then any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such corporation,—who, alone or with any other corporation, company or person, party, willfully does or causes to be done, or willingly suffers or permits to be done anything in this Act prohibited, or who aids or abets therein, or wilfully omits or fails to do anything in this Act required to be done, or causes or willingly suffers or permits anything so directed or required by this Act to be done not to be so done, or aids or abets any such failure, or is guilty of any infraction of this Act, or aids or abets therein, shall, upon conviction thereof in any court of the province within the jurisdiction of which such offence was committed, be liable to a fine not exceeding five thousand dollars for each offence; and if the offence is an unlawful discrimination in rates, fares or charges for the transportation of passengers or property such person shall, in addition to such fine, be liable to imprisonment for a term not exceeding two years, or to both such fine and imprisonment, in the discretion of the court.

Penalties.

45 **2.** Any carrier, or, if such carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any device or means, knowingly and wilfully assists, or willingly suffers or permits, any person to obtain transportation for property at less than the regular rates then established and in force on the line transportation of such carrier, shall, upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable, for

each offence, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

3. Any person or any officer or agent of any corporation or company, who delivers property for transportation to any carrier or for whom as consignor or consignee any such carrier transports property, who knowingly and wilfully, by false billing, false classification, false weighing, false representation of the contents of a package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier or its agents, obtains transportation for such property at less than the regular rates then established and in force on the line of transportation shall be deemed guilty of fraud, and shall, upon conviction thereof in any court of competent jurisdiction within the district within which such offence was committed, be subject for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding two years, or to both, in the discretion of the court.

4. If any such person, or any officer or agent of any such corporation or company, by the payment of money or other thing of value, or by solicitation or otherwise, induces any carrier, or any of its officers or agents, to discriminate unjustly in his, its or their favour as against any other consignor or consignee in the transportation of property, or aids or abets any carrier in any such unjust discrimination, such person, officer or agent shall, upon conviction thereof in any court of competent jurisdiction within the district in which such offence was committed, be liable for each offence to a fine not exceeding five thousand dollars, or to imprisonment for a period of not exceeding two years, or to both, in the discretion of the court, and such person, corporation, or company shall also, together with the said common carrier, be liable, jointly or severally, in an action brought by any consignor or consignee discriminated against in any court of competent jurisdiction, for all damages caused there by or resulting therefrom.

Inter-provincial  
Commerce  
Commission.

14. A commission may be established, to be known as the Inter-provincial Commerce Commission, which shall be composed of five commissioners, appointed by the Governor in Council. Not more than three of such commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any carrier, or holding stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall be competent to act as a commissioner. The commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

Powers of  
commission.

15. The commission may inquire into the management of the business of all carriers, and shall keep itself informed as to the manner and method in which such business is conducted, obtain from such carrier full and complete information necessary to enable the commission to perform the duties and carry out the object for which it was created. Upon the request of the commission, any county attorney in any province

to which the commission applies, shall institute in the proper court and prosecute under the direction of the Attorney General of Canada all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof, and the cost and expenses of such prosecution shall be paid by the Crown; and for the purposes of this Act the commission shall have power to require by subpoena, the attendance and testimony of witnesses, and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation.

2. Such attendance of witnesses, and the production of such documentary evidence may be required from any place in Canada at any designated place of hearing.

3. In case of disobedience to a subpoena the commission, or any party to a proceeding before the commission, may invoke the aid of any court of Canada in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section; and any of the courts of Canada within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to a carrier or other person, issue an order requiring such carrier or person to appear before such commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

4. The testimony of any witness may be taken, at the instance of a party in any proceeding or investigation depending before the commission by deposition, at any time after a cause or proceeding is at issue. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court in any of the provinces, or any clerk of a court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness, and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

5. Every person deposing as hereinbefore provided shall be cautioned and sworn to testify the whole truth and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

6. If a witness whose testimony it is desired to take by deposition is in a foreign country, the deposition may be taken

before an officer or person designated by the commission or agreed upon by the parties by stipulation in writing to be filed with the commission.

7. Witnesses whose depositions are taken pursuant to this Act, and the magistrate or other officer taking the same shall severally be entitled to the same fees as are paid for for like services in the county court or superior court. 5

Proceedings  
where com-  
plaint against  
carrier.

16. Any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, complaining of anything done or omitted to be done by any carrier in contravention of the provisions of this Act, may apply to the commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such carrier, who shall be called upon to satisfy the complaint or to answer it in writing within a reasonable time, to be specified by the commission. If such carrier, within the time specified, makes reparation for the injury alleged to have been done, the carrier shall be relieved from liability to the complainant only for the particular violation of law thus complained of. If the carrier does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the commission on to investigate the matter complained of in such manner and by such means as it deems proper. 10 15 20 25

2. The commission shall in like manner investigate any complaint forwarded by the railway commissioner or railway commission of any province at the request of such commissioner or commission, and may institute any inquiry of its own motion in the same manner and to the same effect as though complaint had been made. 30

3. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Report of  
commission.

17. Whenever an investigation is made by the commission it shall be its duty to make a report in writing with respect thereto, which report shall include the findings of facts upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the carrier to any party found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found. 35 40

2. All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who complained, and to any carrier complained of. 45

3. The commission may provide for the publication of its reports and decisions in such form and manner as it deems best adapted for public information and use, and such authorized publications shall be evidence of the reports and decisions of the commission therein contained, in all courts of Canada and of the several provinces without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual report. 50

Notice to  
carrier.

18. If in any case in which an investigation is made by the commission it is made to appear to the satisfaction of 55

the commission, either by the testimony of witnesses or by other evidence, that anything has been done or omitted to be done in violation of the provisions of this Act or of any law cognizable by the commission, by any carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of such violation, the commission shall forthwith cause a copy of its report with respect thereto to be delivered to such carrier, together with a notice to such carrier to cease and desist from such violation, or to make reparation for the injury so found to be done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified it is made to appear to the commission that such carrier has ceased from such violation of law, and has made reparation for the injury found to be done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the carrier shall thereupon be relieved from further liability or penalty for such particular violation of the law.

**19.** Whenever a carrier violates, refuses or neglects to obey or perform any lawful order or requirement of the commission, the commission or any person interested in such order or requirement, may apply in a summary way, by petition, to the county court or superior court of the judicial district in which the carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be; and the said court may hear and determine the matter, on such short notice to the carrier complained of as the court deems reasonable; and such notice may be served on such carrier, its officers, agents or servants in such manner as the court directs; and the court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity but in such manner as to do justice in the premises, and to this end the court may, if it thinks fit, direct, and prosecute in such mode and by such persons as it appoints, all such inquiries as the court thinks needful to enable it to form a just judgment in the matter of such petition; and on such hearing the findings of fact in the report of the commission shall be *prima facie* evidence of the matters therein stated; and if it is made to appear to the court, on such hearing or on the report of any such person, that the lawful order or requirement of the commission has been violated or disobeyed, the court may issue a writ of injunction or other proper process, mandatory or otherwise, to restrain the carrier from further continuing such violation or disobedience of such order or requirement, and enjoining obedience thereto; and in case of any disobedience of such writ or other process, the court may issue writs of attachment or any other process of the court incident or applicable to such writ or other process, against the carrier, and if a corporation, against one or more of its directors, officers or agents, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ or other process; and the court may, if it thinks fit, make an

Application  
to court by  
commission or  
party aggrieved.

order directing the carrier or other person so disobeying such writ or other process, to pay such sum of money, not exceeding for each carrier or person in default the sum of five hundred dollars, for every day, after a day to be named in the order, that such carrier or other person fails to obey such writ or other process; and such money shall be payable as the court directs, either to the party complaining or into the court, to abide the ultimate decision of the court; and payment thereof may, without prejudice to any other mode of recovering it, be enforced by attachment or order in the nature of a writ of execution, in like manner as if it were recovered by a final decree *in personam* in such court. When the subject in dispute is of the value of two thousand dollars or more, either party to such proceeding before such court may appeal to the Supreme Court of Canada, under the same regulations now provided by law with respect to security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may in every such matter order the payment of such costs and counsel fee as shall be deemed reasonable. Whenever any such petition is filed or presented by the commission it shall be the duty of the county attorney under the direction of the Attorney General of Canada to prosecute; and the costs and expenses of such prosecution shall be paid by the Crown.

Trial by jury.

2. If the matters involved in any such order or requirement of the commission are founded upon a controversy requiring a trial by jury, and the carrier violates or refuses or neglects to comply therewith after notice given by the commission as provided in the section eighteen, any person interested in such order or requirement may apply in a summary way by petition to the county court or superior court of the province in which the carrier has its principal office, or in which the violation or disobedience of such order or requirement occurs, alleging such violation or disobedience, as the case may be; and such court shall by its order then fix a time and place for the trial, which shall not be less than twenty or more than forty days from the time the order is made, and it shall be the duty of the sheriff of the district in which the proceeding is pending to forthwith serve a copy of such petition and order upon each of the defendants, and it shall be the duty of the defendants to file their answers to the petition within ten days after such service. At the trial the findings of fact of the commission as set forth in its report, shall be *primâ facie* evidence of the matters therein stated, and if either party demands a jury or omits to waive a jury the court shall, by its order, direct the sheriff forthwith to summon a jury to try the cause; but if all the parties waive a jury in writing, then the court shall try the issues in the cause and render its judgment thereon. If the subject in dispute is of the value of two thousand dollars or more, either party may appeal to the Supreme Court of Canada under the same regulations now provided by law with respect to security for such appeal; but such appeal must be taken within twenty days from the rendering of the judgment of the court. For the purposes of this Act, excepting its penal provisions, the county courts and superior courts of the provinces, shall be deemed to be always in session.

Appeal to  
Supreme  
Court.

20. The commission may conduct its proceedings in such manner as will best conduce to the proper despatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no  
 5 commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. The commission may, from time to time, make general rules or orders for the regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be,  
 10 to those in use in the courts of Canada. Any party may appear before the commission and be heard in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request  
 15 of either party interested. The commission shall have an official seal which shall be judicially noticed. Any member of the commission may administer oaths and affirmations and sign subpoenas.

Working of  
commission.

21. Each commissioner shall receive an annual salary of two thousand dollars. The commission shall have a secretary  
 20 who shall receive an annual salary of one thousand five hundred dollars. The commission shall have authority to employ and fix the compensation of such other employees as it finds necessary to the proper performance of its duties. Until otherwise  
 25 provided by law, the commission may hire suitable offices for its use, and may procure all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage as are paid witnesses in the courts of the  
 provinces.

Salary of  
officers of  
commission.

Witness fees.

2. All the expenses of the commission, including all necessary  
 30 expenses for transportation incurred by the commissioners or by their employees under their orders, in making any investigation, or upon official business in any other place than in the city of Ottawa, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman  
 35 of the commission.

Expenses of  
commission.

22. The principal office of the commission shall be in the city of Ottawa, where its general sessions shall be held, but  
 whenever the convenience of the public or of the parties may  
 40 be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the Dominion. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of Canada, into any matter or question of fact pertaining to the business of any  
 carrier.

Where  
sessions to be  
held.

45 23. The commission may require annual reports from all carriers, fix the time and prescribe the manner in which such reports shall be made, and require from such carriers specific  
 answers to all questions upon which the commission needs  
 50 information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the

Annual  
reports from  
carriers.

number of employees and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses, the balances of profit and loss; 5 and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freight, or agreements, arrangements, or contracts with other common carriers, as the commission requires; and the commission may within its discretion, for the purpose of enabling it the better to carry out the purposes of this Act prescribe (if in the opinion of the commission it is practical to prescribe such uniformity and method of keeping accounts) a period of time within which all carriers, 10 shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept. 15

Annual report  
of commis-  
sion.

**24.** The commission shall, on or before the first day of December in each year, make a report, which shall be laid before Parliament during the first fifteen days of the next session 20 thereof. This report shall contain such information and data collected by the commission as are considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission deems 25 necessary, together with the names and compensation of the persons employed by the commission.

Exceptions to  
general  
clauses of Act.

**25.** Nothing in this Act shall prevent the carriage, storage, or handling of property free or at reduced rates for the Dominion, or the provinces, or municipal corporations, or for 30 charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, for the issuance of mileage, excursion, or commutation passenger 35 tickets; and nothing in this Act shall be construed to prohibit any carrier from giving reduced rates to ministers of religion, or to municipal corporations for the transportation of indigent persons, or to the inmates of orphan homes or other charitable institutions, including those about to enter and those returning 40 home after discharge, under arrangements with the board of managers of such homes, or institutions; and nothing in this Act shall be construed to prevent railways from giving free carriage to their own officers and employees, or to prevent the principal officers of any railway company from exchanging 45 passes or tickets with other railway companies for their officers and employees; and nothing in this Act contained shall in any way abridge or alter the remedies now existent at common law or by statute, but the provisions of this Act are in addition to such remedies: Provided, that nothing in this 50 Act shall prevent the issuance of joint interchangeable five thousand mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any carrier issues any joint interchangeable mileage tickets with special privi- 55

leges as aforesaid it shall file with the commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, as carriers are required to do with regard to other joint rates by section six; and all the provisions of the said section relating to joint rates, fares and charges shall be observed by such carrier and enforced by the commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in the said section. No carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets shall demand, collect, or receive from any person a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rates, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the commission in force at any time, and the provisions of section thirteen of this Act shall apply to any violation of this provision.

**26.** The county and superior courts of the province shall have jurisdiction upon the relation of any person, firm or corporation alleging such violation by a carrier of any of the provisions of this Act as prevents the relator from having interprovincial traffic moved by the carrier at the same rates as are charged or upon terms or conditions as favourable as those given by the carrier for like traffic under similar conditions to any other shipper, to issue a writ of mandamus against the carrier, commanding it to move and transport the traffic or to furnish cars or other facilities for transportation for the party applying for the writ: Provided, that if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, a writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into court, or otherwise, as the court thinks proper, pending the determination of the question of fact: Provided, that the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this Act.

**27.** No person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he testifies or produces evidence, documentary or otherwise, before the commission, or in obedience to its subpoena, or in any such case or proceeding: Provided that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

**2.** Any person who neglects or refuses to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpoena or lawful require-

ment of the commission, shall be guilty of an offence and liable to a fine of not less than one hundred dollars nor more than five thousand dollars, or to imprisonment for not more than one year, or to both such fine and imprisonment.

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No. 7.

3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to regulate Freight Rates on  
Railways.

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First reading, February 9, 1898.

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Mr. REID.

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OTTAWA

Printed by S. L. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Importation and Employment  
of Aliens.

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

1. From and after the passing of this Act it shall be unlaw-  
ful for any person in any manner to prepay the transportation,  
or in any way assist or encourage the importation or immigra-  
tion of any alien or foreigner into Canada, under contract or  
agreement, parole or special, express or implied, made previous  
to the importation or immigration of such alien or foreigner,  
to perform labour or service of any kind in Canada.

Assisting im-  
migration of  
foreigners un-  
der contract to  
perform labour  
in Canada  
prohibited.

2. All contracts or agreements, express or implied, parole  
or special, hereafter made between any person and any alien or  
foreigner, to perform labour or service, or having reference to  
the performance of labour or service by any person in Canada,  
previous to the immigration or importation of the person  
whose labour or service is contracted for into Canada, shall be  
void.

Such contract  
to be void.

3. For every violation of any of the provisions of section  
one of this Act, the person violating it by knowingly assisting,  
encouraging or soliciting the immigration or importation of  
any alien or foreigner into Canada, to perform labour or service  
of any kind under contract or agreement, express or implied,  
parole or special, with such alien or foreigner previous to  
becoming a resident in or citizen of Canada, shall forfeit and  
pay for every such offence the sum of one thousand dollars,  
which may be sued for and recovered by the Dominion of  
Canada, or by any person who first brings his action therefor,  
including any such alien or foreigner who is a party to such  
contract or agreement, as debts of like amount are now re-  
covered in any competent court in Canada, the proceeds to be  
paid to the Minister of Finance and Receiver General; and  
separate suits may be brought for each alien or foreigner being  
a party to such contract or agreement; and it shall be the duty  
of the county attorney of the proper county to prosecute  
every such suit at the expense of the Dominion of Canada.

Penalty.

Mode of re-  
covery.

4. The master of every vessel who knowingly brings into  
Canada on any such vessel and lands or permits to be landed  
from any foreign port or place any alien labourer, mechanic  
or artisan who, previous to embarkation on such vessel, had

As to master  
of ship land-  
ing such im-  
migrant in  
Canada.

entered into contract or agreement, parole or special, express or implied, to perform labour or service in Canada, shall be deemed guilty of an indictable offence and on conviction thereof shall be punished by a fine of not more than five hundred dollars for every such alien labourer, mechanic or artisan so brought into Canada, and may also be imprisoned for a term not exceeding six months at hard labour. 5

**5.** Nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in his private or his official capacity, from engaging, under contract or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner; nor shall this Act be so construed as to prevent any person from engaging, under contract or agreement, skilled workmen in foreign countries to perform labour in Canada in or upon any new industry not at present established in Canada, provided that skilled labour for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers or singers, nor to persons employed as personal or domestic servants, nor to ministers of any religious denomination, nor to persons belonging to any recognized profession or professors of colleges or seminaries: and nothing in this Act shall be construed as prohibiting any individual from assisting any member of his family to migrate from any foreign country to Canada for the purpose of settlement here. 10 15 20 25

**6.** The Attorney General of Canada is hereby charged with the duty of executing the provisions of this Act; and for this purpose, he shall have power to enter into contracts with the government of any province of Canada, or any commission, board or officers, designated by the Governor of any such province to take charge of local affairs of immigration, in the ports within such province under the laws and regulations prescribed by the said Attorney General; and it shall be the duty of such provincial government, commission, board or officer, so designated, to examine into the condition of passengers arriving at the ports within such province, in any ship or vessel, and for that purpose all or any of such commissioners, board or officers, or such other person as they appoint, shall go on board of and through any such ship or vessel; and if in such examination there is found among such passengers any person included in the prohibition of this Act, they shall report the fact, in writing, to the collector of such port, and such person shall not be permitted to land. 30 35 40

**7.** The Attorney General of Canada shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he deems best calculated to carry out the provisions of this Act; and he shall prescribe all forms of bonds, entries and other papers to be used under and in the enforcement of the various provisions of this Act. 45 50

**8.** The Attorney General of Canada may designate the board of charities, or commission, or person in any province, whose duty it shall be to execute the provisions of this Act, and shall fix their compensation. 55

9. All persons included in the prohibition of this Act shall upon arrival in Canada be sent back to the country whence they came. Returning immigrants to country of origin.
10. The Attorney General of Canada shall make regulations for the return of the aforesaid persons to the country whence they came, and shall furnish instructions to the commission, board, or persons charged with the execution of the provisions of this Act, as to the time of procedure in respect thereto. Regulations therefor.
- 10 11. The expenses of the aforesaid person not permitted to land, shall be borne by the owners of the vessel in which he came, and any vessel, the owners of which refuse to pay such expenses, shall not thereafter be permitted to enter or clear from any port in Canada; and such expenses shall be a lien on such vessel. Expenses.
12. The Attorney General of Canada, when he is satisfied that an immigrant has been allowed to land contrary to the prohibition of this Act, shall cause such immigrant, within one year after his landing, to be taken into custody and returned to the country whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person previously contracting for his services. Duty of Attorney General as to returning immigrants.
13. It shall be deemed a violation of this Act to assist or encourage the importation or immigration of any alien, by promise of employment through advertisements printed or published in any foreign country; and any alien coming into Canada in consequence of any such advertisement shall be treated as coming under a contract, as contemplated by this Act, and the penalties hereby enacted shall be applicable in such case. Advertisements in foreign country.
14. Any person who brings into or lands in Canada, by vessel or otherwise, or who aids in bringing into or landing in Canada any alien not lawfully entitled to come into Canada, shall be guilty of an indictable offence and shall be liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment. Penalty for importation of aliens.
15. All aliens unlawfully coming into Canada, shall, if practicable, be immediately sent back on the vessel by which they were brought in. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner of the vessel; and if the master, agent, consignee, or owner of such vessel refuses or neglects to return them to the port whence they came, or to pay the cost of their maintenance while on land, he shall be guilty of an indictable offence, and shall be liable to a fine of not less than three hundred dollars for each offence, and such vessel shall not be allowed to clear from any port in Canada while any such fine is unpaid. Duty of owner, etc., of vessel. Penalty.

Time for  
return of  
immigrant  
limited.

**16.** Any alien who comes into Canada in violation of the law, may be returned as by law provided, at any time within one year thereafter, at the expense of the person, vessel, transportation company or corporation bringing him into Canada; and any alien who becomes a charge upon the public within one year after his arrival in Canada, from causes existing prior to his landing therein, shall be deemed to have come in violation of law and may be returned as aforesaid. 5

Application  
of Act.

**17.** This Act shall apply only to such foreign countries as have enacted and retained in force, or as enact or retain in force, laws or ordinances, applying to Canada, of a character similar to this Act. 10

1897, c. 11  
repealed.

**18.** Chapter 11 of the statutes of 1897, intituled *An Act to restrict the Importation and Employment of Aliens*, is hereby repealed. 15

## BILL.

An Act respecting the Importation and  
Employment of Aliens.

First reading, February 9, 1898.

MR. TAYLOR.

OTTAWA

Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the law respecting Holidays.

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

1. Polling day in an election of a member to serve in the  
5 House of Commons shall be observed as a holiday in the electoral district where the election takes place. Polling day to be a holiday in electoral district.
2. No employee in any factory, workshop, or store, in such electoral district shall be obliged to attend to his duties as such employee on such polling day.
- 10 2. In the case of a general election of members to serve in the House of Commons, polling day shall be a bank holiday. Bank holiday, if in general election.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the law respecting  
Holidays.

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First reading, February 9, 1898.

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Mr. PENNY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to authorize the appointment of a Board of  
Civil Service Supervisors.

[N amendment of *The Civil Service Act*, Her Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

- 1.** The Governor General may appoint a board, to be known  
5 as the Board of Civil Service Supervisors, consisting of three  
members, who shall hold office during good behaviour, but shall  
be removable by the Governor General on address of the Senate  
and House of Commons. Board of Civil  
Service Super-  
visors.
- 2.** The members of the said board shall at all times have  
10 access to all places in which members of the Civil Service are  
employed, and all books kept in such places shall be open to  
their inspection and shall be inspected by them at least once  
during every fiscal year. Inspection of  
offices and  
books.
- 3.** If it clearly appears to the board that any employee in  
15 the Civil Service has been guilty of misconduct or is unfit for  
the discharge of his duties, or that his services are not required  
in the department, the board may suspend or remove such  
employee: Provided that every suspension or removal so made  
20 shall be reported by the board to the Governor in Council  
within fifteen days after it has been made, and also to Parlia-  
ment during the first fifteen days of the next session thereof. Power to sus-  
pend and  
dismiss em-  
ployees.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to authorize the appointment of  
a Board of Civil Service Supervisors.

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First reading, February 10, 1898.

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Mr. McMULLEN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Criminal Code, 1892, with respect  
to cruelty to animals.

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

1. *The Criminal Code*, 1892, is hereby amended by adding  
5 the following section thereto immediately after section 512 :—

1892, c. 29  
new section.

“512A. Every one is guilty of an offence and liable, on  
summary conviction before two justices of the peace, to a  
penalty not exceeding fifty dollars, or to three months’ imprison-  
ment with or without hard labour, or to both, who—

Docking of  
losses.

10 “(a.) without being a duly qualified veterinary surgeon,  
or a student duly qualified and admitted to study and skilled  
in veterinary surgery, acting in the presence and under the  
supervision of a duly qualified veterinary surgeon, docks,  
nicks or pricks, or undertakes to dock, nick or prick the tail  
15 of any horse, by any method or means ; or

“(b.) causes or knowingly permits this to be done by a  
person other than those mentioned in paragraph (a) upon pre-  
mises of which he is the owner, lessee, proprietor, or user ; or

“(c.) assists in or is present at such cutting.

20 “2. If the horse is found with its tail so cut, and with the  
wound resulting from such cutting unhealed, upon the premises  
of any person other than a veterinary surgeon or student as  
aforesaid, such facts shall be *prima facie* evidence that the  
person who occupies or has the use of the premises on which  
25 such horse is so found has committed an offence against this  
section, unless it is shown that the cutting was done by a  
qualified veterinary surgeon or by a veterinary student acting  
under his direction.

“3. Every veterinary surgeon and veterinary student who  
30 docks, nicks or pricks a horse or mare shall keep a record  
thereof, and of date of such operation, and the sex, colour,  
markings, breed, age, height and any special mark which may  
serve to identify the animal, and he shall give a copy of such  
record, signed by him, to the owner of the animal.”

No. 11.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Criminal Code,  
1892, with respect to cruelty to animals.

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First reading, February 9, 1898.

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Mr. PENNY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to further amend the Criminal Code, 1892.

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

1. Paragraph (c) of section 684 of *The Criminal Code*, 1892, c. 29, 5 1892, is hereby repealed and the following substituted there- s. 684 amend- ed. for :—

“(c). Offences under Part XIII., sections one hundred and eighty-two to one hundred and eighty-eight inclusive.”

2. Section 744 of the said Code is hereby repealed and the 10 following is substituted therefor :—

“744. If the court refuses to reserve the question, the party 15 applying may move the Court of Appeal as hereinafter pro- Appeal when no question reserved. vided.

“2. The Attorney General or any person who has applied to 20 the court to reserve any such question of law, may, on notice of motion to be given to the accused or prosecutor, as the case may be, move the Court of Appeal for leave to appeal. The Court of Appeal may, upon the motion and upon considering such evidence (if any) as they think fit to require, grant or 20 refuse such leave.

“3. If leave to appeal is granted, a case shall be stated for the opinion of the Court of Appeal, as if the question had been reserved.

“4. If the sentence is alleged to be one which could not by 25 law be passed, either party may, without leave, upon giving notice of motion to the other side, move the Court of Appeal to pass a proper sentence.

“5. If the court has arrested judgment and refused to pass 30 any sentence, the prosecutor may, without leave, make such a motion.”

3. Section 748 of the said Code is hereby repealed.

Section 748 repealed.

No. 12.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Criminal  
Code, 1892.

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First reading, February 9, 1898.

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Mr. BRITTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 13.]

**BILL.**

[1898.

An Act to amend the Mounted Police Pension Act,  
1889.

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

1. *The Mounted Police Pension Act, 1889, is hereby amend-*  
5 *ed by striking out the words "twenty-five" wherever they*  
*occur in sections three, seven and eight thereof, and inserting*  
*instead the words "twenty."*

R.S., c. 26,  
sections 3, 7  
and 8 amend-  
ed.

No. 13.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Mounted Police  
Pension Act, 1889.

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First reading, February 10, 1898.

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Mr. DAVIS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the attachment of Salaries and  
Moneys in the hands of the Government.

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

- 1.** All moneys in the hands of the Government of Canada, Attachment  
of moneys in  
the hands of  
the Govern-  
ment.  
5 or under its control or management, and payable out of the  
Consolidated Revenue Fund of Canada, shall be liable to  
attachment at the suit of any judgment creditor of any person  
to whom any portion of the said moneys is payable in the  
same manner and by the same process as moneys in the hands  
10 of private persons.
- 2.** Process for the attachment of the said moneys shall be Service of  
process.  
served upon the accountant of the department by which they  
are payable, or in the case of an attachment against moneys  
payable out of the Consolidated Revenue Fund of Canada,  
15 upon the Auditor General.
- 3.** Any judgment creditor of a person employed in the Attachment  
of salaries of  
public officers.  
public service of Canada may attach the future salary of such  
person, whether such salary is payable out of the Consolidated  
Revenue Fund or otherwise, in the same manner and by the  
20 same process as salaries of other persons payable out of moneys  
in the hands of private persons, and service of such process  
shall be in the same manner as in the next preceding section  
provided.

No. 14.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the attachment of  
Salaries and Moneys in the hands of the  
Government.

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First reading, February 9, 1898.

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Mr. RICHARDSON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Mounted Police Pension Act, 1889.

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

1. Section three of *The Mounted Police Pension Act, 1889*, 1889, c. 26, s. 3 repealed.
- 5 is hereby repealed and the following substituted therefor :—
- “3. Subject to the provisions of this Act, every constable who became a member of the force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or who becomes a member of the force after the passing
- 10 of this Act,—
- “ (a.) If he has completed not less than twenty years’ service, For service. shall be entitled to retire and receive a pension for life ; and—
- “ (b.) If he has completed not less than ten years’ service, and For service and infirmity is incapacitated for the performance of his duty by infirmity of
- 15 mind or body, shall be entitled to retire and receive a pension for life ;
- “ But any constable who receives a pension under this section Return to service. before he has completed twenty years’ service shall be subject to return to service, as provided by this Act, if he ceases to be
- 20 incapacitated.”
2. Section four of the said Act is hereby repealed and the following substituted therefor :—
- “4. The pension to a constable on retirement shall be according to the following scale, that is to say :—
- 25 “ (a.) If he has completed ten but less than sixteen years’ service, an annual sum equal to one-fiftieth of his annual pay for every completed year of service ;
- “ (b.) If he has completed sixteen but less than twenty years’ service, an annual sum equal to twenty-fiftieths of his
- 30 annual pay, with an addition of two-fiftieths of his annual pay for every completed year of service above sixteen years ;
- “ (c.) If he has completed twenty years’ service, an annual sum equal to thirty-fiftieths of his annual pay, with an addition of one-fiftieth of his annual pay for every completed year of
- 35 service above twenty years, so, however, that the pension shall not exceed two-thirds of his annual pay at his retirement.”

No. 15.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Mounted  
Police Pension Act, 1889.

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First reading, February 10, 1898.

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Mr. DAVIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

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

1. This Act may be cited as *The Franchise Act, 1898.* Short title.
- 5 2. This Act shall not apply to the North-West Territories. Application.
3. In this Act, unless the context otherwise requires,— Interpretation.
- (a.) The expression “electoral district” means any place or territorial area in Canada entitled to return a member to serve in the House of Commons; “Electoral district.”
- 10 (b.) The expression “Dominion election” or “election,” means an election of a member to serve in the House of Commons; “Dominion election.” “Election.”
- (c.) The expression “provincial election” means an election of a member to serve in the Legislative Assembly, or 15 House of Assembly or General Assembly of a province of Canada; “Provincial election.”
- (d.) The expression “voters’ list,” or “list of voters,” includes, when provincial lists are referred to, any poll-book or official list of persons entitled to vote at a provincial election; “Voters’ list.” “List of voters.”
- 20 (e.) The expression “polling division” includes, when used in reference to provincial elections, any polling subdivision, polling district or sub-district or other territorial area for which there is a separate voters’ list. “Polling division.”
4. *The Electoral Franchise Act*, being chapter five of the 25 Revised Statutes, and all Acts amending it, are hereby repealed. R.S.C., c. 5, and amending Acts, repealed
5. For the purposes of any Dominion election held within the limits of a province, except as hereinafter otherwise provided,— Provisions as to elections.
- 30 (a.) The qualifications necessary to entitle any person to vote thereat shall be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election; Provincial franchises adopted.
- (b.) The polling divisions shall be those established by or 35 under the laws of that province for the purposes of provincial elections within the territory comprised in the electoral district for which such election is held; Provincial polling division adopted.

Provincial voters' lists adopted.

(c.) The voters' lists shall be those prepared for the several polling divisions so established and which on the day next preceding the day fixed for the nomination of candidates for such Dominion election were in force or were last in force under the laws of that province for the purposes of provincial elections; 5

When under provincial law there are no polling divisions, but polling places are fixed.

(d.) Where, for any part of a province, polling divisions are not established by or under the laws of the province, but by or under such laws places are fixed where polls shall be opened and held at provincial elections and lists of the voters entitled to vote at such places at such elections have been prepared and are or have been in force, polls shall be opened and held at Dominion elections in that part of the province at the same places, and the voters' lists so prepared and which are or were last in force shall be the voters' lists for the purposes of such Dominion elections; 10 15

Duty of returning officer as to polling divisions.

(e.) It shall be the duty of the returning officer appointed by the Governor in Council to constitute polling divisions, and to appoint and fix polling places and polling stations in all cases where, under the laws of the province it is the duty of the returning officer at provincial elections to do so, and he shall to that end have the same powers as are vested by such laws in such returning officer. 20

Returning officer to obtain voters' lists, etc.

6. Forthwith after the receipt of the writ for a Dominion election the returning officer shall obtain from the officers who are the legal custodians thereof, or of duly certified duplicates, or copies thereof, such provincial voters' lists or such certified copies of by-laws, orders, proclamations or other documents or proceedings defining the several provincial polling divisions situate either wholly or partially within the territory comprised in the electoral district for which such election is to be held as are necessary, or as he deems necessary, to the performance of his duties as returning officer; and every such officer who omits or refuses to furnish within a reasonable time any such voters' list or copy thereof, or extract therefrom, or any such copy of a by-law, or order, or proclamation or other document or proceeding demanded by the returning officer shall incur a penalty not exceeding two thousand dollars and not less than two hundred dollars. 25 30 35 40

Penalty for not furnishing them.

Case of polling division not wholly within one electoral district.

7. Where any provincial polling division, as constituted at the time of the receipt by the returning officer of the writ for an election, lies only partly within the electoral district for which such election is to be held, the part thereof within such electoral district shall, for the purpose of that election, form a separate polling division, or it may be attached by the returning officer to an adjoining polling division; and the returning officer shall as soon as possible after the receipt of the writ prepare a separate voters' list containing the names of the persons entitled to have their names placed on the list for such part of such polling division. 45 50

If provincial lists are more than one year old.

8. Where under the laws of a province the voters' lists for any provincial electoral district or division are prepared not at regular intervals, but at such times as are fixed by the

Lieutenant Governor in Council or some other provincial or local authority or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used  
 5 for the purpose of any Dominion election in the territory comprised in such provincial electoral district or division or any part thereof if such lists have been prepared not more than one year before the date of the writ for such Dominion election; otherwise, new voters' lists shall be prepared, and for the  
 10 purpose of preparing and giving effect to such voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and bringing into force of such new voters' lists the provisions of the laws of the province regulating the pre-  
 15 paration and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed and followed.

New lists to be prepared.

9. The expression "polling district" in *The Dominion Elections Act*, chapter 8 of the Revised Statutes, shall have  
 20 the same meaning as the expression "polling division" has in this Act.

Interpretation of R.S.C., c. 8.

10. In the said Act the expressions "list of voters," "voters' list," "elector," and "voter" shall have the same meaning as the same expressions have in this Act.

The same.

25 11. Paragraph (e) of section 7 of the said Act is hereby amended by striking out the words "or revising officers."

Section 7 amended.

12. Section 13 of the said Act, as amended by section 1 of chapter 19 of the statutes of 1891, is hereby repealed.

Section 13 amended.

30 13. Subsection 2 of section 20 of the said Act is hereby repealed.

Section 20 amended.

14. Paragraph (b) of section 30 of the said Act is hereby repealed and the following substituted therefor:—

Section 30 amended.

35 "(b.) Furnish each deputy returning officer with a copy of the list of voters in the polling district for which he is appointed, if there is any such list."

15. Section 41 of the said Act is hereby repealed.

Section 41 repealed.

16. Section 42 of the said Act is hereby amended by striking out the words "revising officers" in paragraph (a) of subsection 2.

Section 42 amended.

40 17. Subsection 1 of section 45 of the said Act is hereby repealed and the following substituted therefor:—

Section 45 amended.

45 "45. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name, surname and addition, which shall be entered or recorded by the poll clerk in the poll-book provided for that purpose, which shall be kept in the form R in the first schedule to this Act; and if the same are found on the list of voters for the polling dis-

Regulations for voting and conduct of electors and deputy returning officer.

trict of such polling station, or if he is found entitled to vote, he shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it; and on the counterfoil to which he has placed a number corresponding to that placed opposite the voter's name in the poll-book." 5

Oath, answers, etc., by elector.

**18.** Subsection 2 of the said section 45 of the said Act, as amended by section 7 of chapter 11 of the statutes of 1888, is hereby repealed and in lieu thereof it is hereby enacted that an elector, if required by the deputy returning officer, the poll-clerk, one of the candidates, or an agent of a candidate, or by any elector present shall, before receiving his ballot paper, answer such questions or produce such evidence as to his qualifications to vote, or take such oath of qualification as by the law of the province he may in the like case at a provincial election be required to answer, produce or take, such changes being made in the form of oath as are necessary to make it applicable to the election being held, which oath the deputy returning officer and poll-clerk are each of them hereby authorized to administer. 15 20

Section 50 repealed.

**19.** Section 50 of the said Act is hereby repealed.

Section 51 repealed.

Entry of names of electors voting.

**20.** Section 51 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the poll clerk shall enter in the poll book, opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath of qualification has been administered, and the words "*Refused to be sworn*," or "*Refused to affirm*," or "*Refused to answer questions put to him*," or "*Refused to produce evidence of qualification*," opposite the name of each elector who has refused to take the oath or to affirm, or has refused to answer questions or produce evidence of qualification which he has been lawfully required to answer or produce. 25 20 35

Voter refusing to be sworn or to answer questions.

**21.** Section 52 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that no voter who has refused to take the oath or affirmation, or to answer questions or produce evidence as to qualification as aforesaid, when requested to do so, shall receive a ballot paper or be admitted to vote. 40

Section 54, application extended.

**22.** Section 54 of the said Act shall be applicable also to electors entitled to vote otherwise than by being named on the list of voters.

Section 56 amended.

**23.** Subsection 3 of section 56 of the said Act is hereby repealed. 45

Section 64 amended.

**24.** Subsection 1 of section 64 of the said Act is hereby amended by striking out all the words from "or" in line fourteen to "be" in line twenty-eight.

2. Subsection 2 of the said section 64 is hereby repealed.

3. Subsection 4 of the said section 64 is hereby amended by striking out all the words from "including" in line eight to "appeals" in line thirteen.

4. Subsection 6 of the said section 64 is hereby amended by striking out all the words from "and" in line three to "thereat" in line twenty-four.

25. Form S in the first schedule to the said Act, as amended by section 11 of chapter 11 of the statutes of 1888, by section 16 of chapter 19 of the statutes of 1891, and by section 22 of chapter 14 of the statutes of 1894, is hereby repealed.

26. Form X in the said schedule is hereby repealed.

No. 16.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to repeal the Electoral Franchise  
Act, and to further amend the Dominion  
Elections Act.

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First reading, February 10, 1898.

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

*Proposed Amendments to Bill No. 16, respecting the Electoral Franchise.*

6. No person possessed of the qualifications generally required by the Provincial law to entitle him to vote at a provincial election shall be disqualified from voting at a Dominion election merely by reason of any provision of the Provincial law disqualifying from having his name on the list or from voting,—

(i.) the holder of any office, or

(ii.) any person employed or having been employed or in receipt of wages or emolument in any capacity in the public service of Canada, or of the province, or

(iii.) any person belonging to or engaged in any profession, calling, employment or occupation, or

(iv.) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the Provincial law, are by such law declared to be disqualified by reason of their belonging to such class. (Bill of 1894, cl. 4, sub-cl. 3).

2. Any person possessed of the qualifications so generally required except that his name has been omitted from the list of voters may, nevertheless, if not otherwise disqualified, vote at a Dominion election at the place where, but for such omission, he would have been entitled to vote under the first subsection of section 5, on his taking, or offering to take, before the deputy returning officer, or other officer or person in charge of the polling place, the following oath:—

I, (A. B.), do swear that I am legally qualified to vote at this election and that I verily believe that my name was omitted from the list of voters by reason of my being at the time such list was prepared and for no other reason. (45 V., c. 3, s. 5, ss. 2.)

3. Nothing in this Act shall be deemed to repeal, or to affect otherwise than is provided by section 16 of this Act, the provisions of section forty-two of the Dominion Elections Act as that section has been heretofore amended, or to repeal or affect the provisions of sections ninety-six, ninety-eight or ninety-nine of said last mentioned Act, or of section fifteen of chapter fourteen of the Statutes of 1894, intituled "An Act to disfranchise voters who have taken bribes."

And provided that any person who at the time of an election is a prisoner in a jail or prison undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal poor-house or house of industry, or is an inmate receiving charitable support or care in a charitable institution receiving aid from the Government of the province, under any statute in that behalf, shall be disqualified and incompetent to vote at an election.

**26.** The second schedule to the said Act is hereby amended by inserting after the item numbered 7 therein the following item:—

7. For necessary disbursements under section 15, the fees to be paid for copies of documents furnished to the returning officer thereunder, to be those provided for similar services under the provincial law, and where no provision is made by the provincial law, ten cents per folio of 100 words, and for the certificate of the custodian, fifty cents.

Where a polling division has more than three hundred qualified voters according to the voters' list, the returning officer shall provide separate and additional polling stations or rooms according to the total number of qualified voters on the voters' list, near to one another for the polling of the votes in such polling division, and so that not more than three hundred, nor when practicable not less than 200 qualified voters' names shall be on the list for each polling station or room.

2. The returning officer in such cases shall prepare, or cause to be prepared, from the voters' list for the polling division a separate list for each polling station or room, made up in alphabetical order according to the initial letter of the surname of each voter. Each separate polling station or room shall be designated with the initial letters of the voters on the list who are to vote in such station or room, in the following manner, that is to say: From A to K, and from L to R, and from S to Z, or as the case may be.

3. Every voter, the initial letter of whose name shall be included within the letters of the alphabet designating a polling station or room and contained in such list, shall vote in the station or room so designated.

4. The returning officer shall appoint a deputy returning officer for each such station or room, and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the voters' list whose surnames commence with the letters of the alphabet included within the letters by which such polling stations or rooms are designated.

An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

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

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

1. This Act may be cited as *The Franchise Act, 1898.* Short title.
- 5 2. This Act shall not apply to the North-West Territories. Application.
3. In this Act, unless the context otherwise requires,— Interpretation.
- (a.) The expression “electoral district” means any place or territorial area in Canada entitled to return a member to serve in the House of Commons; “Electoral district.”
- 10 (b.) The expression “Dominion election” or “election,” means an election of a member to serve in the House of Commons; “Dominion election.”  
“Election.”
- (c.) The expression “provincial election” means an election of a member to serve in the Legislative Assembly, or “Provincial election.”
- 15 House of Assembly or General Assembly of a province of Canada, and in the province of Prince Edward Island means an election of an assemblyman;
- (d.) The expression “voters’ list,” or “list of voters,” includes, when provincial lists are referred to, any poll-book or “Voters’ list.”  
“List of voters.”
- 20 official list of persons entitled to vote at a provincial election;
- (e.) The expression “polling division” includes, when used in reference to provincial elections, any polling subdivision, polling district or sub-district or other territorial area for which there is a separate voters’ list. “Polling division.”
- 25 4. *The Electoral Franchise Act*, being chapter five of the Revised Statutes, and all Acts amending it, are hereby repealed. R.S.C., c. 5,  
and amending  
Acts, repealed
5. For the purposes of any Dominion election held within the limits of a province, except as hereinafter otherwise provided,— Provisions as  
to elections.
- 30 (a.) The qualifications necessary to entitle any person to vote thereat shall be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election; Provincial  
franchises  
adopted.
- 35 (b.) The polling divisions shall be those established by or under the laws of that province for the purposes of provincial elections within the territory comprised in the electoral district for which such election is held; Provincial  
polling divi-  
sion adopted.

Provincial voters' lists adopted.

(c.) The voters' lists shall be those prepared for the several polling divisions so established and which on the sixtieth day next preceding the day fixed for the nomination of candidates for such Dominion election were in force or were last in force under the laws of that province for the purposes of provincial elections; 5

When under provincial law there are no polling divisions, but polling places are fixed.

(d.) Where, for any part of the province, polling divisions are not established by or under the laws of the province, but by or under such laws places are fixed where polls shall be opened and held at provincial elections and lists of the voters entitled to vote at such places at such elections have been prepared and are or have been in force, polls shall be opened and held at Dominion elections in that part of the province at the same places, and the voters' lists so prepared and which are or were last in force shall be the voters' lists for the purposes of such Dominion elections; 10 15

Duty of returning officer as to polling divisions.

(e.) It shall be the duty and shall be within the power of the returning officer appointed by the Governor in Council to constitute polling divisions, and to appoint and fix polling places and polling stations in all cases where, under the laws of the province, it is respectively the duty or within the power of the returning officer or any other officer or person at provincial elections to do so; and the returning officer shall, in all cases, indicate such polling places and polling stations in the election proclamation; 20 25

Non-resident voters.

f. The provisions of the law of the province as to the places where non-resident electors shall vote shall apply *mutatis mutandis* to such Dominion Election, and the returning officer at such election shall have the powers and be charged with the duties of the sheriff or returning officer under those provisions. 30

Provincial disqualifications not adopted.

6. No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election, shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law disqualifying from having his name on the list or from voting— 35

(a.) the holder of any office, or

(b.) any person employed in any capacity in the public service of Canada or of the province, or 40

(c.) any person belonging to or engaged in any profession, calling, employment or occupation, or

(d.) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are by such law declared to be disqualified by reason of their belonging to such class. 45

If voter's name has been omitted from list on account of provincial disqualification.

2. Any person possessed of the qualifications so generally required, except that his name has been omitted from the list of voters by reason or on account of some such disqualifying provision, may, nevertheless, if not otherwise disqualified, vote at a Dominion election at the place where, but for such omission, he would have been entitled to vote under sub-section 1 of this section on his taking or offering to take before the deputy returning officer or other officer or person in charge of the polling place, the following oath, in addition to the oath 50 55

which he might have been required to take if his name had been on the list, so far as such oath is applicable, viz :—

I (A.B.) do swear that I am legally qualified to vote at this election, and that I verily believe that my name was omitted

5 from the list of voters by reason of my being  
at the time such list was prepared  
and for no other reason.

3. Nothing in this Act shall be deemed to repeal, or to affect otherwise than is provided by section 16 of this Act, 10 the provisions of section 42 of *The Dominion Elections Act*, as that section has been heretofore amended, or to repeal or affect the provisions of sections 96, 98 or 99 of the said Act, or of section 15 of chapter 14 of the statutes of 1894, intituled *An Act to disfranchise voters who have taken bribes*.

Certain provisions not affected.

15 4. Any person who, at the time of an election is a prisoner in a jail or prison undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal poor house or house of industry, or is 20 an inmate receiving charitable support in an institution receiving aid from the government of the province under any statute in that behalf, shall be disqualified and incompetent to vote at an election.

Disqualification of criminals, lunatics and paupers.

7. Where a polling division has more than three hundred 25 qualified voters according to the voters' list, the returning officer shall provide separate and additional polling stations or rooms according to the total number of qualified voters on the voters' list, near to one another, for the polling of the votes in such polling division, and so that not more than three hundred, 30 or, when practicable, not less than two hundred qualified voters' names shall be on the list for each polling station or room.

Additional polling stations where there are over 300 voters in polling division.

2. The returning officer in such cases shall prepare, or cause to be prepared, from the voters' list for the polling division, a 35 separate list for each polling station or room, made up in alphabetical order according to the initial letter of the surname of each voter. Each separate polling station or room shall be designated by the initial letters of the voters on the list who are to vote in such station or room, in the following manner, 40 that is to say : From A to K, and from L to R, and from S to Z, or as the case may be.

Separate list for each station.

Station to be designated by letters.

3. Every voter, the initial letter of whose name is included within the letters of the alphabet designating a polling station or room and contained in such list, shall vote in the station or 45 room so designated.

Where elector shall vote.

4. The returning officer shall appoint a deputy returning officer for each such station or room, and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the voters' list whose surnames commence 50 with the letters of the alphabet included within the letters by which such polling stations or rooms are designated.

Deputy returning officer for each station.

8. Where any provincial polling division, as constituted at the time of the receipt by the returning officer of the writ for 50 an election, lies only partly within the electoral district for which such election is to be held, the part thereof within such

Case of polling division not wholly within one electoral district.

electoral district shall, for the purpose of that election, form a separate polling division, or it may be attached by the returning officer to an adjoining polling division; and the returning officer shall as soon as possible after the receipt of the writ prepare from the existing voters' lists a separate voters' list containing the names of the persons entitled to have their names placed on the list for such part of such polling division. 5

If provincial lists are more than one year old.

**9.** Where under the laws of a province the voters' lists for any provincial electoral district or division or any of them are prepared not at regular intervals, but at such times as are fixed by the Lieutenant Governor in Council or some other provincial or local authority or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used for the purpose of any Dominion election in the territory comprised in such provincial electoral district or division or the parts thereof for use in which they were prepared if such lists have been prepared not more than one year before the date of the writ for such Dominion election; otherwise, new voters' lists shall be prepared, and for the purpose of preparing and giving effect to such voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and bringing into force of such new voters' lists the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed and followed. 10 15 20 25

New lists to be prepared.

Interpretation of R.S.C., c. 8.

**10.** The expression "polling district" in *The Dominion Elections Act*, chapter 8 of the Revised Statutes, shall have the same meaning as the expression "polling division" has in this Act. 30

The same.

**11.** In the said Act the expressions "list of voters," "voters' list," "elector," and "voter" shall have the same meaning as the same expressions have in this Act. 35

Section 7 amended.

**12.** Paragraph (e) of section 7 of the said Act is hereby amended by striking out the words "or revising officers."

Section 13 amended.

**13.** Section 13 of the said Act, as amended by section 1 of chapter 19 of the statutes of 1891, is hereby repealed.

Returning officer to obtain voters' lists, etc.

**14.** Forthwith after the receipt of the writ for a Dominion election the returning officer shall obtain from the officers who are the legal custodians thereof, or of duly certified duplicates, or copies thereof, such provincial voters' lists or such certified copies thereof or extracts therefrom, and such certified copies of by-laws, orders, proclamations or other documents or proceedings defining the several provincial polling divisions situate either wholly or partially within the territory comprised in the electoral district for which such election is to be held as are necessary, or as he deems necessary, to the performance of his duties as returning officer; and every such officer who omits or refuses to furnish within 40 45 50

a reasonable time any such voters' list or copy thereof, or extract therefrom, or any such copy of a by-law, or order, or proclamation or other document or proceeding demanded by the returning officer shall incur a penalty not exceeding two thousand dollars and not less than two hundred dollars.

Penalty for not furnishing them.

15 **15.** Subsection 2 of section 20 of the said Act is hereby repealed. Section 20 amended.

**16.** Paragraph (b) of section 30 of the said Act is hereby repealed and the following substituted therefor:—  
 10 “(b.) Furnish each deputy returning officer with a certified copy of the list of voters in the polling district for which he is appointed, if there is any such list.” Section 30 amended.

**17.** Section 41 of the said Act is hereby repealed. Section 41 repealed.

**18.** Section 42 of the said Act is hereby amended by striking out the words “revising officers” in paragraph (a) of subsection 2. Section 42 amended.

**19.** Subsection 1 of section 45 of the said Act is hereby repealed and in lieu thereof it is hereby enacted that not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name and addition, and in the province of Prince Edward Island his qualification also, which shall be entered or recorded by the poll clerk in the poll-book provided for that purpose, which shall be kept in the form R in the first schedule to *The Dominion Elections Act*; and if the name is found on the list of voters for the polling district of such polling station, or if in any polling division whereby the provincial law no list of voters is required or provided such elector is found entitled to vote, or if his name is not on the list of voters but he claims the right to vote under subsection 2 of section 6 of this Act and takes the oath prescribed by that subsection, he shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it; and on the counterfoil to which he has placed a number corresponding to that placed opposite the voter's name in the poll-book.” Section 45 amended.  
Regulations for voting and conduct of electors and deputy returning officer.

**20.** Subsection 2 of the said section 45 of the said Act, as amended by section 7 of chapter 11 of the statutes of 1888, is hereby repealed and in lieu thereof it is hereby enacted that an elector, if required by the deputy returning officer, the poll-clerk, one of the candidates, or an agent of a candidate, or by any elector present shall, before receiving his ballot paper, take such oath of qualification as by the law of the province he may in the like case at a provincial election be required to take, such changes being made in the form of oath as are necessary to make it applicable to the election being held, which oath the deputy returning officer and poll-clerk are each of them hereby authorized to administer. Oath, answers, etc., by elector.

50 **21.** In the Province of Prince Edward Island an elector, if required by the deputy returning officer, the poll clerk, one By elector in P.E.I.

of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, answer such questions and produce such certificate or receipt, (or in case such certificate or receipt cannot be produced, take the oath in such cases prescribed), and take such other oath of qualification as by the law of the province he may in the like case at a provincial election be required to answer, produce, or take, such changes being made in the form of oaths as are necessary to make them applicable to the election being held, which oaths the deputy returning officer and poll clerk are each of them hereby authorized to administer. 5 10

Section 50  
repealed.

**22.** Section 50 of the said Act is hereby repealed.

Section 51  
repealed.

Entry of  
names of elec-  
tors voting.

**23.** Section 51 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the poll clerk shall enter in the poll book, opposite the name of each elector voting, the word "*Voted*," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "*Sworn*" or "*Affirmed*" opposite the name of each elector to whom the oath of qualification has been administered, and the words "*Refused to be sworn*," or "*Refused to affirm*," or "*Refused to answer questions put to him*," or "*Refused to produce evidence of qualification*," opposite the name of each elector who has refused to take the oath or to affirm, or has refused to answer questions or produce evidence of qualification which he has been lawfully required to answer or produce. 15 20 25

2. The poll-clerk shall also enter in the poll book the words "*provincial disqualifications' oath taken*" opposite the name of each elector to whom the oath prescribed by sub-section 2 of section 6 of this Act has been administered, and the words "*refused to take provincial disqualifications' oath*," opposite the name of each elector who has refused to take that oath. 30

Voter refusing  
to be sworn  
or to answer  
questions.

**24.** Section 52 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that no voter who has refused to take the oath or affirmation, or to answer questions or produce evidence as to qualification as aforesaid, when requested to do so, shall receive a ballot paper or be admitted to vote. 35

Section 54,  
application  
extended.

**25.** Section 54 of the said Act shall be applicable also to electors entitled to vote otherwise than by being named on the list of voters.

Section 56  
amended.

**26.** Subsection 3 of section 56 of the said Act is hereby repealed. 40

Section 64  
amended.

**27.** Subsection 1 of section 64 of the said Act is hereby amended by striking out all the words from "or" in line fourteen to "be" in line twenty-eight.

2. Subsection 2 of the said section 64 is hereby repealed. 45

3. Subsection 4 of the said section 64 is hereby amended by striking out all the words from "including" in line eight to "appeals" in line thirteen.

4. Subsection 6 of the said section 64 is hereby amended by striking out all the words from "and" in line three to "thereat" in line twenty-four. 50

**28.** Form S in the first schedule to the said Act, as amended by section 11 of chapter 11 of the statutes of 1888, by section 16 of chapter 19 of the statutes of 1891, and by section 22 of chapter 14 of the statutes of 1894, is hereby repealed.

Form S  
repealed.

5 **29.** Form X in the said schedule is hereby repealed.

Form X  
repealed.

**30.** The second schedule to the said Act is hereby amended by inserting after the item numbered 7 the following item:—

Second  
schedule  
amended.

10 “7a. For necessary disbursements under section 13, the fees to be paid for copies of documents furnished to the returning officer thereunder to be those provided for similar services under the provincial law, and where no provision is made by the provincial law, ten cents per folio of 100 words, and for the certificate of the custodian, fifty cents.

No. 16.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to repeal the Electoral Franchise  
Act, and to further amend the Dominion  
Elections Act.

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*(Reprinted as proposed to be amended in Com-  
mittee of the Whole.)*

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

[To accompany Bill No. 16.]

MEMORANDUM AS TO PROVINCIAL LAWS.

STATUTES.

*Ontario.*

- 1897.—Revised Statutes, 1897, Cap. 6 ; An Act respecting the Representation of the People in the Legislative Assembly.
- 1897.—Revised Statutes, 1897, Cap. 7 ; The Ontario Voters' Lists Act.
- 1897.—Revised Statutes, 1897, Cap. 8 ; The Manhood Suffrage Registration Act.
- 1897.—Revised Statutes, 1897, Cap. 9 ; The Ontario Election Act.
- 1898.—61 Victoria, Cap. 2 ; An Act to amend the Act respecting Voters' Lists.
- 1898.—61 Victoria, Cap. 4 ; An Act to amend the Manhood Suffrage Act.
- 1898.—61 Victoria, Cap. 5 ; An Act to amend the Election Act.

*Quebec.*

- 1888.—Revised Statutes, Cap. 2, Articles 60–68 ; Electoral Districts.
- 1895.—59 Victoria, Cap. 6 ; An Act to erect the Magdalen Islands into an Electoral District
- 1895.—59 Victoria, Cap. 9 ; “ The Quebec Election Act, 1895.”
- 1897.—60 Victoria, Cap. 21 ; An Act to amend the Quebec Election Act, 1897.

*Nova Scotia.*

- 1884.—Revised Statutes, 5th Series, Chapter 3, Section 2, Governs the Representation of the Province in the House of Assembly.
- 1884.—Revised Statutes, 5th Series, Chapter 4 ; Of the Election of Members of the House of Assembly.
- 1889.—52 Victoria, Cap. 1 ; The Nova Scotia Franchise Act of 1889.
- 1890.—53 Victoria, Cap. 1 ; An Act to amend Chapter 4, Revised Statutes, “ Of the Election of Members of the House of Assembly.”
- 1890.—53 Victoria, Cap. 2 ; An Act to amend Chapter 4, Revised Statutes, “ Of the Election of Members of the House of Assembly.”
- 1890.—53 Victoria, Cap. 3 ; An Act to amend the Nova Scotia Franchise Act of 1889.
- 1892.—55 Victoria, Cap. 8 ; An Act to amend the Nova Scotia Franchise Act of 1889.
- 1892.—55 Victoria, Cap. 9. An Act to amend the Nova Scotia Franchise Act of 1889 and amending Acts.

*New Brunswick.*

- 1889.—52 Victoria, Cap. 3; The New Brunswick Elections Act of 1889.
- 1891.—54 Victoria, Cap. 10; An Act to amend the New Brunswick Elections Act of 1889.
- 1892.—55 Victoria, Cap. 21; An Act in further amendment of Chapter 3 of 52nd Victoria, "An Act, &c."
- 1892.—55 Victoria, Cap. 45; An Act to amend the New Brunswick Elections Act of 1889, as relating to the County of the City and County of St. John.
- 1895.—58 Victoria, Cap. 3; An Act to amend "The New Brunswick Elections Act of 1889."
- 1895.—58 Victoria, Cap. 5; An Act to further amend the New Brunswick Elections Act of 1889 respecting the representation of certain counties in the Province in the Legislative Assembly.
- 1896.—59 Victoria, Cap. 9; An Act to amend the New Brunswick Elections Act of 1889.
- 1897.—60 Victoria, Cap. 38; An Act in amendment of "The New Brunswick Elections Act of 1889."
- Representation in the General Assembly is governed by Section 100 of the Election Act of 1889, as amended, 58 Victoria, Cap. 5.

*Manitoba.*

- 1891.—Revised Statutes, Cap. 49; The Manitoba Election Act.
- 1892.—55 Victoria, Cap. 12; An Act to amend "The Manitoba Election Act".
- 1892.—55 Victoria, Cap. 13; The Electoral Divisions Act.
- 1893.—56 Victoria, Cap. 11; An Act to amend The Electoral Divisions Act.
- 1894.—57 Victoria, Cap. 9; An Act to amend "The Manitoba Election Act."

*British Columbia.*

- 1888.—Consolidated Acts, Cap. 38; Provincial Voters Act.
- 1888.—Consolidated Acts, Cap. 39; Election Regulation Act.
- 1889.—52 Victoria, Cap. 6; Election Regulation Amendment Act, 1889.
- 1890.—53 Victoria, Cap. 14; Election Amendment Act, 1890.
- 1890.—53 Victoria, Cap. 15; Election Regulation Amendment Act, 1890.
- 1894.—57 Victoria, Cap. 26; The Legislative Electorate and Elections Act, 1894.
- 1895.—58 Victoria, Cap. 20; An Act to amend the Provincial Voters Act.
- Representation in the Legislative Assembly is governed by 37 Victoria, Cap. 26, section 2.

*Prince Edward Island.*

- 1890.—53 Victoria, Cap. 1; The Election Act.
- 1893.—56 Victoria, Cap. 2; An Act to amend an Act passed in the 53rd year of Her present Majesty's Reign, intituled "An Act respecting the election of members of the Legislature."

1893.—56 Victoria, Cap. 2; An Act respecting the representation of the People in the Legislature.

QUALIFICATIONS OF VOTERS.

*Ontario.*

Except in certain cases mentioned below no property or income qualification is necessary. Every male person of the full age of twenty-one years and a British subject and not declared to be disqualified or otherwise prohibited from voting is entitled to vote if his name is on the list subject to certain provisions as to residence.

(The Ontario Elections Act, R.S., 1897, Cap. 9, sections 8, 9, 10 and 11.)

The manhood suffrage extends to enfranchised Indians, but unenfranchised Indians are required to possess property qualification, and only those who do not reside among Indians or on an Indian reserve are entitled to vote.

(The Ontario Election Act, sections 12 and 13.)

*Quebec.*

59 Victoria, Cap. 9, Sections 8-12.

60 Victoria, Cap. 21, Sections 23 & 24.

Persons whose names are on the list at time of voting, and who are not then legally disqualified in any manner are entitled to vote.

The following persons, and no others, being males of the full age of 21 years, subjects of Her Majesty by birth or naturalization, and not otherwise disqualified, shall be entered on the lists.

(1.) Owners or occupants of real property estimated, according to the valuation roll, at \$300 in cities, or \$200, or \$20 in annual value, in other municipalities.

(2.) Tenants paying an annual rent for real property, of \$30 in cities, or \$20 in other municipalities; provided such value be estimated, according to the valuation roll, at \$300 in cities or \$200 in other municipalities.

(3.) Teachers in public or separate schools.

(4.) *Rentiers* of at least \$100 or the equivalent.

(5.) (6.) (7.) (8.) & (9.) Farmers' sons, proprietors' sons, and fishermen, with prescribed qualifications.

(10.) Priests, *curés*, *vicaires*, missionaries and ministers of any religious denomination, domiciled for upwards of 5 months in the place.

(11.) Residents for at least a year having income of \$300.

*Nova Scotia.*

The following persons being males of the age of 21 years and British subjects, and not otherwise disqualified, are entitled to have their names entered upon the lists, and if so entered, are entitled to vote:—

(1.) Persons assessed in respect of real property to the value of \$150, or personal property, or personal and real property together, to the value of \$300.

(2.) Persons possessed of property of such value who are exempt from taxation.

(3.) Yearly tenants of real property of the value of \$150. where the owner is assessed, or the assessed value of whose personal property combined with that of the real property occupied by him is \$300.

(4.) Sons of persons qualified as above, where property is sufficient to qualify more than one.

(5.) The son of a widow whose property is sufficient to qualify a voter, if such son has resided with his mother or on the property owned by his mother within the assessment district for one year next prior to assessment.

(6.) Persons who have been assessed or qualified as above, whose names have been omitted from the assessor's returns.

(7.) Persons having an assessed income of \$250, or deriving an income of that amount from occupation or investment, and been resident of county for one year next before the first day of January next preceding the meeting of revisers.

(8.) Fishermen, owners of boats, tackle, &c., and real property in the county of the value of \$150.

(9.) And in the case of companies owning houses in which their workmen dwell, where the company does not grant yearly leases, the workmen are deemed to be yearly tenants if they have resided as tenant in such house (being of the value of \$150) for one year next preceding the first day of January next preceding meeting of revisers. (The Nova Scotia Franchise Act of 1889, 52 Vic., Cap. 1, sections 9 and 10).

#### *New Brunswick.*

Every male person of the age of 21 years being a British subject and not otherwise legally incapacitated, is qualified and, if registered in the voters' list, entitled to vote:—

(1.) Who in his own right holds real estate to the value of \$100 or personal property or real and personal property together to the value of \$400, and is the owner at the time of tendering his vote;

(2.) Who is assessed on income to the amount of \$400, provided such person shall have been a *bonâ fide* resident and domiciled in the district from the time of his being assessed;

(3.) Who is priest or other Christian minister or teacher in charge of a congregation within the district, or a licensed teacher or professor employed in teaching in any school or college in the district;

(4.) Who has been resident for twelve months next preceding the first day of May of the year in which the list is made up, and who is at the time of tendering his vote and at the time of making up the list a *bonâ fide* resident of and domiciled in the district; and the Act provides that temporary absence in the prosecution of employment or as a student shall not affect qualification, and also with regard to students not being registered where they are in attendance at college, &c., if they are qualified elsewhere. (N. B. Election Act, 1889, cap. 3, sections 21, 22, 23 and 24.)

By an amending Act passed in 1891, 54 Vic., chapter 10, it is provided that, to entitle a person whose name is not upon the assessment roll to be put upon the voters' list in cities or incorporated towns in respect of manhood suffrage, such

person must make application personally or in writing to the revisers at the Revisers' Court and make oath as to his qualifications.

*Prince Edward Island.*

An elector in Prince Edward Island must be of the full age of 21 years and a British subject :

(1.) In Charlottetown and Georgetown the owner or occupant of real estate of the yearly value of \$6 for six months before teste of writ has a vote ;

(2.) Every one who has performed his statute labour for 12 months, and has resided in the electoral division for 12 months before the teste of writ ;

(3.) In certain electoral districts every one who has paid his poll-tax and resided for 12 months before the teste of writ in the electoral district.

There are several other special qualifications, for which see Election Act, 53 Vic., cap. 1.

*British Columbia.*

Every male of the full age of 21 years, not declared by any Act to be disqualified, and entitled in the province to the privileges of a natural-born British subject, who has resided in the province for 12 months, and in the electoral district for two months immediately previous to sending in his claim to vote and being duly registered under the provisions of the Provincial Voters' Act as entitled to vote. Chinamen and Indians have no vote. (The Provincial Voters' Act, Con. Acts, 1888, chapter 38.)

*Manitoba.*

Every person, except as specially provided, is entitled to be registered as an elector, who

(1.) Is of the male sex ;

(2.) Is of the full age of 21 years ;

(3.) Is a British subject by birth or naturalization ; and

(4.) Is at the time of the proclamation appointing the registration clerk and has been for three months immediately prior to such date, a resident of and domiciled within the electoral division, and has been for one year immediately prior to said date a resident of and domiciled within the province ;

Any person otherwise qualified who is at the said date a resident of and domiciled within the province for 12 months immediately prior to said date, but who has not been a resident of and domiciled within the electoral division for three months immediately prior to said date, shall be entitled to register as an elector for the electoral division of and within which he was last a resident and domiciled for three months during the said period of 12 months. (The Manitoba Election Act, R.S.M., cap. 49, sec. 12 and 13 ; 57 V., c. 9, ss. 1 and 2.)

It is provided by section 17 as to the person who shall be deemed to be resident and domiciled within the meaning of the Act, as follows :—

(a.) A married man shall be deemed to be a resident of and domiciled within the electoral division in which his

wife is domiciled and in which he makes his home, without reference to that portion of time during which he himself is absent from home ;

(b.) If a person takes his meals and works in any electoral division different from that in which he sleeps, he shall be deemed to be a resident of and domiciled in the electoral division in which he sleeps. Election Act, s. 17.

#### DISQUALIFICATIONS OF VOTERS.

##### *Dominion.*

(a). Revising officers, returning officers and election clerks :

(b). Agents, &c., of candidates :

except that returning officers have casting vote. Dominion Elections Act, R. S. C., cap. 8, sec. 42.

##### *Ontario.*

Ontario Elections Act, sections 4, 6, 7 and 14 (2).

Judges of the Supreme Court of Canada, Judges of Supreme Court of Judicature, Judges of the Exchequer Court of Canada, County Court Judges, Officers of the Customs, Clerks of the Peace, County Crown Attorneys, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown, and Agents for sale of Crown lands, Postmasters in Cities and Towns, Stipendiary Magistrates, Police Magistrates in cities having a population of over 30,000, and officers employed in the collection of duties payable to Her Majesty in the nature of duties of excise.

Returning officers, election clerks and agents, &c., of candidates.

Prisoners in gaol or prison for criminal offences, patients in lunatic asylums, paupers.

Women.

Unenfranchised Indians residing among Indians or on an Indian Reserve.

##### *Quebec.*

The Quebec Election Act, 1895.

The following persons are not in any case to be electors or vote :—

Sec. 13.—1. The Judges of the Supreme and Exchequer Courts, of the Courts of Queen's Bench and of the Superior Court, the Judges of the Sessions, District Magistrates and Recorders.

2. Clerks of the Crown, Clerks of the Peace, Sheriffs, Registrars, Crown Lands and Crown Timber Agents, Collectors of Provincial Revenue and the officers and men of the Provincial Police Force.

Sec. 14.—The following persons cannot vote :—

1. Contractors having any contract not finished or closed for six months before with the Government of Canada, or of the Province of Quebec :

2. Agents, etc., of candidates :

3. Those who have taken an oath of allegiance to any Foreign Power or have become naturalized elsewhere :

4. Persons found guilty of offences against the electoral laws of the Province :

5. Persons other than proprietors who for more than a year and a day have left their domicile in Quebec to reside in the United States.

*Nova Scotia.*

Revised Statutes, cap. 4, sec. 67.

Any one who within fifteen days before the election was an employee, or in the receipt of wages or emoluments of any kind as such employee, in the Post Office, the Customs House, the Inland Revenue Department, the Lighthouse Service, on the Government railroads, in the Crown Lands Office, or the Local Public Works and Mines, but nothing in section to extend to contractors to furnish materials for Government railroads, or to perform any other specific contract in respect of the same, or to any person who may have been employed by the day temporarily to repair railroads, or to any postmaster, post office keeper, way office keeper or mail courier.

Cap. 1, Acts of 1889, The N. S. Franchise Act of 1889, sec. 27. Paupers.

*New Brunswick.*

52 V., c. 3, the N.B. Elections Act of 1889, secs. 24 and 25.

24. Criminal prisoners, lunatics in asylums, paupers ;

25. Judges of Supreme Court : Sheriff in his own county, except where he has the casting vote.

*Manitoba.*

R. S. M., cap. 49, The Manitoba Election Act, s. 14 .

(a) Provincial Judges ;

(b) Indians ;

(c) Those disqualified for corrupt practices ;

(d) Lunatics, &c., and prisoners ;

(e) All officials and employees of Dominion and Manitoba Governments in receipt of salary to the amount of \$350, and all regular soldiers and persons enrolled in military schools, and all Registrars, Sheriffs, County Court Clerks and Bailiffs in receipt of fees to amount of \$350 per annum.

*Prince Edward Island.*

56 V., 1893, cap. 2.

Any person who at any time within thirty days before the election was an employee of or in receipt of wages or emoluments as such employee from any of the following Departments of the Government of Canada, that is to say : Department of Railways and Canals, Marine and Fisheries, Customs, Inland Revenue, Justice, Finance, the Dominion Government Savings Bank, Public Works and Post Office Department.

The disqualification does not apply to contractors with the Departments or to Postmasters in receipt of less than \$100 per annum as salary, nor to electors employed temporarily by the day, nor to electors in receipt of money for fishery bounty.

## POLLING DIVISIONS.

*Ontario.*

The Municipal Act, R. S., 1897, section 536.

The polling subdivisions are established by municipal by-law, and subdivisions are to be made or varied whenever the electors in any ward, township or polling subdivision exceed 200. The returning officer fixes the polling places. (Election Act, section 43.)

In case of failure of a municipal council to make division polling places are fixed by returning officer proportionate in number to the voters. (Election Act, section 18.)

In Algoma East and West places where a poll shall be held are fixed by statute (Election Act, section 61), but there are no polling subdivisions; and it is provided that the Lieutenant Governor in Council may from time to time add other places to those named, and that the returning officer shall establish as many polling places at the place where a poll is to be held as he may consider requisite, and may appoint other places in addition to those named in the statute; and that there shall be at least one polling place in every municipality for which there is an assessment roll.

In Nipissing polls are held in each of the organized municipalities and in such municipalities one of such polls is to be held at or near the place where the last municipal election was held, and in the unorganized territory at such places as the Lieutenant Governor in Council directs. (Election Act, section 62.)

*Quebec.*

The Quebec Election Act, 1895, secs. 63 to 67.

Whenever, in any municipality, the number of electors exceeds 200 the council of the municipality is, by by-law, to divide the municipality into voting subdivisions, so that there shall not be more than 200 electors in each.

*Nova Scotia.*

The Nova Scotia Franchise Act, 1889, secs. 3 to 8.

The sheriff divides districts containing more than 300 voters into polling divisions so that there shall be at least one polling division for every 200 voters.

By Chapter 3 of the Statutes of 1890 it is provided that in the City of Halifax the subdivisions may be made in such manner that there shall be 400 voters in each polling division.

*New Brunswick.*

By the New Brunswick Election Act of 1889, section 101, and amending Acts passed in 1892 (cap. 21) and 1895 (cap. 3) the several counties in the province are divided into sub-districts where the votes of electors residing within the same are to be taken at each election.

*Prince Edward Island.*

The Election Act, 53 V., cap. 1, sec. 22.

Where any electoral division contains more than 300 voters the returning officer may subdivide it into polling districts, so that there shall be at least one polling district for every 200 voters.

*Manitoba.*

The Manitoba Election Act, R. S., cap. 49, section 25.

The registration clerk divides the electoral division for which he is acting into *polling divisions* containing not more than 200 electors each.

*British Columbia.*

Consolidated Acts, 1889, cap. 39, The Election Regulation Act, secs. 9 to 12.

The Lieutenant Governor in Council fixes a polling place or places in each electoral district, and he may, if deemed advisable, divide any electoral district into any number of polling divisions and assign to each polling division a polling place in such manner as to enable each voter, so far as practicable, to have a polling place within convenient distance of his residence.

It is provided that in the Electoral Districts of Victoria City and New Westminster City there shall not be more than one polling station.

## PREPARATION OF LISTS.

*Ontario.*

The Ontario Voters' Lists, R. S. 1897, cap. 7.

Except in cities and county towns and in unorganized districts the lists are prepared annually by the clerk of each municipality from the assessment roll, and where the municipality is divided into polling subdivisions a separate list for each is prepared. Such lists are revised and corrected in the manner provided by the Act.

For cities and county towns a system of registration is provided by the Manhood Suffrage Registration Act, R. S., 1897, cap. 8. It is provided in effect that in such places the assessment roll shall not contain the names of persons not liable to assessment, and that so much of the Voters' Lists Act as requires the preparation of a list of persons entitled to vote at elections to the Legislative Assembly only (*i.e.* Manhood Suffrage Voters'), shall not apply to such places. Such voters are registered under the Act for the purposes of general elections (section 20), and as to by-elections provision is made (section 40), for a new registration in the case of an election the writ for which bears date more than one year subsequent to the polling day of a previous election, for which registration took place, unless the Premier and the Leader of the Opposition certify that such new registration is unnecessary. When the writ for a by-election bears date not more than a year subsequent to the polling day of such previous election,

it is provided (section 21), that no new registration is to be had unless one is prepared upon the written request of either the Premier or the Leader of the Opposition.

Under Part III of the Voters' Lists Act (sections 61-67) the lists for unorganized territories are prepared annually by the sheriff, or if there is no sheriff, by the police magistrate, or senior police magistrate, in several parts, one for each polling place named in the statute or by the Lieutenant Governor in Council. The sheriff or magistrate is to assign to each polling place the voters for whom the same may appear to him to be the most convenient, and it is provided that a voter shall vote at the polling place so assigned to him and not elsewhere.

#### *Quebec.*

Except in the case of Montreal, Quebec and Three Rivers, a list is prepared yearly by the Secretary-Treasurer of each municipality for each polling division contained therein, of all persons who, according to the valuation roll, appear to be qualified as electors, and the provisions relating to the preparation, revision and putting into force of the lists are contained in the Quebec Election Act, 1895, sections 17 to 62.

The lists for Montreal, Quebec and Three Rivers are prepared biennially under special provisions contained in the Act, 60 Victoria, cap. 21.

#### *Nova Scotia.*

The Nova Scotia Franchise Act of 1889.

Under this Act the lists in the municipalities other than the City of Halifax are revised annually by revisers appointed by the municipal councils. In Halifax they are revised annually by an official appointed by the City Council and called the Registrar of Voters, under the Act, 55 Vic. (1893), Cap. 53, as amended by the Act, 57 Vic., Cap. 32.

#### *New Brunswick.*

The voters' lists for the various subdistricts are revised every year under the provisions of the New Brunswick Elections Act of 1889, sections 26 *et seq.*

By an Act of 1897 (60 Victoria, Cap. 38), provision is made for adding to the lists names omitted through oversight, or error in copying.

#### *Prince Edward Island.*

There appear to be no voters' lists in this Province.

#### *Manitoba.*

By the Manitoba Election Act, R. S., Cap. 49, it is provided (section 19) that lists of electors shall only be made and revised at such times as may be fixed by the Lieutenant Governor in Council, and for the purposes of general elections, and the provisions with respect to their preparation and revision are contained in the Election Act, sections 21 to 66, as amended by the Acts, Chapter 12 of 1892 and Chapter 9 of 1894.

*British Columbia.*

The lists are revised annually by an officer appointed by the Lieutenant Governor in Council for each electoral district under the provisions of the Provincial Voters' Act, Con. Acts, 1888, Cap. 38 (*See* section 6, paragraph (*f.*), and the Acts in amendment thereof; viz.: The Legislative Electorates and Elections Act, 1894, (57 Vic., cap. 26), and the Provincial Voters' Act Amendment Act, 1895, being chapter 20 of the Acts of that year.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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Memorandum as to Provincial Laws, to  
accompany Bill No. 16 relating to the  
Franchise and Elections.

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OTTAWA

Printed by S. E. DAWSON  
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1898

An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

(Reprinted as amended in Committee of the Whole.)

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

1. This Act may be cited as *The Franchise Act, 1898.* Short title.
- 5 2. This Act shall not apply to the North-West Territories. Application.
3. In this Act, unless the context otherwise requires,— Interpretation.
- (a.) The expression “electoral district” means any place or territorial area in Canada entitled to return a member to serve in the House of Commons; “Electoral district.”
- 10 (b.) The expression “Dominion election” or “election,” means an election of a member to serve in the House of Commons; “Dominion election.”  
“Election.”
- (c.) The expression “provincial election” means an election of a member to serve in the Legislative Assembly, or “Provincial election.”
- 15 House of Assembly or General Assembly of a province of Canada, and in the province of Prince Edward Island means an election of an assemblyman;
- (d.) The expression “voters’ list,” or “list of voters,” includes, when provincial lists are referred to, any official list of “Voters’ list.”  
“List of voters.”
- 20 persons entitled to vote at a provincial election;
- (e.) The expression “polling division” includes, when used in reference to provincial elections, any polling subdivision, polling district or sub-district or other territorial area for which there is a separate voters’ list. “Polling division.”
- 25 4. *The Electoral Franchise Act*, being chapter five of the Revised Statutes, and all Acts amending it, are hereby R.S.C., c. 5,  
and amending  
Acts, repealed repealed.
5. For the purposes of any Dominion election held within the limits of a province, except as hereinafter otherwise provided,— Provisions as  
to elections.
- 30 (a.) The qualifications necessary to entitle any person to vote thereat shall be those established by the laws of that province as necessary to entitle such person to vote in the same part of the province at a provincial election; Provincial  
franchises  
adopted.
- 35 (b.) The polling divisions shall be those established by or under the laws of that province for the purposes of provincial elections within the territory comprised in the electoral district for which such election is held; Provincial  
polling divi-  
sion adopted.

Provincial voters' lists adopted.

(c.) The voters' lists shall be those prepared for the several polling divisions so established and which on the sixtieth day next preceding the day fixed for the nomination of candidates for such Dominion election were in force or were last in force under the laws of that province for the purposes of provincial elections; 5

When under provincial law there are no polling divisions, but polling places are fixed.

(d.) Where, for any part of the province, polling divisions are not established by or under the laws of the province, but by or under such laws places are fixed where polls shall be opened and held at provincial elections and lists of the voters entitled to vote at such places at such elections have been prepared and are or have been in force, polls shall be opened and held in that part of the province at the same places, and the voters' lists so prepared and which are or were last in force shall be the voters' lists for the purposes of such Dominion election; 10 15

Duty of returning officer as to polling divisions.

(e.) It shall be the duty and shall be within the power of the returning officer appointed by the Governor in Council to constitute polling divisions, and to appoint and fix polling places and polling stations in all cases where, under the laws of the province, it is respectively the duty or within the power of the returning officer or any other officer or person at provincial elections to do so; and the returning officer shall, in all cases, indicate such polling places and polling stations in the election proclamation; 20 25

Non-resident voters.

f. The provisions of the law of the province as to the places where non-resident electors shall vote shall apply *mutatis mutandis* to such Dominion Election, and the returning officer at such election shall have the powers and be charged with the duties of the sheriff or returning officer under those provisions. 30

Provincial disqualifications not adopted.

6. No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election, shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law disqualifying from having his name on the list or from voting— 35

(a.) the holder of any office, or

(b.) any person employed in any capacity in the public service of Canada or of the province, or 40

(c.) any person belonging to or engaged in any profession, calling, employment or occupation, or

(d.) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are by such law declared to be disqualified by reason of their belonging to such class. 45

If voter's name has been omitted from list on account of provincial disqualification.

2. Any person possessed of the qualifications so generally required, except that his name has been omitted from the list of voters by reason or on account of some such disqualifying provision, may, nevertheless, if not otherwise disqualified, vote at a Dominion election at the place where, but for such omission, he would have been entitled to vote under sub-section 1 of this section on his taking or offering to take before the deputy returning officer or other officer or person in charge of the polling place, the following oath, in addition to the oath 50 55

which he might have been required to take if his name had been on the list, so far as such last mentioned oath is applicable, viz :—

I (A.B.) do swear that I am legally qualified to vote at this election, and that I verily believe that my name was omitted from the list of voters by reason of my being at the time such list was prepared and for no other reason.

3. Nothing in this Act shall be deemed to repeal, or to affect otherwise than is provided by section 16 of this Act, the provisions of section 42 of *The Dominion Elections Act*, as that section has been heretofore amended, or to repeal or affect the provisions of sections 96, 98 or 99 of the said Act, or of section 15 of chapter 14 of the statutes of 1894, intitled *An Act to disfranchise voters who have taken bribes*.

Certain provisions not affected.

4. Any person who, at the time of an election is a prisoner in a jail or prison undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal poor house or house of industry, or is an inmate receiving charitable support in an institution receiving aid from the government of the province under any statute in that behalf, shall be disqualified and incompetent to vote at an election.

Disqualification of criminals, lunatics and paupers.

7. Where a polling division has more than three hundred qualified voters according to the voters' list, the returning officer shall provide separate and additional polling stations or rooms according to the total number of qualified voters on the voters' list, near to one another, for the polling of the votes in such polling division, and so that not more than three hundred, or, when practicable, not less than two hundred qualified voters' names shall be on the list for each polling station or room.

Additional polling stations where there are over 300 voters in polling division.

2. The returning officer in such cases shall prepare, or cause to be prepared, from the voters' list for the polling division, a separate list for each polling station or room, made up in alphabetical order according to the initial letter of the surname of each voter. Each separate polling station or room shall be designated by the initial letters of the voters on the list who are to vote in such station or room, in the following manner, that is to say : From A to K, and from L to R, and from S to Z, or as the case may be.

Separate list for each station.

Station to be designated by letters.

3. Every voter, the initial letter of whose name is included within the letters of the alphabet designating a polling station or room and contained in such list, shall vote in the station or room so designated.

Where elector shall vote.

4. The returning officer shall appoint a deputy returning officer for each such station or room, and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the voters' list whose surnames commence with the letters of the alphabet included within the letters by which such polling station or room is designated.

Deputy returning officer for each station.

8. Where any provincial polling division, as constituted at the time of the receipt by the returning officer of the writ for an election, lies only partly within the electoral district for which such election is to be held, the part thereof within such

Case of polling division not wholly within one electoral district.

electoral district shall, for the purpose of that election, form a separate polling division, or it may be attached by the returning officer to an adjoining polling division; and the returning officer shall as soon as possible after the receipt of the writ prepare from the existing voters' lists a separate voters' list 5 containing the names of the persons entitled to have their names placed on the list for such part of such polling division.

If provincial lists are more than one year old.

9. Where under the laws of a province the voters' lists for any provincial electoral district or division or any of them are prepared not at regular intervals, but at such times as are fixed 10 by the Lieutenant Governor in Council or some other provincial or local authority or only from time to time for the purpose of a general or other election in immediate contemplation, the last preceding voters' lists so prepared shall be used for the purpose of any Dominion election in the territory 15 comprised in such provincial electoral district or division or the parts thereof for use in which they were prepared if such lists have been prepared not more than one year before the date of the writ for such Dominion election; otherwise, new voters' lists shall be prepared, and for the purpose of 20 preparing and giving effect to such voters' lists the Governor in Council may appoint all necessary officers and confer upon them all necessary powers, and in the preparation and revision and bringing into force of such new voters' lists the provisions of the laws of the province regulating the preparation and revision and bringing into force of the provincial voters' lists in such cases shall, as far as possible, be observed 25 and followed.

New lists to be prepared.

Certified copies of provincial lists to be transmitted to Clerk of the Crown in Chancery,

10. Within ten days after the final revision of every list of voters for the purposes of provincial elections, it shall be the 30 duty of the custodian thereof to transmit to the Clerk of the Crown in Chancery, by registered mail, a copy of such list, certified under the hand of such custodian, and having every alteration, addition or erasure therein identified by his initials. The fees to be paid for such certified copy shall be those fixed 35 by the provincial law for furnishing such copies to applicants therefor, and if there is no fee fixed by the provincial law, shall be twenty-five cents for each one hundred names including additions and descriptions and fifty cents for the certificate. 40

To be deemed originals.

2. For the purposes of Dominion elections, such certified copy shall be deemed to be the original and legal list of voters for the polling division for which the list of which it is a copy was prepared, so long as that list remains in force, subject, however, to such changes and additions as are, subsequent to 45 revision, made in such list under the provisions of the provincial law.

To be printed by Queen's Printer.

3. It shall be the duty of the Clerk of the Crown in Chancery, immediately upon receipt by him of any such certified copy of a list of voters, to cause it to be printed by the 50 Queen's Printer, and he shall thereafter retain such certified copy of record in his office.

Printed copies to be sent to

4. Immediately after printing such list, the Queen's Printer shall send, by registered mail, twenty copies thereof to the sitting member for the electoral district to which the list 55

belongs, and twenty copies to the defeated candidate at the last Dominion election therein; and the Governor in Council may, by regulation, provide for the issue to members and candidates of such additional copies as are thought proper.

members and defeated candidates.

5 5. The Clerk of the Crown in Chancery and the Queen's Printer shall supply copies of any lists so printed to any person applying therefor and paying for them a price proportionately sufficient to cover the cost of printing them, but such price shall not exceed ten cents for each copy of the list for a polling  
10 division.

Copies to be furnished on payment.

6. All voters' lists so printed by the Queen's Printer shall be authenticated by his imprint in the same manner as other parliamentary documents, and every copy of a voters' list bearing such imprint shall be deemed to be for all pur-  
15 poses an authentic copy of the original list of record in the office of the Clerk of the Crown in Chancery.

Queen's Printer's imprint.

7. If, under the provincial law, any changes in or additions to a list of voters have been made since the final revision, it shall be the duty of the official having a record of such changes  
20 and additions, upon the request of any person presenting for the purpose any such printed copy of the list, and paying or tendering the sum of fifty cents, to make corresponding changes in and additions to such printed copy, and to certify under his hand as to the correctness of such changes and additions; and  
25 such printed copy, with such changes and additions and so certified, shall be deemed to be, for all purposes, an authentic copy of the list of voters as it exists and is in force at the time of such certification.

Changes in printed lists to be certified by provincial officer.

8. The Queen's Printer shall keep standing, in type, every  
30 list of voters so printed by him until he is furnished by the Clerk of the Crown in Chancery with a duly certified copy of a later list for the same polling division, or of a later list or later lists showing some change in the polling division, where-  
upon he shall correct such list so that it shall correspond with  
35 such later list, or shall make such other changes as are necessary, and he shall then keep such list so corrected, or any new resulting list or lists, standing in type until he has been furnished with a certified copy of a later list or lists affecting the same, and so on, so that there shall always, so far as practica-  
40 ble, be kept standing in type a correct copy of every finally revised provincial list of voters.

Queen's Printer to keep latest lists in type.

9. Every officer or person who, under the provincial law, is the custodian of any list of voters, or has the official record of any change in or additions to any such list since the last  
45 final revision thereof, and who refuses or omits to perform any duty imposed upon him by this section, is guilty of an indictable offence, and for each such refusal or omission shall incur a penalty of not more than one thousand dollars and not less than one hundred dollars.

Penalty for non-feasance by provincial officer.

10. So long as and whenever, for any reason, a certified copy of any list of voters as finally revised has not been transmitted to or received by the Clerk of the Crown in Chancery pursuant to the provisions of this section, the original and legal list for Dominion elections shall be the same as that for provincial  
55 elections.

Failing certified copies, what lists shall be used.

- Interpretation of R.S.C., c. 8. **11.** The expression "polling district" in *The Dominion Elections Act*, chapter 8 of the Revised Statutes, shall have the same meaning as the expression "polling division" has in this Act.
- The same. **12.** In the said Act the expressions "list of voters," "voters' list," "elector," and "voter" shall have the same meaning as the same expressions have in this Act. 5
- Section 7 amended. **13.** Paragraph (e) of section 7 of the said Act is hereby amended by striking out the words "or revising officers."
- New section 13. **14.** Section 13 of the said Act, as amended by section 1 of chapter 19 of the statutes of 1891, is hereby repealed and the following is substituted therefor:—
- Returning officer to obtain voters' lists, etc. **"13.** Forthwith after the receipt of the writ for a Dominion election the returning officer shall obtain from the officers who are the legal custodians thereof, or of duly certified duplicates, or copies thereof, such provincial voters' lists or such certified copies thereof or extracts therefrom, and such certified copies of by-laws, orders, proclamations or other documents or proceedings defining the several provincial polling divisions situate either wholly or partially within the territory 15 comprised in the electoral district for which such election is to be held as are necessary, or as he deems necessary, to the performance of his duties as returning officer; and every such officer who omits or refuses to furnish within a reasonable time any such voters' list or copy thereof, or 25 extract therefrom, or any such copy of a by-law, or order, or proclamation or other document or proceeding demanded by the returning officer shall be guilty of an indictable offence and incur a penalty not exceeding two thousand dollars and not less than two hundred dollars. 30
- Penalty for not furnishing them. **15.** Subsection 2 of section 20 of the said Act is hereby repealed.
- Section 20 amended.
- Section 30 amended. **16.** Paragraph (b) of section 30 of the said Act is hereby repealed and the following substituted therefor:—
- "(b.)** Furnish each deputy returning officer with a certified 35 copy of the list of voters in the polling district for which he is appointed, if there is any such list."
- Section 41 repealed. **17.** Section 41 of the said Act is hereby repealed.
- Section 42 amended. **18.** Section 42 of the said Act is hereby amended by striking out the words "revising officers" in paragraph (a) of sub-40 section 2.
- Section 45 amended. **19.** Subsection 1 of section 45 of the said Act is hereby repealed and in lieu thereof it is hereby enacted that not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon 45 so entering shall declare his name and addition, and in the province of Prince Edward Island his qualification also, which shall be entered or recorded by the poll clerk in the poll-book provided for that purpose, which shall be kept in the form R
- Regulations for voting and conduct of electors and deputy returning officer.

in the first schedule to *The Dominion Elections Act*; and if the name is found on the list of voters for the polling district of such polling station, or if in any polling division whereby the provincial law no list of voters is required or provided such elector is found entitled to vote, or if his name is not on the list of voters but he claims the right to vote under subsection 2 of section 6 of this Act and takes the oath prescribed by that subsection, he shall receive from the deputy returning officer a ballot paper, on the back of which such deputy returning officer has previously put his initials, so placed that when the ballot is folded they can be seen without opening it; and on the counterfoil to which he has placed a number corresponding to that placed opposite the voter's name in the poll-book."

20. Subsection 2 of the said section 45 of the said Act, as amended by section 7 of chapter 11 of the statutes of 1888, is hereby repealed and in lieu thereof it is hereby enacted that an elector, if required by the deputy returning officer, the poll-clerk, one of the candidates, or an agent of a candidate, or by any elector present shall, before receiving his ballot paper, take such oath of qualification as by the law of the province he may in the like case at a provincial election be required to take, such changes being made in the form of oath as are necessary to make it applicable to the election being held, which oath the deputy returning officer and poll-clerk are each of them hereby authorized to administer.

Oath by elector.

21. In the province of Prince Edward Island an elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, answer such questions and produce such certificate or receipt, (or in case such certificate or receipt cannot be produced, take the oath in such cases prescribed), and take such other oath of qualification as by the law of the province he may in the like case at a provincial election be required to answer, produce, or take, such changes being made in the form of oaths as are necessary to make them applicable to the election being held, which oaths the deputy returning officer and poll clerk are each of them hereby authorized to administer.

In P.E.I.

22. Section 50 of the said Act is hereby repealed.

Section 50 repealed.

23. Section 51 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the poll clerk shall enter in the poll book, opposite the name of each elector voting, the word "Voted," as soon as his ballot paper has been deposited in the ballot box, and he shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each elector to whom the oath of qualification has been administered, and the words "Refused to be sworn," or "Refused to affirm," or "Refused to answer questions put to him," or "Refused to produce evidence of qualification," opposite the name of each elector who has refused to take the oath or to affirm, or has refused to answer questions or produce evidence of qualification which he has been lawfully required to answer or produce.

Section 51 repealed.

Entry of names of electors voting.

2. The poll-clerk shall also enter in the poll book the words "provincial disqualifications' oath taken" opposite the name of

each elector to whom the oath prescribed by sub-section 2 of section 6 of this Act has been administered, and the words "*refused to take provincial disqualifications' oath*," opposite the name of each elector who has refused to take that oath.

Voter refusing to be sworn or to answer questions.

**24.** Section 52 of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that no voter who has refused to take the oath or affirmation, or to answer questions or produce evidence as to qualification as aforesaid, when required to do so, shall receive a ballot paper or be admitted to vote. 5

Section 54, application extended.

**25.** Section 54 of the said Act shall be applicable also to electors entitled to vote otherwise than by being named on the list of voters. 10

Section 56 amended.

**26.** Subsection 3 of section 56 of the said Act is hereby repealed.

Section 64 amended.

**27.** Subsection 1 of section 64 of the said Act is hereby amended by striking out all the words from "or" in line fourteen to "be" in line twenty-eight. 15

2. Subsection 2 of the said section 64 is hereby repealed.

3. Subsection 4 of the said section 64 is hereby amended by striking out all the words from "including" in line eight to "appeals" in line thirteen. 20

4. Subsection 6 of the said section 64 is hereby amended by striking out all the words from "and" in line three to "thereat" in line twenty-four.

Form S repealed.

**28.** Form S in the first schedule to the said Act, as amended by section 11 of chapter 11 of the statutes of 1888, by section 16 of chapter 19 of the statutes of 1891, and by section 22 of chapter 14 of the statutes of 1894, is hereby repealed. 25

Form X repealed.

**29.** Form X in the said schedule is hereby repealed.

Second schedule amended.

**30.** The second schedule to the said Act is hereby amended by inserting after the item numbered 7 the following item:— 30

"7a. For necessary disbursements under section 13, the fees to be paid for copies of documents furnished to the returning officer thereunder to be those provided for similar services under the provincial law, and where no provision is made by the provincial law, ten cents per folio of 100 words, and for the certificate of the custodian, fifty cents. 35

No. 16.

3rd Session, 8th Parliament, 61 Victoria, 18

BILL.

An Act to repeal the Electoral Franchise Act, and to further amend the Dominion Elections Act.

(Reprinted as amended in Committee of the Whole.)

Mr. FITZPATRICK.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 17.]

**BILL.**

[1898.

An Act to amend the Act respecting the Civil Service  
of Canada.

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

1. Section 51 of *The Civil Service Act*, chapter 17 of the R.S.C., c. 17,  
5 Revised Statutes, as amended by section 12 of chapter 12 of s. 51 amended.  
the statutes of 1888, is hereby further amended by adding  
thereto the following subsection :—

“2. Any deputy head, officer or employee asking for or Penalty for  
accepting any extra salary or additional remuneration, other asking or  
10 than a permanent increase of his salary, shall be held to have accepting  
thereby vacated his office.” extra pay.

No. 17.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Act respecting the  
Civil Service of Canada.

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First reading, February, 9, 1898.

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Mr. McMULLEN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Railway Act.

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

1. No railway company shall permit the running on any of its railway tracks of any locomotive engine, emitting sparks or fire sufficient to ignite inflammable material on or adjoining the right of way of the company. Every company shall incur a penalty not exceeding \_\_\_\_\_ dollars for every neglect or refusal to obey the provisions of this section. Sparks from railway engines. Penalty.
2. In case a locomotive engine is found to have emitted fire or sparks at any point in its progress during any single passage along the rails of any railway which either did ignite, or was or were capable of igniting, inflammable materials on or near the right of way of the railway company, and during the same passage of such locomotive engine a fire doing damage to property on or adjoining the railway is first discovered within twenty minutes after the passing of such locomotive engine and as a result of fire or sparks so emitted by such locomotive engine and by no other known or probable cause, then the said fire and the resultant damages shall be deemed to have arisen from the emission of such fire or sparks through the defective construction or careless and negligent operation of such locomotive. Fire caused by sparks.
3. Section 91 of *The Railway Act*, chapter 29 of the statutes of 1888, is hereby amended by adding the following subsections thereto:— 1888, c. 29, s. 91 amended.
- “2. No lands or roads adjoining a railway shall be rendered, by the construction, maintenance or operation of such railway, in a worse condition as regards drainage than they would have occupied but for such construction, maintenance and operation; and every company shall, when required, cause to be constructed at its expense such drainage works along or across its right of way as will make a proper outlet for the waters of such lands without expense to the persons owning them or interested therein other than such expenses as would have been necessary for equal drainage apart from the increase of costs arising from such railway. Drainage of lands.
- “3. In case water is diverted from its natural course by any municipal corporation by the construction of ditches or drainage works under the drainage or municipal laws in force in the province in which such works are situated, the additional cost of diversion shall be borne by such corporation and the amount Municipal drainage works.

of such additional cost shall be determined under the provisions of the laws respecting drainage works in force in the said province.

Provincial drainage laws.	“4. The drainage laws from time to time in force in the several provinces of Canada shall be applicable to the lands of railway companies, except as otherwise provided by this Act, in the same way as to the lands of other persons and corporations.”	5
New section 198.	<b>4.</b> Section 198 of <i>The Railway Act</i> is hereby repealed and the following substituted therefor:—	10
Gates at farm crossings to be closed.	“ <b>198.</b> The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use.	
Construction of gates.	“ <b>2.</b> All gates required to be so constructed on farm crossings shall be swing gates with proper and convenient fastenings, and so hung and adjusted as to be safe, convenient and easy of operation.	15
Liability for damages.	“ <b>3.</b> In case any animal rightfully pasturing or being on any inclosed lands protected by any such gate, makes its escape from such inclosed lands to the railway track through any such gate, either left open by the wrongful act or neglect of any person not responsible to the company or to the owner or the person responsible for the keeping of such animal, or opened by means that cannot be discovered without wrong or neglect proved on the part of either the company or such owner or person, then all loss and damage caused and done to the owner of such animal by the acts or injury thereof caused by any passing locomotive or train of cars controlled by such company shall be borne equally by such owner and the company.	20 25 30
Negligence by owner of cattle.	“ <b>4.</b> No person, any of whose cattle are killed by any train owing to the non-observance of this section, shall have any right of action therefor against the company.”	30

No. 18.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act further to amend the Railway Act.

First reading, February 11, 1898.

Mr. CAMPBELL.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to regulate the transit of Grain in Manitoba  
and the North-West Territories.

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

- 1.** Every railway company engaging in the transit of grain Railway companies to provide facilities for shipment of grain.  
5 in the Province of Manitoba and the North-West Territories, shall, at all points along its line of railway, provide at its own expense, facilities to receive and ship grain without the intervention of a third party.
- 2.** Where the railway company has not provided such facilities Or build sidings to private warehouses.  
10 ties for receiving, storing, and shipping grain it shall accord to any person the right to erect and maintain at such stations, adjoining the railway track, warehouses to receive, store and ship grain, or, at the option of the railway company, it shall  
15 build and maintain a side track to and for the use and accommodation of any warehouse near the station, and no other person keeping any other warehouse or elevator shall be compelled to pay the company or any person keeping any other warehouse or elevator any sum or compensation for or on account of the privilege of doing business in it.
- 3.** Every railway company shall at each receiving point Platforms.  
20 where such facility does not now exist, provide platform accommodation of such height, length, and width, with suitable approaches, as will allow the producer to ship grain from his wagon or sleigh, as the case may be; and such platform shall  
25 be situated on the side track at each station of the said company.
- 4.** Whenever a railway company doing business in Manitoba If number of cars is not sufficient.  
30 and the North-West Territories is unable, from any reasonable cause, to furnish cars at any railway station or side track, in accordance with the demands made by all persons demanding cars at such stations or side tracks for the shipment of grain or other freight, such cars as are furnished shall be divided as  
35 equally as may be among the applicants until each shipper has received one car, when the remaining cars shall be divided ratably in proportion to the amount of daily receipts or other freight, to each shipper or to the amount of grain offered at each station or side track.
- 5.** Every railway company shall, when requested by any Company to give receipt for grain.  
person shipping grain from such warehouses and railway plat-

forms, give a receipt for the number of bushels or pounds of grain delivered to it for transportation, and shall deliver the number of bushels or pounds so receipted for to the consignee thereof, or to the line or lines with which the company connects, or to which it delivers the grain to be forwarded to the point of destination, less the usual loss from transportation, not exceeding forty-five pounds to each car. 5

Penalties.

6. Every railway company, or the agent of any railway company refusing to give such a receipt to shippers from flat warehouses and railway platforms as herein provided, shall be liable to a penalty not exceeding fifty dollars and not less than ten dollars for each offence, which penalty shall be recoverable before any justice of the peace; and any company refusing or neglecting to deliver the amount of grain so receipted for to the consignee thereof, or to the company to which such grain may be delivered to be carried to the point of destination, shall, in addition to the civil liability of such company for loss or shrinkage, except as above provided for, be subject to a penalty of not less than fifty dollars, and not more than one hundred dollars for each such refusal or neglect, which penalty shall be recoverable before any justice of the peace. 10 15 20

Prosecutions.

7. All prosecutions under this Act shall be carried on in the name of Her Majesty, under the direction of the Attorney General of Canada.

No. 19.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act to regulate the transit of Grain in Manitoba and the North-West Territories.

First reading, February 14, 1898.

MR. DOUGLAS.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to regulate the transit of Grain in Manitoba  
and the North-West Territories.

(Reprinted as amended and reported by the Railway Committee.)

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

1. Every railway company engaged in the transportation of  
5 grain in the Province of Manitoba or the North-West Territories, shall, at every point along its line of railway from which grain is shipped, either provide at its own expense facilities to receive and ship grain without the intervention of a third party, or give to any person who demands it in writing, the right to  
10 erect, maintain and use, on some portion of the company's land adjoining the railway track at such station, and not required by the company for its railway purposes, a flat warehouse for the purpose of storing grain therein, and for shipping it therefrom, and for no other purpose,—the period and the terms of  
15 the holding of such right to be arranged between the parties; or, at the option of the railway company and in lieu of granting such right as aforesaid, it shall build and maintain a side-track to and for the use of such flat warehouse or warehouses as are erected for the said purposes on land not belonging to  
20 the company, but near to the station, that is, not more than one hundred yards therefrom; and in either case, any person keeping such warehouse shall not be compelled to pay for the privilege of doing business in it any sum or compensation to any other person: Provided always, that every person acquir-  
25 ing the right to erect and maintain any flat warehouse as aforesaid, and every person shipping grain from such warehouse, shall be liable to pay to the railway company a charge for demurrage on grain shipped from such warehouse, at the rate of fifty cents per hour for each hour or portion thereof during  
30 which any car is delayed at such warehouse in excess of two hours after it has been ordered and placed there for the purpose of receiving grain therefrom.

Facilities for  
shipment of  
grain.

Proviso as to  
demurrage.

2. Whenever a railway company doing business in Manitoba  
and the North-West Territories is unable, from any reasonable  
35 cause, to furnish cars at any railway station or side track, in accordance with the demands made by all persons demanding cars at such stations or side tracks for the shipment of grain or other freight, such cars as are furnished shall be divided as equally as may be among the applicants until each shipper has  
40 received one car, when the remaining cars shall be divided

If number of  
cars is not  
sufficient.

ratably in proportion to the amount of daily receipts or other freight, to each shipper or to the amount of grain offered at each station or side track.

Penalty. **3.** Every railway company refusing or failing to comply with any of the provisions of this Act shall be liable to a penalty not exceeding one hundred dollars, which penalty shall be recoverable before any justice of the peace. 5

Prosecutions. **4.** All prosecutions under this Act shall be carried on in the name of Her Majesty, under the direction of the Attorney General of Canada. 10

No. 19.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act to regulate the transit of Grain in Manitoba and the North-West Territories.

(Reprinted as amended and reported by the Railway Committee.)

Mr. DOUGLAS.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 20.]

**B I L L .**

[1898.

An Act further to amend the Chinese Immigration Act

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

1. Section 8 of *The Chinese Immigration Act*, chapter 67 of R.S.C., c. 67,  
5 the Revised Statutes, is hereby amended by substituting the s. 8 amended,  
words "five hundred" for the word "fifty" in the third line  
thereof.

No. 20.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Chinese  
Immigration Act.

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First reading, February 16, 1898.

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Mr. MAXWELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 21.]

**B I L L .**

[1898.

An Act to amend the Railway Act with respect to  
the shipment of grain.

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

1. Subsection 1 of section 246 of *The Railway Act*, chapter  
5 29 of the statutes of 1888, is hereby amended by adding at  
the end thereof the following words:—

“In the case of grain, every railway company shall afford  
all reasonable facilities at all way stations or shipping points  
for receiving it into its cars directly from the farmers’ vehicles,  
10 platforms or warehouses in or upon which it is when so offered  
for transportation; and every railway company failing to pro-  
vide reasonable shipping facilities as hereinbefore provided  
shall be liable for damages thereby caused to any person  
offering grain for transportation ”

1888, c. 29, s.  
246 amended.

Facilities for  
shipping  
grain.

No. 21.

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3rd Session, 8th Parliament, 61 Victoria, 1893

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BILL.

An Act to amend the Railway Act with  
respect to the shipment of grain.

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First reading, February 17th, 1898.

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Mr. RICHARDSON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Hudson's Bay and Pacific  
Railway Company.

**WHEREAS** the Hudson's Bay and Pacific Railway Company Preamble.  
has, by its petition, prayed that the Act incorporating  
the Company, being chapter 7 of the statutes of 1896 (Second  
Session), be amended as hereinafter set forth, and it is  
5 expedient to grant the prayer of the said petition: Therefore  
Her Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows:—

**1.** Section 4 of chapter 7 of the statutes of 1896 (Second 1896 (2nd  
Sess.) c. 7. s. 4,  
amended.  
10 therefor:—

“**4.** The Company may lay out, construct and operate by  
electricity or steam power, or both, a railway of the gauge of  
four feet eight and one-half inches, from a point at or near  
Port Churchill, on Hudson's Bay, through the territory north  
15 of the Churchill River, to deep water at or near Fond du Lac,  
on Lake Athabasca, and from Port Churchill aforesaid, on  
Hudson's Bay, through the territory north of the Nelson  
River to the Grand Rapids of the Saskatchewan River, near  
the north-west end of Lake Winnipeg; thence through the  
20 territory of Saskatchewan to Prince Albert, in the said  
territory; thence continuing through the said territory and the  
territory of Alberta to Edmonton, in the last mentioned  
territory; and may also lay out, construct and operate a line  
25 at or near the Yellow Head Pass.”

**2.** Section 13 of the said Act is hereby amended by substi- 1896 (2nd  
Sess.) c. 7, s.  
13, amended.  
tuting the word “eleven” for the word “nine” in the third  
line thereof.

**3.** The railway of the Company and the extension hereby Time for  
construction  
extended.  
30 authorized shall be commenced, and fifteen per cent of the  
amount of the capital stock expended thereon, within three  
years and completed within seven years from the passing of  
this Act, otherwise the powers conferred upon the Company  
by Parliament shall cease and be null and void as respects so  
35 much of the railway as then remains uncompleted.

No. 22.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Hudson's Bay and  
Pacific Railway Company.

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First reading, February 18, 1898.

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(PRIVATE BILL.)

MR. OLIVER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No 23.]

**B I L L .**

[1898.

An Act to incorporate the Lewes River Tramway Company, Limited.

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

Preamble.

**1.** John J. Shallcross, Molyneux St. John, Norman D. Macaulay, and Percy G. Shallcross, all of the city of Victoria, in the province of British Columbia, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Lewes River Tramway Company, Limited," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The head office of the Company shall be in the city of Victoria, in the province of British Columbia, but may be changed to such other place in Canada as may be fixed by by-law passed at any general meeting of shareholders duly called for that purpose.

Head office.

**3.** The Company may lay out, construct and operate such tramway or tramways as it deems necessary along, beside or around the Grande or Miles Cañon and Whitehorse Rapids, the Rink or Five-Fingers Rapids and other obstructions to the navigation of the Lewes River and contributing waters between the international boundary line, near Lake Lindeman, and the mouth of the Lewes River in the Yukon district of the North-West Territories.

Line of railway described.

**4.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

**7.** At such meeting the subscribers for the capital stock assembled who have paid all calls on their shares shall choose not less than three nor more than seven persons to be directors of the Company one of whom may be a paid director.

Election of directors.

Amount of  
bonds, etc.,  
limited.

8. The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of the tramways, and such bonds, debentures or other securities may be issued only in proportion to the length of tramway constructed or under contract to be constructed.

5

Powers of  
Company.

9. The Company may, for the purpose of its business, construct, equip, acquire, control and dispose of tramways, locomotives, electric plants, wharfs and buildings, and may levy and collect tolls from persons using such tramways or other property of the Company, and may make arrangements for promoting the business of the Company with railway, steamboat or other companies.

10

Agreements  
with other  
companies.

10. The Company may enter into an agreement with any other company for conveying or leasing to such company the tramways of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

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Approval of  
shareholders  
and Governor  
in Council.

Notice of  
application  
for sanction.

2 Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in that territorial division of Canada in which such tramways are situated.

30

1888, c. 29.

11. *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertakings.

35

Meaning of  
"company."

(a.) Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated;

"Railway."

(b.) Wherever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the tramways or other works authorized by this Act to be constructed;

40

"Land."

(c.) Wherever in *The Railway Act* the word "land" occurs, it shall be held to include any privilege or easement required by the Company for constructing or operating the works authorized by this Act, or any portion thereof, on, over or along any land, without the necessity of acquiring a title in fee simple.

45

R.S.C., c. 118,  
not to apply.

12. *The Companies Clauses Act* shall not apply to the Company.

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No. 23.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Lewes River  
Tramway Company, Limited.

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First reading, February 18th, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Lewes River Tramway  
Company, Limited.

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

**W**HEREAS a petition has been presented praying that it be  
enacted as hereinafter set forth, and it is expedient to  
grant the prayer of the said petition : Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows :—

- 1.** John J. Shallcross and Molyneux St. John, both of the  
city of Victoria, in the province of British Columbia, Arthur  
Lyndon Clark, of the Yukon District, N.W.T., and John  
Connor, of the city of St. John, in the province of New Brun-  
10 wick, together with such persons as become shareholders in  
the company, are hereby incorporated under the name of  
“The Miles Cañon and Lewes River Tramway Company,”  
hereinafter called “the Company.”
- 2.** The head office of the Company shall be in the city  
15 of Victoria, in the province of British Columbia, or such other  
place in Canada as the directors from time to time determine  
by by-law.
- 3.** The Company may lay out, construct and operate by  
steam, electricity, horse or other power a tramway of a gauge  
20 of not less than three feet, across Payer portage between Lake  
Lindeman and Lake Bennett, in the province of British  
Columbia, and from a point at or near the head of Miles Cañon  
to a point at or near the foot of the Whitehorse Rapids, on the  
25 eastern side of the Lewes River in the North-West Territories,  
and may also lay out, construct and operate other tramways of  
the said gauge to avoid Five-Fingers and Rink Rapids and the  
rapids in Thirty-Mile River and other obstructions to the  
navigation of the Lewes River and tributary waters ; and the  
30 Company may convert the said tramways between the said  
points, into railways of the gauge of not less than three feet.
- 4.** The Company may—
- (a.) acquire lands, and erect, use and manage works and  
manufacture machinery and plant for the generation, trans-  
mission and distribution of electric power and energy ;
- 35 (b.) build and maintain power houses and stations for the  
development of electrical force and energy ;

Preamble.

Incorporation.

Corporate name.

Head office.

Line of tramway described.

Conversion into railway.

Powers of Company.

Lands and works.

Power houses.

- Patent rights. (c.) acquire exclusive rights in letters patent, franchises, or patent rights, for the purpose of the works and undertaking hereby authorized, and again dispose of such rights;
- Surplus power. (d.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used; 5
- Vessels. (e.) construct, acquire, navigate and dispose of steam and other vessels on any navigable waters adjacent to its lines of railway; and may construct and maintain docks, wharfs and other buildings necessary for the use of the Company. 10
- Provisional directors. 5. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- Capital stock and calls thereon. 6. The capital stock of the Company shall be one hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. 15
- Annual meeting. 7. The annual meeting of the shareholders shall be held on the first Thursday in February in each year. 20
- Election of directors. 8. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, one or more of whom may be paid directors. 25
- Amount of bonds, etc., limited. 9. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the tramways, and such bonds, debentures or other securities may be issued only in proportion to the length of tramway constructed or under contract to be constructed. 30
- Agreements with other companies. 10. The Company may enter into an agreement with any other company for conveying or leasing to such company the tramways of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 35 40 45
- Approval of shareholders and Governor in Council.
- Notice of application for sanction. 2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in that territorial division of Canada in which such tramways are situated. 50

**11.** *The Railway Act*, except such sections as authorize the construction of branch lines, shall apply to the Company and its undertaking. 1888, c. 29.

(a.) Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated; Meaning of "company."

(b.) Wherever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or the Company hereby incorporated, mean the tramways or other works authorized by this Act to be constructed; "Railway."

**12.** *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118, not to apply.

**13.** The Company shall not, in locating its tracks or lines of tramways, obstruct or unnecessarily interfere with the usual and customary landings at the head or foot of any of the said rapids, or at any other point where the tramways touch or connect with the navigable waters of the said river; and, before making or locating its tramways at the points aforesaid, plans thereof shall first be submitted to and approved of by the Governor in Council. Landing places not to be obstructed.

**14.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

No. 23

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Lewes River  
Tramway Company, Limited.

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

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Charter of the Union Bank of  
Canada.

**W**HEREAS the Union Bank of Canada has, by its petition, Preamble.  
represented that its capital stock consists of one million  
five hundred thousand dollars divided into twenty-five  
thousand shares of sixty dollars each ; that such division of the  
5 capital has been found inconvenient, and that it is desirable  
that the same be divided into fifteen thousand shares of one  
hundred dollars each ; and whereas such proposed conversion  
was unanimously approved by resolution duly passed at the  
annual general meeting of the shareholders of the said bank,  
10 held at Quebec on the fourteenth day of June, one thousand  
eight hundred and ninety-seven ; and whereas it is expedient  
to grant the prayer of the said petition, and to amend the  
charter of the said bank accordingly : Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
15 of Commons of Canada, enacts as follows :—

- 1.** The capital stock of the Union Bank of Canada, now Capital stock.  
consisting of twenty-five thousand shares of the par value of  
sixty dollars each, is hereby divided into fifteen thousand  
shares of the par value of one hundred dollars each.
- 20 **2.** Each and every holder of shares in the capital stock of  
the said bank at the time of the coming into force of this Act,  
shall be, and shall as soon as possible be registered as, the  
holder of as many shares of one hundred dollars each as the  
par value of his holding in the said bank represents. Registration  
of holders of  
shares.
- 25 **3.** With respect to shareholders having only one share of  
the par value of sixty dollars, or whose holding when divided  
into shares of one hundred dollars leaves a fractional share to  
them belonging, the board of directors shall combine and  
unite all such fractional shares into an equivalent number of  
30 shares of one hundred dollars, and shall dispose of the same  
after due advertisement in two newspapers published in  
Quebec, one in the English, and one in the French language,  
in such lots and at such times as the said board deems most  
advisable, and shall divide the proceeds of such sale or sales  
35 among the respective holders of the fractional shares above  
mentioned according to their respective interests. Fractional  
shares.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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**BILL.**

**An Act to amend the Charter of the  
Union Bank of Canada.**

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First reading, February 18th, 1898.

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**(PRIVATE BILL.)**

**Mr. BELCOURT.**

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**OTTAWA**

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Ontario and Quebec Bridge Company.

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

**1.** Alexander Fraser, John Burns Fraser, David Maclaren, Henry Newell Bate, James Davidson, Charles Magee, Edward Seybold, William Dowler Morris, Thomas Lindsay, Charles Bryson and Crawford Ross, all of the city of Ottawa ; Alexander Maclaren of the village of Buckingham ; Henry Aylen and Théophile Viau both of the city of Hull ; William Jackson Conroy and Robert Hughes Conroy, of Deschênes, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Ontario and Quebec Bridge Company," hereinafter called "the Company."

**2.** *The Railway Act*, in so far as applicable, shall apply to the Company and its undertakings.

**3.** The Company may construct, maintain and use a bridge with the necessary approaches thereto, across the Ottawa River from some point in the city of Ottawa, in the province of Ontario, between the easterly side of Bank Street and the westerly side of Kent Street produced to the river, to some point in the city of Hull, in the province of Quebec, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge toll for the passage of cars, vehicles and pedestrians over the said bridge.

**4.** The rate of tolls to be charged for the passage of foot passengers, cars, carriages and other vehicles, shall, before being imposed, first be submitted to, and approved of, and may be from time to time amended or modified by the Governor in Council, but the Company may, at any time, reduce the same, and a notice showing the tolls to be charged shall at all times be posted in a conspicuous place on the said bridge.

Plans to be approved by Governor in Council.

5. The Company shall not commence the construction of the said bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works thereunto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with, nor shall such plans be altered, or any deviation therefrom be allowed, except by permission of the Governor in Council, and upon such conditions as he shall impose, but the Company may in the meantime acquire the lands necessary for the purposes of its undertaking and do all other things authorized by this Act, except the commencement of the actual construction or erection of the said bridge. 5 10

Union with other companies.

6. The Company may, with the approval of two-thirds of the votes of the shareholders at a special general meeting duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present, or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided in section 239 of *The Railway Act* :— 15 20

To build bridge.

(a.) unite with any other company incorporated under the laws of Canada, the province of Ontario or the province of Quebec, or with any body corporate, in building the said bridge and approaches, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation, respecting the construction, maintenance, management and use thereof; 25

To sell or lease bridge.

(b.) enter into an agreement with any such company for the selling or leasing of said bridge, and its approaches, to such company in whole or in part, or any rights or powers acquired by it, and also the franchises, surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with such company. 30

Equal rights of passage to all railways.

7. As soon as the said bridge is completed and ready for traffic, all railways in Canada now constructed or hereafter to be constructed shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in traffic rates of transportation shall be made in favour of or against any such railway whose business or cars pass over the said bridge. 35 40

Disputes to be determined by Railway Committee.

8. In case of any disagreement as to the rights of any railway whose trains cross or business passes over the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council as provided in *The Railway Act*. 45

Provisional directors.

9. The said Alexander Fraser, David Maclaren, James Davidson, Charles Magee, William Jackson Conroy, Alexander Maclaren and Henry Newell Bate, named in section of this Act, are hereby constituted provisional directors of the Company. 50

- 10.** The capital stock of the Company shall be two hundred and fifty thousand dollars and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.
- 5 **11.** The head office of the Company shall be at the city of Ottawa, in the province of Ontario. Head office.
- 12.** The annual meeting of the shareholders shall be held on the second Tuesday of the month of May in each year at the head office of the Company, or at such other place Annual meeting.
- 10 in Canada as the shareholders by by-law appoint.
- 13.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.
- 15 **14.** The Company may issue bonds, debentures, or other securities to an amount not exceeding two hundred and fifty thousand dollars, in aid of the construction herein mentioned, and such bonds may be secured by a deed of mortgage and such deed of mortgage may contain provisions that all tolls Issue of bonds.
- 20 and revenues derived from the use of the said bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by
- 25 similar corporations, which rates and tolls shall also be charged as security for such bonds.
- 15.** The bridge shall be commenced within nine months after the plans have been approved by the Governor in Council, and completed within two years thereafter, and in Time limited for construction.
- 30 default of the performance of either of these conditions the powers hereby granted shall cease and be null and void as respects such of the works as then remain uncompleted.
- 16.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as Power of Parliament as to future legislation.
- 35 to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time
- 40 such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.



An Act to incorporate the Ontario and Quebec Bridge  
Company.

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

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

**1.** Alexander Fraser, John Burns Fraser, David Maclaren, Henry Newell Bate, James Davidson, Charles Magee, Edward Seybold, William Dowler Morris, Thomas Lindsay, Charles Bryson and Crawford Ross, all of the city of Ottawa ; Alexander Maclaren of the village of Buckingham ; Henry Ayles and Théophile Viau both of the city of Hull ; William Jackson Conroy and Robert Hughes Conroy, of Deschênes, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Ontario and Quebec Bridge Company," hereinafter called "the Company."

**2.** *The Railway Act*, in so far as applicable, shall apply to the Company and its undertaking.

**3.** The Company may construct, maintain and use a bridge with the necessary approaches thereto, across the Ottawa River from some point in the city of Ottawa, in the province of Ontario, between the easterly side of Bank Street and the westerly side of Kent Street produced to the river, to some point in the city of Hull, in the province of Quebec, for railway purposes and for the passage of pedestrians and vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, except steam, and may lay tracks on the said bridge and approaches for the passage of railway and other cars, and may charge toll for the passage of cars and vehicles over the said bridge.

**4.** The rate of tolls to be charged for the passage of cars, carriages and other vehicles, shall, before being imposed, first be submitted to, and approved of, and may be from time to time amended or modified by the Governor in Council, but the Company may, at any time, reduce the same, and a notice showing the tolls to be charged shall at all times be posted in a conspicuous place on the said bridge.

Plans to be approved by Governor in Council.

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

Equal rights in passage of bridge to all railways.

6. So soon as the said bridge is completed and ready for traffic, all trains and cars of all railways, tramways and electric railways connecting with the same, then constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favor of or against any railway, tramway or electric railway whose trains pass over the said bridge.

Disputes to be determined by Railway Committee.

7. In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided in *The Railway Act*.

Provisional directors.

8. The said Alexander Fraser, David Maclaren, James Davidson, Charles Magee, William Jackson Conroy, Alexander Maclaren and Henry Newell Bate, named in section 1 of this Act, are hereby constituted provisional directors of the Company.

Capital stock and calls thereon.

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

Head office.

10. The head office of the Company shall be at the city of Ottawa, in the province of Ontario.

Annual meeting.

11. The annual meeting of the shareholders shall be held on the second Tuesday of the month of May in each year at the head office of the Company, or at such other place in Canada as the shareholders determine by by-law.

Election of directors.

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

Issue of bonds.

13. The Company may issue bonds, debentures, or other securities to an amount not exceeding two hundred and fifty thousand dollars, in aid of the construction herein mentioned,

and such bonds may be secured by a deed of mortgage and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.

- 10 **14.** The bridge shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the works as then remains uncompleted. Time limited for construction.
- 15 **15.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon Power of Parliament as to future legislation.
- 20 railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

No. 25.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Ontario and  
Quebec Bridge Company.

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

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Kettle River Valley Railway Company.

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

Preamble.

**1.** Charles Thomas Dupont, Daniel Chase Corbin and Austin Corbin, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Kettle River Valley Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**3.** The head office of the Company shall be in the city of Victoria or such other place in the province of British Columbia as the Company, from time to time, by by-law determines.

Head office.

**4.** The Company may lay out, construct and operate a railway of a gauge of [not less than three feet, and of not more than] four feet eight and one-half inches, from a point on the international boundary line at or near Cascade City, in the Cariboo-Kootenay district, in the province of British Columbia, thence running in a westerly and southerly direction, following the course of the Kettle River, to a point on the said international boundary line at or near Carson City, in the said district, and also a line of railway from Midway, on the said international boundary line, in the said district, in the said province, thence running northerly, following the course of Boundary Creek, to a point distant not more than twenty miles from said Midway.

Line of railway described.

**5.** The Company may also form a connection at the international boundary line at said points, namely, at or near Cascade City, and at or near Carson City and Midway, with the Spokane Falls and Northern Railway Company, a corporation organized under the laws of the state of Washington, and generally with the railway system of the United States.

Connection with another company.

**6.** The capital stock of the Company shall be two million five hundred thousand dollars, and may be called up by the directors, from time to time, as they deem necessary, but no

Capital stock and calls thereon.

one call shall exceed twenty per cent on the shares subscribed, nor shall a greater amount than fifty per cent of the amount subscribed be called up in any one year.

Annual meeting.

**7.** The annual meeting of the shareholders shall be held on the second Wednesday in September in each year. 5

Election of directors.

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

Amount of bonds, etc., limited.

**9.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed. 15

Issue of bonds.

**10.** The Company may issue the bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branch or extension of its railway, or as to certain sections thereof combined, or on the whole line of railway of the Company, and such bonds, debentures or other securities if issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining or belonging to such section, branch or extension. 20 25

Time limited for construction.

**11.** [If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is not finished within seven years from the passing of this Act, then the powers granted by this Act, shall cease and be null and void, as respects so much of the railway as then remains uncompleted.] 30

Agreement with another company.

**12.** The Company may enter into an agreement with the Spokane Falls and Northern Railway Company for leasing to such company, the railway of the Company hereby incorporated in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging or for an amalgamation with such company, [and may also enter into an agreement for the purposes of forming any connection authorized by section 5 of this Act, or may make any traffic or other arrangements or agreement with the said Spokane Falls and Northern Railway Company;] the whole upon such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, 35 40 45

Approval of shareholders and Governor in Council.

50

at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council :

5 2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each electoral district through which the railway of the Company  
10 runs, and in which a newspaper is published.

Notice of application for sanction.

13. [Subject to the provisions contained in sections 121 and 122 of *The Railway Act*, the Company may construct, operate and maintain one or more branches from convenient points on its main line to any mine or group of mines adjacent to its  
15 main line; provided however that any such branch shall not exceed twenty miles in length.]

Branch lines.

14. The Company shall transport ore from all stations on the line of its road, to any smelter located at Rossland, Nelson or any other point on the line of the Red Mountain and  
20 Nelson and Fort Sheppard Railways, at a rate per ton per mile which shall not exceed the rate charged by the Company under similar conditions for the transportation of ore to any smelter located on the Columbia River on the line of the Columbia and Red Mountain or Spokane Falls and Northern Rail-  
25 ways; it being the intent of this provision that the Company shall, without discrimination, transport ores and other smelter supplies and products, to and from smelters located on the lines of said railways in the province of British Columbia on as favourable terms and contracts as shall be granted to  
30 smelters located on the Columbia River on the lines of Columbia and Red Mountain and Spokane Falls and Northern Railways.

Charges for transportation of ore.

15. The Company may, subject to the provisions contained in section 16 of this Act, construct, equip, work and maintain a telegraph line and telephone lines along the whole  
30 length of the railway and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and operating such telegraph and telephone lines the Company may  
40 enter into a contract with any other company or may lease any of the Company's lines or any portion thereof.

Telegraph and telephone lines.

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

Arrangements with telegraph and telephone companies.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the  
50 Governor in Council.

Rates to be approved.

4. *The Electric Telegraph Companies Act*, being chapter 132 of the Revised Statutes, shall apply to the telegraphic business of the Company. R.S.C., c. 132.

Power to enter upon highway, etc.	<b>16.</b> With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and	
Erect poles.	may erect, equip and maintain poles and other works and	5
Stretch wires.	devices, and stretch wires and other telephonic or telegraphic contrivances thereon; and, as often as the Company thinks	
Break up highway.	proper, may enter upon, use, break up and open any highway or public place, subject, however to the following provisions :	
Travel not to be obstructed.	(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;	10
Height of wires.	(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any	15
Kind of poles.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;	
Cutting poles or wires in case of fire.	(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;	20
Injury to trees.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;	25
Supervision of municipality.	(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such	30
Surface of street to be restored.	poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;	
Future legislation as to carrying wires under ground.	(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;	35
Workmen to wear badges.	(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;	40
Private rights.	(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;	45
Temporary removal of wires and poles.	(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the	50
Notice to Company.	Company. The said notice may be given either at any office	55

of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works. Liability for damage.

10 **17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. Power of Parliament as to future legislation.

**18.** This Act may be cited as *The Kettle River Valley Railway Act, 1898.* Name of Act.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to incorporate the Kettle River  
Valley Railway Company.

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First reading, February 18th, 1898.

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(PRIVATE BILL.)

MR. BOSTOCK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act to incorporate the Cañon Railway Company.

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

Preamble.

**1.** Arthur Lyndon Clark, of the Yukon, North-West Territory; John Connor and Horace King, of the city of Saint John, in the province of New Brunswick; and James Gordon Maclaren and Alexander Simpson, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Cañon Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**3.** The head office of the Company shall be in the city of Ottawa.

Head office.

**4.** The Company may lay out, construct and operate a tramway of the gauge of three feet from a point at or near the head of Miles Cañon to a point at or near the foot of the White Horse Rapids on the eastern side of the Lewes River, in the North-West Territory, a distance of about four miles, and the Company may, after it is possible to transport rails into that part of the North-West Territory, construct and operate in place of the said tramway, between the said points, a railway of the gauge of three feet.

Line of railway described.

**5.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

Election of directors.

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

Amount of bonds, etc., limited.

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

Agreement with another company.

10. The Company may enter into an agreement with any other railway or transportation company, operating in the same neighbourhood, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each electoral district through which the railway of the Company runs, and in which a newspaper is published.

Power of Parliament as to future legislation.

11. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

No. 27.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Cañon Railway Company.

First reading, February 18th, 1898.

(PRIVATE BILL.)

Mr. FROST.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

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No. 28.]

**BILL.**

[1898.

An Act further to amend the Land Titles Act,  
1894.

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

1. Paragraph (d) of subsection 1 of section 41 of *The Land* 1894, c. 28,  
5 *Titles Act*, 1894, is hereby amended, by adding after the word s. 41 amended.  
“municipal” in the sixth line thereof, the words “or school.”

2. Paragraph (b) of subsection 1 of section 56 of the said Section 59  
Act is hereby amended by adding after the word “municipal” amended.  
in the first line thereof, the words “or school,” and by adding  
10 after the word “municipality” in the sixth line thereof the  
words “or school section.”

No. 28.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Land Titles  
Act, 1894.

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First reading, February 18, 1898.

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Mr. DAVIS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Federal Life Assurance Company of Ontario, and to change its name to the Federal Life Assurance Company of Canada.

**W**HEREAS the Federal Life Assurance of Ontario has, by Preamble  
 its petition represented that it was incorporated by an  
 Act of the legislature of the province of Ontario, being chap- Ont., 1874,  
 ter 68 of the statutes of 1874, under the name of "The Indus- c. 68.  
 5 trial and Commercial Life Assurance Company of Canada,"—  
 that the said Act was amended by section 7, chapter 1 of the  
 statutes of 1875,—that by an order of the Lieutenant-Gover- Ont., 1875,  
 nor of the said province, in council, dated the eleventh day of c. 1, s. 7.  
 April, one thousand eight hundred and eighty-two, the name  
 10 of the said company was changed to "The Federal Life Assur-  
 ance Company of Ontario," and that the said company duly  
 obtained a license under *The Insurance Act* of Canada, bearing  
 date the twenty-eighth day of April, one thousand eight hun-  
 dred and eighty-two, and has since carried on the business of  
 15 life insurance in Canada; and whereas the said company has,  
 by its petition, prayed that an Act be passed declaring it to  
 be a body corporate within the jurisdiction of the Parliament  
 of Canada, under the name of "The Federal Life Assurance  
 Company of Canada," with the powers hereinafter set forth,  
 20 and it is expedient to grant the prayer of the said petition:  
 Therefore Her Majesty, by and with the advice and consent  
 of the Senate and House of Commons of Canada, declares and  
 enacts as follows:—

**1.** The Federal Life Assurance Company of Ontario, here- Incorporation.  
 25 inafter called "the Company," as now organized and consti-  
 tuted under the statutes mentioned in the preamble, is here-  
 by declared to be a body corporate and politic within the  
 legislative authority of the Parliament of Canada; and this  
 Act and *The Insurance Act* shall apply to the Company and  
 30 its business, instead of the said Acts of Ontario and the Acts of  
 Ontario respecting insurance; provided that nothing in this  
 section shall affect anything done, any right or privilege  
 acquired, or any liability incurred under the above-mentioned  
 Acts of Ontario up to and at the time of the passing of this  
 35 Act, to all of which rights and privileges the Company shall  
 continue to be entitled, and to all of which liabilities the  
 Company shall continue to be subject.

**2.** The name of the Company is hereby changed to "The Name changed.  
 Federal Life Assurance Company of Canada," but such change  
 40 in name shall not in any way impair, alter or affect the rights  
 or liabilities of the Company, nor in anywise affect any suit

or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued, completed and enforced as if this Act had not been passed.

5

Head office.	3. The head office of the Company shall be in the city of Hamilton, but the directors may, from time to time, change the said office to some other place in Canada, and branches, sub-boards and agencies may be established and maintained elsewhere, as the directors from time to time appoint.	10
Branch offices.		
Capital stock.	4. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each.	
Increase of stock.	2. The directors may, after the whole capital stock has been subscribed for, and five hundred thousand dollars paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding two million dollars, but the stock shall not be increased until a resolution of the directors authorizing such increase has first been submitted to, and confirmed by, a majority in number and amount of the shareholders present, or represented by proxy, at an annual general meeting of the Company, or at a special general meeting of the shareholders duly called for that purpose.	15
Capital stock.	3. The capital stock of the Company, as authorized by the above-mentioned statutes of Ontario, shall be deemed to be the same as the capital stock mentioned in subsection 1 of this section, and no right or claim as to any share thereof shall be prejudiced by anything contained in this Act.	25
Members of Company.	5. The members of the Company shall be all the shareholders of the Company at the time of the passing of this Act together with such persons as become shareholders therein.	30
Directors to continue.	6. The present board of directors of the Company shall continue to be directors of the Company until replaced, and all by-laws, rules and regulations of the Company not contrary to law or inconsistent herewith shall continue in force until amended or repealed in pursuance of the provisions hereof.	35
By-laws.		
Number of directors.	7. The affairs of the Company shall be managed by a board of not more than twenty-five, nor less than nine directors, of whom five shall be a quorum.	
Qualification of directors.	2. No person shall be a director unless he holds in his own name, and for his own use, at least twenty shares of the capital stock of the Company, and has paid all calls due thereon, and all liabilities incurred by him to the Company.	40
Annual meeting.	8. A general meeting of the Company shall be held at the head office once in each year, and at such meeting a statement of the affairs of the Company shall be submitted.	45
Business of Company.	9. The Company may effect contracts of life insurance throughout Canada and elsewhere with any person, and may grant, sell or purchase annuities, grant endowments, purchase contingent rights, reversions or remainders, enter into any	

transactions dependent on the contingency of life, and generally carry on the business of life insurance in all its branches.

- 10     **10.** The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the  
 5 directors appoint. No such instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given; provided that the shareholders of the Company at the time of the passing of this Act shall be liable for so much only of their subscriptions as remains unpaid. Payment of calls.
- 15     **11.** The Company may invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of  
 20 Canada, or of any province of Canada, or the securities of any municipal or school corporation in Canada, or the security of the stock, bonds or debentures of any incorporated building  
 25 society, loan or investment company, waterworks company, gas company, street railway company, electric light or power company, electric railway company, or telegraph company incorporated in Canada, or of bank stock, or on the security of real estate or mortgage security thereon, or on the security of  
 30 leaseholds for a term of years, or other estate or interest in real property or mortgage security thereon, in any province of Canada, or in or on policies issued by the Company or by other companies, or in the purchase of ground rents, and in or upon the stock, bonds or debentures of the United States or of any  
 35 state thereof, or of any municipality in the United Kingdom or in the United States or any state thereof, or in, or on mortgages on real estate therein, (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*), and to change and reinvest the same as occasion from  
 40 time to time requires; and to take, receive and hold all or any of such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Company on the security of the said debentures, bonds, stocks, mortgages or other securities, as aforesaid; such loans to be on such terms and conditions, and in such manner and at such times and for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and  
 45 at such interest and return, as the directors may from time to time determine and direct, and whether they are taken absolutely or conditionally or as collateral security, or whether such securities are taken in satisfaction of debts due to the Company or judgments recovered against any person in its behalf, or in security for the payment of the same or of any part thereof; provided further, that the Company may take any  
 50 additional securities of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company  
 55 is hereby authorized to invest or lend any of its funds. Investment of funds.  
Additional security.

Foreign securities for branches.

**12.** The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Powers as to real estate.

Proviso.

**13.** The Company may hold such real estate as is bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered ; provided always that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Real estate required for Company's use.

**14.** The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company, but the annual value thereof in any province of Canada shall not exceed ten thousand dollars, except in the province of Ontario, where it shall not exceed twenty thousand dollars.

Dividends.

**15.** The directors may from time to time set apart such proportion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources ; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent thereof ; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend, shall never be less than one-fifth of the dividend declared.

Rights of certain policy holders.

**16.** Whenever any holder of a policy, other than a term or natural premium policy, shall have paid three or more annual premiums thereon, and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited but he shall be entitled to receive a paid-up commuted policy for such sum as the directors may determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he shall demand such paid-up commuted policy while the original is in force or within six months after his failure to pay a premium thereon.

Holders of participating policies.

**17.** The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company ; and if the Company so determines then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits and are referred to in this Act

as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company, except at those called for the purpose of increasing the capital stock of the Company  
 5 (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company); and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for  
 10 each one thousand dollars in his policy.

2. A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company. Husband or father holding participating policy.

18. The directors may also, during any current dividend  
 15 period, charge the holders respectively of participating policies with losses to the extent to which such holders have been credited with profits during such dividend period, if the losses require it, and retain the amount so charged out of such profits, or such profits as are declared as such, and  
 20 credited to such holders of participating policies at any time; but the holders of policies shall not as such, be liable to any other or greater extent than is expressed by the terms of their policies. Participating policy holders may be charged with losses.

19. This Act and the Company and the exercise of the  
 25 powers hereby conferred shall be subject to the provisions of *The Insurance Act*. R.S.C., c. 124.

20. Notwithstanding anything contained therein or in any  
 other Act, *The Companies Clauses Act*, except sections 7, 8, 18, 38 and 39 thereof, shall extend and apply to the Company,  
 30 and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions herebefore contained: Provided that the provisions of section 38 of *The Companies Clauses Act*, shall apply to loans made to persons who may be shareholders in the Company, otherwise  
 35 than in or on any of the securities authorized by this Act. R.S.C., c. 118.

No. 29.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Federal Life Assurance Company of Ontario, and to change its name to the Federal Life Assurance Company of Canada.

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First reading, February 22nd, 1898.

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(PRIVATE BILL.)

Mr. MACPHERSON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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

**W**HEREAS the Lake Erie and Detroit River Railway Com- Preamble.  
pany has, by its petition, prayed for the passing of an  
Act for the purposes hereinafter set forth, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
5 Majesty, by and with the advice and consent of the Senate and  
House of Commons of Canada, enacts as follows:—

1. Section 4 of chapter 50 of the statutes of 1893, and 1893, c. 50,  
section 2 of chapter 23 of the statutes of 1896 (First Session), s. 4, and 1896  
are hereby repealed. (1st Sess.)  
c. 23, s. 2,  
repealed.

10 2. If the railway authorized by section 3 of chapter 88 Time extend-  
of the statutes of 1891, and section 1 of chapter 23 of the ed for con-  
statutes of 1896 (First Session) is not commenced within two struction of  
years and completed within five years from the passing of this railway.  
Act, then the powers of construction conferred upon the Lake 1891, c. 88,  
Erie and Detroit River Railway Company by Parliament shall s. 3.  
15 cease and be null and void as respects so much of the under- 1896 (1st  
taking as then remains uncompleted. sess.) c. 23,  
s. 1.

3. Any Act hereafter passed for the purpose of controlling Power of  
railway companies incorporated by or subject to Parliament as Parliament  
20 to the issuing of stock or bonds, and as to rates or tolls and as to future  
the regulation thereof, and as to running powers over or other legislation.  
rights in connection with the railway of any company by any  
other company, and the exercise of powers conferred upon  
railway companies, shall apply to the said company from the  
25 time such Act goes into effect; but this section shall not be  
construed to imply that such Act would not apply to the said  
company without the enactment of this section.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

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

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First reading, February 22nd, 1898.

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(PRIVATE BILL.)

Mr. MCGREGOR.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Lake Bennett and Klondike  
Railway and Tramway Company.

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

1. Cuyler A. Holland, Owen M. Jones and F. M. Ratten- Incorporation.  
bury, all of Victoria in the province of British Columbia,  
together with such persons as become shareholders in the  
10 company hereby incorporated, are hereby constituted a body  
corporate under the name of "The Lake Bennett and Klon- Corporate  
dike Railway and Tramway Company," hereinafter called name.  
"the Company."

2. The undertaking of the Company is hereby declared to Declaratory.  
15 be a work for the general advantage of Canada.

3. The head office of the Company shall be in the city of Head office.  
Victoria, in the province of British Columbia.

4. The Company may lay out, construct and operate a rail- Line of  
way, of such gauge as may be adopted by the Company, from a railway  
20 point on the north end of Marsh Lake, in the North-West described.  
Territories, thence in a north-easterly direction by the most  
feasible route to a point on the Hootalinqua River a distance  
of about thirty-five miles; and also may construct, maintain  
and operate a railway to run on either side of Miles Cañon and  
25 White Horse Rapids.

5. The Company may also lay out, construct and operate a Tramways.  
tramway from a point on the north end of Marsh Lake, in the  
North-West Territories, thence in a north-easterly direction by  
the most feasible route to a point on the Hootalinqua River a  
30 distance of about thirty-five miles; and also may construct,  
maintain and operate a tramway to run on either side of Miles  
Cañon and White Horse Rapids.

6. The Company may, for the purpose of its business,— Powers of  
(a.) construct, acquire and navigate vessels upon or across Company.  
35 Lake Bennett and Marsh Lake, and along, upon and across the Vessels.  
Hootalinqua River, and upon the other lakes and streams  
forming part thereof, tributary thereto, or connecting there-  
with, and upon other inland waters in the North-West Terri-

	tories connecting with or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railways, tramways and vessels ;	
Docks and warehouses.	(b) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for the transportation of passengers or freight upon or across the said railway and the said rivers, lakes and streams ;	5
Lands, etc.	(c.) acquire and hold timber, timber lands, lands, buildings, and other property, real and personal ; and improve, extend, manage, develop, lease, mortgage, exchange and dispose of the same ;	10
Patent rights.	(d.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises, or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ;	15
Lumber mills.	(e.) acquire, construct, lease, operate and maintain mills and all buildings necessary or convenient for the manufacture of lumber ;	
Sale of timber.	(f.) manufacture and sell timber, lumber and the products of timber ;	20
Motive power.	(g.) acquire and use water, steam, electric and other powers for the purpose aforesaid.	
Proceedings when additional land required.	7. If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of <i>The Railway Act</i> shall apply to the subject-matter of this section, and to the obtaining of such land and determining the compensation therefor.	25
1888, c. 29, ss. 107-111.		
Power to receive aid.	8. The Company may, from time to time, receive from any government, person or municipal corporation, in aid of the construction, equipment and maintenance of the said railways and tramways and of any line of steamships running in connection therewith or otherwise, grants of land, bonuses, loans, or gifts of money, or securities for money, and may also purchase or lease from any government, person or corporation any lands, rights or privileges ; and the lands, leases and privileges, so to be acquired by the Company, and held by the Company, for sale or otherwise for the purposes thereof, may be conveyed to trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges ; and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the purposes following, that is to say : firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands ; secondly, in payment of the dividends and interest on and principal of bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company, provided such dividends, interest and principal have been made a charge upon such lands ; and, thirdly, for the general purposes of the Company.	30 35 40 45 50
Application of moneys.		

- 9.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company. Provisional directors.
- 10.** The capital stock of the Company shall be two hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.
- 11.** The annual meeting of the shareholders shall be held on the first Tuesday of September in each year. Annual meeting.
- 12.** At such meeting, the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.
- 13.** The Company may issue bonds, debentures, or other securities to the extent of fifteen thousand dollars per mile of the railways or tramways, and such bonds, debentures, or other securities may be issued only in proportion to the length of railway or tramway constructed or under contract to be constructed. Amount of bonds, etc., limited.
- 14.** The Company may operate the said railways or tramways either by steam or electricity, and acquire and utilize water power, and dispose of surplus power either directly, or by converting the same into electricity. Motive power of railway.
- 15.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock, or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect. Power of Parliament as to future legislation.

No. 31.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Lake Bennett  
and Klondike Railway and Tramway  
Company.

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First reading, February 22nd, 1898.

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(PRIVATE BILL.)

MR. HAGGART.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Ontario and Rainy River Railway Company.

**W**HEREAS the Ontario and Rainy River Railway Company Preamble.  
has, by its petition, prayed for the passing of an Act for  
the purposes hereinafter set forth, and it is expedient to grant  
the prayer of the said petition : Therefore Her Majesty, by and  
5 with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows :

**1.** The time limited for the completion of the railway of Time for  
completion  
of railway  
extended.  
the Ontario and Rainy River Railway Company, hereinafter  
called "the Company," and all its branches, is hereby extended  
10 for a period of seven years from the passing of this Act ; and 1891, c. 82, s.3.  
if the railway is not then completed, then the powers granted  
to the Company shall cease and be null and void as respects so  
much of the railway as then remains uncompleted.

**2.** The power to construct and work a railway bridge Time for  
construction  
of bridge  
extended.  
15 across the Rainy River, conferred on the Company by section  
7 of chapter 82 of the statutes of 1891, is hereby revived, and  
the times for commencing and completing the same are 1891, c. 82, s.7.  
hereby extended for three years and seven years, respectively,  
20 from the passing of this Act, otherwise the powers granted for  
such construction shall cease and determine.

**3.** The Company may lay out, construct and operate a line Line of  
railway  
described.  
of railway from Port Arthur, or from a point on the Port  
Arthur, Duluth and Western Railway, by the most feasible  
route, to such point on the boundary between the provinces of  
25 Ontario and Manitoba as may be approved of by the Governor  
in Council ; provided that such line shall be completed within Time for  
construction  
limited.  
five years from the passing of this Act, otherwise the powers  
granted for the construction of such line shall cease and be  
null and void as respects so much of the said line as then  
30 remains uncompleted.

**4.** Any Act hereafter passed for the purpose of controlling Power of  
Parliament as  
to future  
legislation.  
railway companies incorporated by or subject to Parliament as  
to the issuing of stock or bonds, and as to rates or tolls and  
the regulation thereof, and as to running powers over or other  
35 rights in connection with the railway of any company by any  
other company, and the exercise of powers conferred upon rail-  
way companies, shall apply to the Company from the time  
such Act goes into effect ; but this section shall not be con-  
strued to imply that such Act would not apply to the Com-  
40 pany without the enactment of this section.

No. 32.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Ontario and Rainy  
River Railway Company.

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First reading, February 22nd, 1898.

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(PRIVATE BILL.)

Mr. TISDALE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Pacific and Yukon Railway,  
Navigation and Mining Company.

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

- 1.** The Right Honourable Horace Brand Townsend, Baron Farquhar, the Honourable Herbert Cokayne Gibbs, Francis Alfred Lucas, Joseph Harry Lukach, Rochfort Maguire, Harry Mosenthal, Lionel Phillips, John Edward Dudley Ryder, Gerald Dudley Smith, Hamilton Smith, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Pacific and Yukon Railway, Navigation and Mining Company," hereinafter called "the Company."
- 2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.
- 3.** The head office of the Company shall be in the city of London, England, or in such other place in Great Britain, or in Canada, as the directors from time to time determine by by-law.
- 4.** The Company may lay out, construct and operate a railway of the gauge of three feet, or such other gauge as may be adopted by the Company, from a point at or near Pyramid Harbour, near the head of Lynn Canal, or from a point on or near the international boundary between Canada and the United States, in the vicinity of Lynn Canal, thence through the Chilkat Pass, thence to Dalton's Post, on the Alsek River, and thence by the best feasible route to a point below Five Finger Rapids on the Lewes River; and may vary the said route if necessary or advisable.
- 5.** The Company may, for the purpose of its business,—
- (a.) construct, equip, acquire, charter, navigate and dispose of steam and other vessels upon the rivers, lakes and streams in the territory served by the said railway or tributary thereto, or connecting with, and upon other inland waters of the North-West Territories and British Columbia, connecting therewith or adjacent to the proposed line of railway, and carry on generally the business of transportation in connection with the said railway and vessels;

Preamble.

Incorporation.

Corporate name.

Declaratory.

Head office.

Line of railway described.

Powers of Company.

Vessels.

Running rights.	(b.) acquire and work mines, mineral and mining rights in British Columbia and the North-West Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;	5
Roads, docks, etc.	(c.) construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills and other buildings and works which are necessary or convenient for the purposes of the Company ;	10
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	15
Water and steam power.	(e.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works ;	20
Carriers.	(f.) carry on in the province of British Columbia, and in the North-West Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainment of the above objects ;	25
Property.	(g.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking, and again dispose of such rights ;	30
Storekeepers.	(h.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches ;	35
Mineral products.	(i.) enter into traffic and other arrangements with other railway and transportation companies ; and issue preference stock and bonds.	40
Patent rights.		45
Water supply.		50
Traffic arrangements.		55
Issue of preference stock.		
Telegraph and telephone lines.	<b>6.</b> The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay sub-	55

marine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.

7. If the Company requires land for wharfs, docks and  
 5 elevators and cannot agree for the purchase thereof with the  
 owner of such land, it may cause a map or plan and book of  
 reference to be made of such land and all the provisions of  
 sections 107 to 111 both inclusive, of *The Railway Act* shall  
 apply to the subject-matter of this section, and to the obtain-  
 10 ing of such land and determining the compensation therefor.

Proceedings  
when extra  
land required.

8. The Company may receive, either by grant from any  
 government, person or municipal corporation, as aid in the  
 construction of the railways, vessels and works provided for  
 in this Act, any Crown lands, real or personal estate or pro-  
 15 perty, sums of money, debentures or subsidies, either as gifts,  
 by way of bonus or guarantee, or in payment, or as subven-  
 tions for services, and may dispose of the same, and may  
 alienate such of the said property as is not required for the  
 purpose of the Company in carrying out the provisions of this  
 20 Act.

Power to  
receive grants  
and subsidies.

9. The said Francis Alfred Lucas, Joseph Harry Lukach,  
 Lionel Phillips, John Edward Dudley Ryder, Gerald Dudley  
 Smith and shall be the first or provisional  
 directors of the Company. The said directors may deposit in  
 25 any recognized bank in London, England, or chartered bank  
 of Canada, moneys received by them on account of stock sub-  
 scribed, which moneys shall not be withdrawn except for the  
 purposes of the undertaking, or upon the dissolution of the  
 Company for any cause whatsoever.

Provisional  
directors.

10. The capital stock of the Company shall be eighteen  
 millions of dollars, and may be called up by the directors from  
 time to time and in such amounts as they deem necessary.

Capital stock.

11. The directors under the authority of the shareholders  
 given at any annual meeting or at any special general meeting  
 35 called for the purpose, at which meeting shareholders re-  
 presenting at least two-thirds in value of the capital stock  
 of the Company are present or represented by proxy, may  
 convert ninety thousand shares, representing nine million  
 dollars, or any less number of shares of the capital stock of  
 40 the Company, into preference stock; and the holders of such  
 preference stock shall be entitled to receive a preferential divi-  
 dend at such rate and have such priority as regards capital  
 and dividend, and such privileges as to voting or otherwise,  
 as the directors may, by resolution, determine; and the direc-  
 45 tors shall have power to give such preference stock the right  
 of participation in any surplus there may be after payment of  
 such a rate of dividend on the ordinary shares as the directors  
 may decide.

Preference  
stock.

12. The annual meeting of the shareholders shall be held  
 50 on the first Tuesday in the month of May in each year.

Annual  
meeting.

Election of directors.

**13.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, one or more of whom may be paid directors.

5

Powers as to navigation and transportation.

**14.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

10

1888 c. 29.

**15.** *The Railway Act* shall extend and apply to the railway undertaking of the Company and shall be incorporated with and form part of this Act in so far as is not inconsistent with any of the provisions hereinbefore contained.

15

Time for construction limited.

**16.** If the railway mentioned in section 4 of this Act is not finished and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void.

20

Power of Parliament as to future legislation.

**17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

25

30

No. 33.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Pacific and Yukon Railway, Navigation and Mining Company.

First reading, February 22nd, 1898.

(PRIVATE BILL.)

Mr. TISDALE.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Columbia and Western  
Railway Company.

**W**HEREAS the Columbia and Western Railway Company Preamble.  
has, by its petition, represented that it was incorporated  
by an Act of the legislature of the province of British B.C., 1896,  
Columbia, being chapter 54 of the statutes of 1896, and has c. 54.  
5 prayed that its undertaking be declared to be a work for the  
general advantage of Canada, and the said company a body  
corporate within the jurisdiction of the Parliament of Canada,  
and that certain additional powers as hereinafter set forth be  
conferred upon the said company, and it is expedient to grant  
10 the prayer of the said petition: Therefore Her Majesty, by  
and with the advice and consent of the Senate and House of  
Commons of Canada, declares and enacts as follows:—

**1.** The undertaking of the Columbia and Western Railway Declaratory.  
Company, hereinafter called “the Company,” is hereby de-  
15 clared to be a work for the general advantage of Canada.

**2.** The Company as now organized and constituted under Incorporation.  
the statute mentioned in the preamble, is hereby declared to be  
a body corporate and politic within the legislative authority of  
the Parliament of Canada, and this Act and *The Railway Act*  
20 shall apply to the Company and its undertaking instead of the  
said Act of incorporation and the British Columbia Railway  
Act; provided that nothing in this section shall affect any-  
thing done, any right or privilege acquired, or any liability  
incurred under the said statute of British Columbia prior to  
25 the passing of this Act, to all of which rights and privileges  
the Company shall continue to be entitled, and to all of which  
liabilities the Company shall continue to be subject.

**3.** The undertaking of the Company, or any part thereof, Agreement with another company.  
may be leased or sold to the Canadian Pacific Railway Com-  
30 pany or to any other company which the Governor in Council  
may approve of, on such terms and conditions as are agreed  
upon between the directors of the two companies; provided  
that such lease or sale has been first sanctioned by the consent  
in writing of every shareholder of the Company, and by the Approval of shareholders and Governor in Council.  
35 Governor in Council; or failing such consent of every share-  
holder, then by two-thirds of the votes of the shareholders pre-  
sent or represented by proxy at a special general meeting duly  
called for the purpose, and by the approval of the Governor in Notice of application for sanction.  
40 Council, after notice of the proposed application therefor has  
been published in the *Canada Gazette*, and also in a newspaper  
published at Vancouver, in British Columbia, for at least four  
weeks previous to the hearing of such application.

Head office.

4. The head office of the Company shall be in the city of Montreal, or such other place as may be from time to time determined by by-law.

Time for construction limited.

5. If the railway of the Company is not finished and put in operation within five years from the passing of this Act, then the powers granted to the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. 5

Power of Parliament as to future legislation.

6. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 15

No. 34.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act respecting the Columbia and Western Railway Company.

First reading, February 22nd, 1898.

(PRIVATE BILL.)

Mr. BOSTOCK.

OTTAWA

Printed by S. L. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Columbia and Western Railway Company.

WHEREAS the Columbia and Western Railway Company Preamble.  
 has, by its petition, represented that it was incorporated  
 by an Act of the legislature of the province of British B.C., 1896,  
 Columbia, being chapter 54 of the statutes of 1896, and has c. 54.  
 5 prayed that its railway and undertaking be declared to be a  
 work for the general advantage of Canada, and that certain  
 additional powers as hereinafter set forth be conferred upon  
 the said company, and it is expedient to grant the prayer of  
 the said petition: Therefore Her Majesty, by and with the  
 10 advice and consent of the Senate and House of Commons of  
 Canada, declares and enacts as follows:—

1. In this Act the expression "the Company" means the Declaratory.  
 body corporate and politic heretofore created by the Act  
 mentioned in the preamble under the name of the Columbia  
 15 and Western Railway Company; and the works which the  
 Company by its said Act of incorporation is empowered to  
 undertake and operate are hereby declared to be works for  
 the general advantage of Canada.

2. Nothing herein contained shall be construed in any way Provincial  
 20 to affect or render inoperative any of the provisions of the Act to remain  
 said Act of incorporation which authorized the Company to valid, but  
 undertake, own and operate the said works as aforesaid; but works to be  
 hereafter the same shall be subject to the legislative authority subject to  
 of the Parliament of Canada, and the provisions of *The* Parliament.  
 25 *Railway Act*.

3. The said works of the Company, or any part thereof, Agreement  
 may be leased or sold to the Canadian Pacific Railway Com- with another  
 30 pany or to any other company which the Governor in Council company.  
 may approve of, on such terms and conditions as are agreed  
 upon between the directors of the two companies; provided Approval of  
 that such lease or sale has been first sanctioned by the consent shareholders  
 in writing of every shareholder of the Company, and by the and Governor  
 Governor in Council; or failing such consent of every share- in Council.  
 35 holder, then by two-thirds of the votes of the shareholders pre-  
 sent or represented by proxy at a special general meeting duly  
 called for the purpose, and by the approval of the Governor in  
 Council, after notice of the proposed application therefor has Notice of  
 been published in the *Canada Gazette*, and also in a newspaper application  
 40 published at Vancouver, in British Columbia, for at least four for sanction.

weeks previous to the hearing of such application.

Head office.

4. The head office of the Company shall be in the city of Montreal, or such other place as may be from time to time determined by by-law.

Time for construction limited.

5. The Company shall complete the railways which it is authorized to construct, within five years from the passing of this Act, otherwise its right to construct the same shall cease as to the portion then unconstructed. 5

Power of Parliament as to future legislation.

6. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 15

No. 34.

3rd Session, 8th Parliament, 61 Victoria, 1898

[CORRECTED COPY]

BILL.

An Act respecting the Columbia and Western Railway Company.

First reading, February 22nd, 1898.

(PRIVATE BILL.)

Mr. BOSTOCK.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Miles Cañon and White Horse Tramway Company.

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

Preamble.

**1.** Edward Gibson Tilton, George Chester Shaw and Sidney Aspland, all of the city of Victoria, in the province of British Columbia, together with such persons as become shareholders  
 10 in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Miles Cañon and White Horse Tramway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The head office of the Company shall be in the city of  
 15 Victoria, in the province of British Columbia.

Head office.

**3.** The Company may lay out, construct and operate a line of tramways, of the gauge of not less than three feet nor more than four feet eight and one-half inches, from a point on the westerly or left bank of the Lewes River, at or near the  
 20 entrance to Miles Cañon, and continuing thence down stream in a northerly direction, along or near the said westerly bank of the said river, along or in the general direction of the said Miles Cañon and White Horse Rapids, a distance of about four miles, to a point at or near the navigable waters of the  
 25 said river below the White Horse Rapids.

Line of tramway described.

**4.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock and calls thereon.

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

Annual meeting.

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

Election of directors.

Amount of bonds, etc., limited. **8.** The Company may issue bonds, debentures or other securities, to the extent of five thousand dollars per mile of the tramways and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of tramways constructed or under contract to be constructed. 5

1888, c. 29. **9.** Subject to the provisions of this Act, *The Railway Act* shall apply to the Company and its undertaking.

Power to control vessels. **10.** The Company may, for any purpose connected with its undertaking, acquire, equip, work and own, or may hire, charter or freight any ship, barge, boat or vessel, and may use 10

Transportation. the same in any manner, and may contract for and undertake to transport by water, passengers and goods and other things; and, subject to the provisions of chapter 92 of the Revised Statutes, may acquire and utilize water power for any purpose connected with its undertaking, and may construct all necessary 15

R.S.C., c. 92. Water power. erections and plant for the purposes aforesaid.

Erect telegraph and telephone lines. **11.** The Company may construct, equip, work and maintain a telegraph line and telephone line along the whole length of its tramways, and may establish offices for the transmission of messages for the public and collect tolls for so doing; and for 20 the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof.

Arrangements with other companies. **2.** The Company may enter into arrangements with any other telegraph or telephone company for the exchange and 25 transmission of messages, or for the working in whole or in part of the lines of the Company.

Approval of telegraph and telephone rates by Governor in Council. **3.** No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, 30 until such rates or charges have been approved of by the Governor in Council.

R.S.C., c. 132. **4.** *The Electric Telegraph Companies Act*, being chapter 132 of the Revised Statutes, shall apply to the telegraphic business of the Company. 40

Power of Parliament as to future legislation. **12.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any 45 other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 50

No. 36.]

**BILL.**

[1898.

An Act to amend the Act respecting the sale of  
Railway Passenger Tickets.

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

**1.** Section 1 of chapter 110 of the Revised Statutes, is here- R.S.C., c. 110,  
5 by amended by inserting the words “steamboat or ferry s. 1 amended.  
company” after the words “railway company” in the first  
line thereof.

**2.** Section 7 of the said chapter is hereby amended by Section 7  
inserting after the word “railway” wherever it occurs the amended.  
10 words “steamboat or ferry.”

No. 36.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Act respecting the  
sale of Railway Passenger Tickets.

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First reading, February 22, 1898.

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Mr. BEATTIE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting Certificates to Masters and Mates of Ships.

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

1. Section 17 of the *Act respecting certificates to Masters and Mates of Ships*, chapter 73 of the Revised Statutes, is hereby repealed and the following substituted therefor :—
- “ 17. The Board of Trade in the United Kingdom, or the Minister, may suspend or cancel the certificate, whether of competency or service, of any master or mate or second mate of a sea-going ship who has received a certificate from such Minister, in the following cases, that is to say : if upon any investigation duly authorized by the Minister under *The Wrecks and Salvage Act*, such master or mate is reported to be incompetent, or to have been guilty of any gross act as misconduct, drunkenness or tyranny ; or it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default ; or if it is shown, to the satisfaction of the said Board of Trade, or of the said Minister, that such certificate was granted on false or erroneous information.”
2. The said Act is hereby further amended by adding the following sections thereto after section 25 :—
- “ 26. The Minister, upon a report of a duly appointed and qualified examiner of masters and mates, may grant a temporary certificate as master to an applicant sufficiently qualified by his knowledge and experience to take charge of a steamboat of not more than ten tons, gross tonnage, and certificated to carry not more than ten passengers, plying within specified limits in the minor inland waters of Canada,—which steamboat and limits shall be described in the certificate.
- “ 2. Such temporary certificate may be issued and be in force for a term not exceeding one year, but may be suspended or cancelled for cause by the Minister.
- “ 3. For every such temporary certificate the applicant shall pay the sum of five dollars.
- “ 4. No person who holds a certificate issued under this section, and no person who employs him as holding such certificate, shall be liable to any of the penalties provided by this Act if he is acting on the vessel and within the limits specified in the said certificate.”
- “ 27. All pecuniary penalties imposed under the authority of this Act may be recovered by summary proceedings as provided by part LVIII. of *The Criminal Code*, 1892.”

R.S.C., c. 73,  
new section  
17.

Suspension  
and cancella-  
tion of cer-  
tificates.

Sections  
added.

Temporary  
certificate.

Duration.

Fee.

Exemption  
from penalty  
in such case.

Recovery of  
penalties.

No. 37.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting the certificates to Masters and Mates of Ships.

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First reading, March 1st, 1898.

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Sir LOUIS DAVIES.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting the Government Harbours, Piers and Breakwaters.

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

1. Section 2 of chapter 84 of the Revised Statutes, intituled *An Act respecting the Government Harbours, Piers and Breakwaters*, is hereby repealed, and the following is substituted therefor :—

R.S.C., c. 84,  
new section 2.

“2. The Governor in Council may appoint or direct such officers or persons as he thinks proper, who shall have, under the direction of the Minister of Marine and Fisheries, the charge of the works hereby placed under the management and control of the said minister, and who shall collect the tolls and dues thereon; and the Governor in Council may determine the remuneration to be allowed them respectively for such services and such remuneration shall be retained from the tolls and dues collected.”

Appointment  
of officers to  
collect tolls,  
etc.

2. Section 5 of the said Act is hereby repealed, and the following is substituted therefor :—

New section 5.

“5. After deducting the remuneration mentioned in section 2 of this Act, the remainder, if any, of all tolls and dues received under this Act shall be paid over by the person receiving them to the Minister of Finance and Receiver General, at such times and in such manner as the Governor in Council directs; but an account thereof shall also be rendered to the Minister of Marine and Fisheries at such times and in such manner as he directs; and an account of all such moneys, and of all expenditure incurred in the collection thereof, or otherwise under this Act, shall be laid before Parliament at the session next after the close of the fiscal year in which such moneys have been received and such expenditure has been incurred.”

Application  
of tolls.

Accounts to  
be rendered.

No. 38.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting the Government Harbours, Piers and Breakwaters.

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First reading, March 1st, 1898.

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Sir LOUIS DAVIES.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 39.]

**BILL.**

[1897.

An Act respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them.

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

SHORT TITLE.

1. This Act may be cited as *The Steamboat Inspection Act*, Short title.  
5 1898.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a.) The expression “steamboat” includes any vessel used in navigation or afloat on navigable water, and propelled wholly or in part by steam; or by any machinery or power  
10 other than sails or oars; [and includes steam dredges and floating elevators];
- (b.) The expression “owner” means the registered owner  
only;
- (c.) [For the purpose of collecting the yearly rate or duty  
15 hereinafter imposed, the expression “year” means the calendar year, commencing on the first day of January and ending on the thirty-first day of December, and for the purpose of the inspection hereinafter rendered imperative the expression  
“year” means twelve calendar months from the date of the  
20 certificate of inspection];
- (d.) The expression “boilers and machinery” includes the  
steam engine or engines, and every part thereof or thing  
connected therewith, employed in propelling the steamboat,  
and any donkey or pony engine used on board, and the boiler  
25 or boilers for supplying steam thereto, and the furnaces, chimneys, flues, safety and blow-off valves, gauges, braces, stays, pipes, steam pumps, and all other apparatus and things attached to or connected therewith or used with reference to any such engine or under the care of the engineer;
- (e.) The expression “hull and equipment” includes the  
30 hull and every part thereof, masts, sails and rigging when
- Interpreta-  
tion “Steam  
boat.”
- “Owner.”
- “Year.”
- “Boilers and  
machinery.”
- “Hull and  
equipment.”

	the steamboat carries them, life boats and other boats and the tackle and apparatus for lowering or hoisting them, the apparatus, other than steam fire engines, for preventing or extinguishing fires, anchors and cables, windlasses and cap-	5
	stans, fire buckets, compasses, axes, lanterns, and all other articles and things necessary for the navigation and safety of the steamboat and not under the care of the engineer ;	
Inspector	(f.) The expression "inspector" means a person appointed under the provisions of this Act to inspect the "boilers and machinery" or the "hulls and equipment" of steamboats ;	10
"Boiler."	(g.) The expression "boiler" means a boiler of or intended for a steamboat, and includes boilers when the steamboat has more than one, and the expression "boilers" means "boiler" when she has only one ;	
"Hull."	(h.) The expression "hull" includes the equipment ;	15
"Certificate."	(i.) The expression "certificate" means one of the duplicates or triplicates of the certificate given by the inspectors or inspector, as the case may be ;	
"Freight boats."	(j.) The expression "freight boat" means steamboats carrying freight only ;	20
"Passenger."	(k.) The expression "passenger" means any person carried on a steamboat, other than the master and crew and the owner, his family and servants, connected with his household ;	
"Passenger steamboat."	(l.) [The expression "passenger steamboat" means any steamboat carrying any person other than the master and crew, the owner, his family and the servants connected with his household ; except steam yachts used exclusively for pleasure or private use without hire of any kind ;	25
"Minister."	(m.) The expression "minister" means the Minister of Marine and Fisheries ;	30
"Vessel."	(n.) The expression "vessel" means any barge, bateau, boat, scow or vessel carrying passengers, other than a steamboat ;	
"Voyage."	(o.) The expression "voyage" includes "passage" or "trip," and the expression "remuneration" includes fuel and ships stores of any kind or any other kind of payment or compensation.	35
"Tug-boat."	(p.) The expression "tug-boat" means a steamboat used exclusively for towing purposes.	

EXTENT AND APPLICATION OF ACT.

Certain ves-  
sels not sub-  
ject to this  
Act.

Except in cer-  
tain particu-  
lars.

**3.** 1. No steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind, no tug boat, no freight boat under one hundred and fifty tons gross tonnage, no steamboat used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, and no steam dredge or floating elevator or vessel of like kind shall be subject to the requirements of this Act ; except as regards the yearly rate or duty and the inspection fees hereinafter imposed and the inspection of their boilers and machinery—to which

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inspection they shall be subject at least once in each year and oftener if required—under the same provisions and penalties for neglect, as other steamboats, and except also as to the obligation to carry one life-buoy and take the precautions against fire hereinafter imposed upon all steamboats, and to carry a life preserver for each person on board; and no steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind of three tons gross tonnage and under shall be subject to any of the provisions of this Act: [Provided, however, that if any of the vessels mentioned in this section—except the steam yachts therein mentioned—carries passengers for or without hire, such vessel shall be deemed to be a passenger steamboat for the time being and shall be subject to all the provisions of the Act from which by this section such vessel is exempt].

Certain steam yachts entirely exempt.

2. This Act shall not apply to steamboats belonging to Her Majesty. H. M. vessels.

3. The Governor in Council may direct that this Act or certain provisions thereof shall apply to, or shall not apply to, any steamboat or class of steamboats registered elsewhere than in Canada. Application to vessels not registered in Canada.

#### APPOINTMENT AND QUALIFICATIONS OF INSPECTORS.

4. The Governor in Council shall, from time to time, appoint at such places as he deems advisable, in Canada, a skilled person or persons competent to inspect the boilers and machinery employed in steamboats, who shall not be interested in the manufacture of steam engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master two of the triplicate certificates of such inspection,—and also a skilled person or persons competent to inspect the hulls and equipment of steamboats, who shall not be interested in the building or construction of hulls of steamboats, or of any article or thing hereinafter mentioned as part of the equipment required by this Act for steamboats, or properly belonging to or connected with such equipment according to the intent of this Act, and whose duty it shall be to make such inspection, and to give triplicate certificates of such inspection;

Appointment of inspectors of boilers and machinery.

And of inspectors of hulls and equipment.

2. [And no inspector so appointed shall except by permission of the minister be engaged in any business, or act as valuator of any damaged goods or cargo, or inspect or survey any machinery, steamboat, barge or vessel of any kind in any capacity, other than in his official capacity as steamboat inspector; or hold any civil office whatsoever.]

5. 1. No person shall be appointed an inspector of boilers and machinery of steamboats unless he has passed a satisfactory examination before the board of steamboat inspection, as to his knowledge and experience on the subject of boilers and machinery of steamboats, and the working of the same; and no person

Examination of inspectors.

shall be appointed an inspector of the hulls and equipment of such vessels, unless he has passed a satisfactory examination as to his competency for the office, [before the chairman of the board and two inspectors of hulls and equipment]; and no one shall be appointed an inspector for either purpose unless he 5 has received from the chairman of the board, a certificate in writing that he has satisfactorily passed such examination.

Oaths of office.

2. Every such inspector, before entering upon his duties as such, shall take and subscribe an oath, before a judge of a court of record, well, faithfully and impartially to execute the 10 duties assigned to him by this Act, in the form or to the effect following:—

Form of oath.

I, A.B., do solemnly swear that I will well, faithfully and impartially, to the best of my judgment, skill and understanding, execute the duties assigned to the office of inspector of 15 boilers and machinery, (or hulls and equipment, as the case may be) of steamboats under *The Steamboat Inspection Act*. So help me God.

3. The oath taken by every inspector shall be forwarded forthwith by such judge to the minister. 20

Inspectors of hulls and equipment may be dispensed with in certain parts of Canada.

Duties, how performed in such case.

4. In the provinces of Manitoba and British Columbia, and in the North-west Territories and the district of Keewatin, the minister may, when he sees fit, dispense with the appointment of an inspector of hulls and equipment; and in such case or in case of a vacancy in the office of inspector in the said provinces, 25 territories or district, the minister may assign the duties of such inspector to the inspector of boilers and machinery, or such other person as he temporarily employs,—who shall then and so long as such order remains in force, have all the powers and perform all the duties hereby assigned to the inspector of 30 hulls and equipment, under the like obligations and like penalties in case of default, and such person shall be called an acting inspector of hulls and equipment.

THE GOVERNOR IN COUNCIL MAY MAKE RULES.

Power to Governor in Council to make rules and regulations, for certain purposes.

6. 1. The Governor in Council may make rules and regulations for the following purposes, viz.:— 35

(a.) for the testing of boilers and all matters connected with the construction and working thereof:

(b.) for the inspection of safety valves and boiler cocks and all matters connected with the construction and working thereof: 40

(c.) [for the inspection of hulls and equipment of steamboats]:

(d.) respecting boats and life-preservers, fire buckets, axes and lanterns and other life-saving appliances to be carried by steamboats or by other vessels mentioned in this Act: 45

(e.) respecting the qualifications necessary to entitle a person to an engineer's certificate:

(f.) requiring steamboats to carry chemical or other fire extinguishers, and prescribing the number of such fire extinguishers to be carried by steamboats of different sizes and classes respectively.

- 5 2. [Any rules and regulations made under the authority of this section shall, after publication in *The Canada Gazette*, have like force and effect as if herein enacted.] Publication and effect of rules and regulations.
7. The Governor in Council may, at any time, order and direct that the provisions of this Act or of any rules or regulations made thereunder in so far as such provisions extend to the carrying of boats and life-preservers, shall not, at any time or during any time specified in the Order in Council, apply to any ferry boat specially mentioned in such order. Ferry boats, carrying of boats and life preservers on. Governor in Council may direct that Act shall not apply.
- 15 8. The Governor in Council may order and direct that such provisions, as he deems advisable with respect to the carrying of boats and life-preservers on any ferry boat, shall be applicable to and shall during any time specified in the Order in Council be enforced in respect of any ferry boat specially mentioned in such Order in Council. And he may make provisions on the subject.

#### BOARD OF STEAMBOAT INSPECTION.

- 20 9. 1. The inspectors shall form a board, to be called "The Board of Steamboat Inspection," of which board the Governor in Council shall appoint the chairman; three of the members shall form a quorum, one of which shall be the chairman. Composition of Board.
2. The chairman shall have the right to vote; and in the case of an equal division shall also have a casting vote, and shall supervise the other inspectors. Chairman.
- 25 2. The chairman shall have the right to vote; and in the case of an equal division shall also have a casting vote, and shall supervise the other inspectors. Quorum.
3. [The minister may appoint one of the inspectors a deputy chairman, to act in the absence of the chairman, and such deputy shall exercise all the functions of the chairman]. Chairman's powers.
- 30 4. The minutes of the proceedings of the board shall be kept by such chairman, or deputy chairman—and a copy thereof, certified by him, shall be transmitted to the minister. Deputy chairman.
5. The board shall meet at such time and at such place as the minister determines, and may make rules and regulations for their own conduct, for the uniform inspection of steamboats, for prescribing the duties of engineers, and for such other purposes as are necessary under this Act; and such rules and regulations shall not come into force until after they are approved by the Governor in Council. Minutes.
- 35 5. The board shall meet at such time and at such place as the minister determines, and may make rules and regulations for their own conduct, for the uniform inspection of steamboats, for prescribing the duties of engineers, and for such other purposes as are necessary under this Act; and such rules and regulations shall not come into force until after they are approved by the Governor in Council. Meetings.
- Rules and regulations.

#### INSPECTION.

- 40 10. The chairman of the board of steamboat inspection may at any time inspect or examine the hull, equipment, boiler and machinery of any steamboat, and if he suspects any inspector of having neglected his duty in relation to such steamboat, or in any other respect, he may call a meeting of the board to investigate the case, or may himself investigate it; and the result Chairman may inspect steamboats.
- 45 10. The chairman of the board of steamboat inspection may at any time inspect or examine the hull, equipment, boiler and machinery of any steamboat, and if he suspects any inspector of having neglected his duty in relation to such steamboat, or in any other respect, he may call a meeting of the board to investigate the case, or may himself investigate it; and the result Neglect of duty by inspectors to be reported by chairman.

Other duties of chairman.	of such investigation shall be forthwith communicated, in writing, to the minister; he shall receive and examine all reports and accounts of inspectors, and report fully to the minister upon all matters pertaining to his official duties, so as to ensure, as far as possible, a uniform and efficient administration of the inspection laws, rules and regulations. 5
Inspection to be made at least yearly.	<b>11. 1.</b> The master or owner of every steamboat liable to inspection under this Act, shall cause the boiler and machinery and the hull and equipment thereof, or the boiler and machinery alone as the case may be, to be inspected at least 10
Certificate.	once every year, and shall deliver to a chief officer of customs one of the certificates thereof; and for every neglect to cause such inspection to be made, and a certificate thereof to be
Penalty.	delivered to a chief officer of customs, such master or owner shall be liable to a penalty not exceeding five hundred dollars 15 and not less than one hundred dollars.
Duration of certificate.	<b>2.</b> Every such certificate, unless sooner revoked, shall be good for a period of twelve months from the date thereof, or for such less period as is stated by the inspector in the certificate, [and every steamboat running without such certificate 20 on board shall be seized and detained by any chief officer of customs or by any other person thereunto directed by the Minister].
Steamboat without certificate may be seized.	<b>3.</b> In any case in which a steamboat requiring inspection is not ready for such inspection when the inspector is in the 25 vicinity of such steamboat for the purpose of inspecting steamboats or from any other cause the inspector has to return to inspect such steamboat, the expenses incurred by the inspector in returning to inspect or to complete inspection of such steamboat shall be paid by the owner and if not paid forthwith the 30 steamboat shall subject to the directions of the minister be liable to be seized and detained until such expenses have been paid.]
Subsequent injury to hull or machinery to be reported.	<b>12.</b> The master, owner or engineer of every steamboat, or the person in charge thereof, shall, at the earliest opportunity 35 after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to an inspector; and in case of omission
Penalty.	to give such notice, the master shall be deemed guilty of mis- 40 conduct and the owner of the steamboat shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars and shall also be liable for costs; and if the injury is in respect to the machinery or boiler or any part of the same, the engineer shall be deemed guilty of negligence. 45
Owners and officers of steamboats to answer questions.	<b>13.</b> Every inspector may, at all times when inspecting, visiting or examining any boilers and machinery or the hull of any steamboat, ask of any or all of the owners, officers or engineers of such steamboat, or other person on board thereof

- and in charge or appearing to be in charge of such steamboat, or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that has happened thereto, as he thinks fit; and every such person shall fully and truly answer every such question so put to him; and every person who refuses to answer or falsely answers such question, or who prevents any such inspection or obstructs any inspector in making such inspection, shall be liable to a penalty of fifty dollars.
- 10 **14.** Every inspector of steamboats shall demand of the owner or master of every steamboat which he inspects the production of the certificate of registry of such steamboat, [and may require the production of the certificate of the master, mate or engineer, as the case may be, and such owner or master shall thereupon produce and exhibit the same to such inspector.]
- 15 **15.** When the inspector finds it necessary to open up the hull of a vessel for the purpose of examining her condition, the expense thereby incurred shall be chargeable to the owner of such vessel.
- 20 **16.** The inspector may require that the engine and machinery under inspection by him shall be put in motion; and every inspector shall be carried free of expense on any steamboat which he desires to inspect while under way, and during such period as is necessary for such inspection, and for his return to the port at which he embarked on such steamboat for such purpose, or for his disembarkation at any port at which such steamboat touches on her voyage.
- 25 **17.** 1. If the inspector of hulls and equipment, who inspects any steamboat in the manner required by this Act, approves the hull and equipment of such steamboat, he shall make and sign, in triplicate, a certificate according to the form A, in the second schedule to this Act,—and such triplicates shall be delivered by him to the inspector of boilers and machinery who, when he has inspected and approved the boilers and machinery of the steamboat, shall make and sign, in triplicate, upon the same sheets of paper on which the certificate in triplicate of the inspector of hulls and machinery is written, a certificate according to the form A, in the said schedule, and shall deliver two of the triplicates of the said certificate to the owner or master of the steamboat, who shall deliver one triplicate to a chief officer of customs as aforesaid, and shall cause the other to be posted up, framed and protected by glass, in some conspicuous part of the steamboat for the information of the public; and the inspector of boilers and machinery shall retain the other triplicate for the purposes of this Act.
- 30 **17.** 2. If the steamboat is one of which the boiler and machinery only are subject to inspection under this Act, the inspector

Penalty.

Certificate of registry to be shown.

Owners to pay certain expenses of examination.

Inspection of machinery in motion.

Inspector to be carried free

Certificate of inspection of hull and equipment.

And of boilers and machinery.

In triplicate on same sheets.

How disposed of.

Certificate when there is inspection of

boilers and machinery only.

of boilers and machinery shall sign a certificate in the form B in the said schedule, in duplicate, and deliver the duplicates to the master or owner of the steamboat, who shall deliver one to a chief officer of customs and cause the other to be framed and protected by glass and posted up in some conspicuous part of the steamboat for the information of the public. 5

Penalty for making voyages without certificate or contrary to requirements of certificate.

3. The master, owner or person in charge for the time being of any steamboat which makes any trip or voyage before the certificate required by this section has been issued,—or which makes any trip or voyage or any part thereof at any time or during any period not covered by such certificate,—or which makes any trip or voyage or any part thereof on any waters beyond the limits of those for which such certificate is issued, shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars; and if such penalty and the costs of conviction are not paid forthwith the steamboat shall, subject to the directions of the minister, be liable to be seized and sold by any officer of customs or any other person thereto directed by the minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat. 10 15 20

Recovery of penalty.

Inspector to see that steamboats have proper lights, &c.

R.S.C., c. 79.  
No certificate in case of non-compliance.

Right of inspector to board steamboat.

Penalty for defective equipment.

4. Every inspector of steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly furnished with lights and with means of making fog-signals, in pursuance of the rules prescribed by the *Act respecting the Navigation of Canadian Waters*, and shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided, and shall report such steamboat as unsafe to the minister. 52 30

5. [An inspector or any person thereunto directed by the minister, may at any time go on board any steamboat inspected under the provisions of this Act and inspect the equipment thereof, and if the equipment is not such as was approved by the inspector when he issued the then current certificate of inspection the person making the inspection may seize and detain such steamboat until released by direction of the minister, and the owner of such steamboat shall in such case be liable to a penalty of not less than fifty dollars and not more than one hundred dollars.] 35 40

Decision of disputes by minister in certain cases.

18. Any matter in dispute arising under this Act, between an inspector or the board of steamboat inspection and the master or owner of any steamboat, and also any dispute between an inspector or the said board and an engineer, may be referred by either party to the minister, who shall finally decide the same. 45

Register of inspections to be kept.

19. Each inspector shall keep a register of the inspections and certificates made and granted by him, in such form and with such particulars respecting them as the chairman of the 50

board of steamboat inspection, from time to time, directs, and shall furnish copies thereof, and shall also furnish any other information pertaining to the duties of his office to the chairman when required.

- 5 **20.** Whenever the engine of any steamboat is stopped for [over five minutes,] the engineer or the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the boiler below the pressure limited by the inspector's certificate,—and every person who violates any provision of this section shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars.

When engine is stopped, safety valve to be opened and steam pressure reduced.

Penalty.

- 15 **21.** There shall be, in a conspicuous and easily accessible place in each steamboat, a steam gauge properly constructed and open to the view of all passengers and others on board such steamboat, and showing at all times the true pressure of the steam in the boiler thereof.

Steam gauge to be open to view of passengers.

- 20 **22.** Every master and engineer of any steamboat who, at any time, allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed the pressure limited by her certificate, or who alters or conceals or otherwise deals with the steam gauge, so as to prevent the actual pressure of steam from being seen and ascertained by any passenger, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars for each offence :

Penalty for concealing or tampering with steam gauge.

- 25 2. And every master and engineer of a steamboat who alters or deals with the safety valves, or allows them to be altered or dealt with in any manner whereby a greater pressure of steam may be obtained on the boiler than the pressure allowed by the certificate of inspection issued to such steamboat, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars.

- 35 **23.** The steam gauge required by this Act to be open to the view of all passengers and others on board any steamboat shall be that known as "The Bourdon Gauge," or shall be of such construction and shall be put in such place and position, as the inspector visiting, examining or inspecting such steamboat, from time to time, directs.

Bourdon gauge to be used.

- 40 **24.** Each boiler of every steamboat shall be provided with a suitable water gauge capable of showing the water level within each boiler at all times ; and all steamboats navigating in brackish or salt water, shall be provided with surface blow-off valves, such as are commonly used on board sea-going steamboats.

Water gauge and surface blow-off valves.

- 45 **25.** Every passenger steamboat shall be provided with efficient means for relieving the bilges of water and in addition thereto, if having a condensing engine, shall be provided with

Bilge pipes and injection valves.

a bilge injection valve and a pipe of suitable dimensions leading from the floor frames of the steamboat into the condenser of the engine,—such bilge injection pipe to have a check non-return valve if necessary.

Steamboats to carry at least one life-buoy.

**26.** Every steamboat registered in Canada, or to which this Act applies, shall carry at least one life buoy with a proper heaving line attached, in some convenient place where it can be easily got at for use in case of accident. 5

PRECAUTIONS AGAINST FIRE AND ACCIDENTS.

Precautions against fire.

Combustibles to be kept at safe distance from heat.

Wood to be shielded.

Funnel to be cased.

Receptacles for waste, &c.

Use of coal oil lamps.

Quality of coal oil.

Inspector may allow deviations in some cases.

Stowage of inflammable matter.

Uncovered lights not allowed.

Lamps.

**27.** 1. Suitable and safe provision shall be made throughout every steamboat to guard against danger from fire; and no combustible material, liable to take fire from heated iron or any other heat generated on board any steamboat, in and about the boilers, pipes or machinery, shall be placed at less than six inches distance from such heated metal or other substance likely to cause ignition; and when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by [tin being nailed on it in such manner as approved by the inspector; and the funnel shall have a casing of metal or other incombustible material extending up through the decks from the boiler with a space of at least four inches between it and the funnel]; metallic vessels or safes shall be provided and kept in some convenient place to receive cotton-waste, hemp and other inflammable substances, which are in use on board; and no coal oil lamp shall be used between decks on any passenger steamboat in which any inflammable material is carried; nor shall any coal oil which will not bear a test of three hundred degrees Fahrenheit without taking fire be used on any passenger steamboat. 10 15 20 25

2. If the structure of the steamboat is such, or the arrangement of the boiler or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, the inspector may allow deviations from the said requirements, if in his judgment it can be done with safety. 30

3. Inflammable matter, when carried on any steamboat, shall invariably be stowed away as far as possible from the boiler, and from places where its ignition is possible. 35

4. No fire or lighted lamp, candle or other artificial light by which fire may be communicated, shall be allowed in any stateroom of any passenger steamboat, or in the steerage thereof, unless in a locked and glazed lantern [and no lamps other than with metal bowls shall be used in freight holds or cargo decks.] 40

5. [Whenever electricity is used for lighting or other purposes on board of any steamboat, a certificate in writing shall be furnished by the master or owner from a competent electri- 15

cal engineer, certifying that the workmanship and material are good and that proper precautions have been taken to guard against accidents from fire.]

6. [For each and every contravention of the provisions of this section the owner or master shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars. Penalty.

**28.** 1. Every passenger steamboat shall have at least three double-acting forcing pumps, with chambers at least four inches in diameter with a stroke of not less than six inches, two to be worked by hand, and one by steam, if steam can be employed independently of and not worked by the main engine, otherwise, all three by hand,—one whereof shall be placed near the stern, one near the stem, and one amidship, each having a suitable well-fitted hose of at least two-thirds the length of the steamboat, [with suitable nozzle attached] and kept at all times in perfect order, clear of freight or other obstructions, with hose coupled and ready for immediate use; each pump and coupling shall be provided with a hose wrench chained to the pump, and each of the said pumps shall be supplied with water by a pipe connected therewith, and passing through the side of the steamboat, so low as to be at all times in the water when the boat is afloat. Force pumps.  
Hose.  
Wrenches.  
Supply of water to pumps.

2. In passenger steamboats not exceeding two hundred tons gross, two of such pumps may be dispensed with; if over two hundred tons, but not exceeding five hundred tons gross, one of such hand pumps may be dispensed with; but in such cases the hose shall be of such length as to reach easily to every part of the steamboat; and in passenger steamboats where only one pump is used, such pump shall be placed as directed by the inspector. Requirements when vessel does not exceed certain sizes.

3. In passenger steamboats under one hundred tons gross, one steam pump of suitable size, or if steam cannot be employed, one force pump of suitable size worked by hand, shall be sufficient. When not exceeding 100 tons.

4. In passenger steamboats not exceeding two hundred tons gross, requiring only one pump, such pump shall be placed aft, unless the space forward is kept free to admit of ready access to the pump and hose, in which case the pump may be placed forward. If only one pump, it is to be placed aft.  
Exception.

5. All steam pumps shall be supplied with suitable bilge connection having proper rose or mud box attachments and also a steam syphon, ejector or other suitable means with which to relieve the hold of water. Requisites of steam pumps.

**29.** When it is found that a metal tube or tubes are fixed on any steamboat not less in diameter than the hose carried by such steamboat connected with a force pump or pumps and provided with suitable connections placed at not more than thirty feet from each other, or from either end of the steamboat, to which the hose carried by the 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 Length of hose necessary in certain cases.

Fittings of connections. one of such connections to either end of the steamboat; and each connection shall be provided with a stop valve or stop cock with keys and hose wrenches properly secured or chained to each stop valve or stop cock, or connection so that one or more of such hose attachments may be used as may be required. 5

Steam pony pump to be fitted on steamboats over 60 tons. **30.** Every passenger steamboat of more than sixty tons, registered tonnage, shall be provided with a steam pony pump that may be used as a fire engine, to be worked independently of the main engine; such steam pony pump shall be placed in a suitable place, near the engine-room convenient to the control of the engineer; and in all cases the pump hose shall be coupled to the pony and hand fire pumps, ready for immediate use in case of fire. 10

Hose to be coupled.

Means of escape from lower to upper deck. **31.** Every passenger steamboat carrying passengers on the main or lower deck, shall be provided with sufficient and convenient facilities for the escape of passengers to the upper deck, in case of fire or other accident endangering life. 15

Wire tiller ropes and bell pulls to be used. **32.** [Every passenger steamboat shall be provided with wire tiller ropes, or iron rods or chains, correctly and properly laid with suitable rollers for the purpose of steering and navigating the vessel, and shall use wire bell pulls for signalling the engineer from the pilot house, where bells are used, together with tubes of proper size so arranged as to transmit the sound of the engine bells to the pilot house, or other arrangement approved by the inspector to repeat back the signal.] 20 25

Tubes to return signals.

ENGINEERS.

Examination of applicants for certificates **33.** 1. Any person who claims to be qualified to perform the duties of a first, second, third or fourth class engineer on a steamboat, may apply for a certificate to the minister, who shall cause the board of steamboat inspection, or an inspector or inspectors, to examine the applicant and the proofs that he produces in support of his application, and to report upon such examination and proofs; and any such examination may be upon oath,—which any inspector may administer; and if the said board are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are such as to qualify him to be such engineer, the said minister, on the report of the said board, shall give him a certificate to that effect, specifying the grade for which he has been found qualified; but such applicant, if not a British subject, shall only be entitled to a certificate if, in addition to the qualifications required by this Act, he has been domiciled in Canada for at least three years; and foreigners serving as engineers in ships registered in Canada shall be deemed to be domiciled in Canada while so serving. 30 35 40

May be on oath.

Requisites for certificate.

Additional requirement if applicant is an alien.

Provision if board not sitting when in- 2. If the report of the inspector or inspectors, certifying the fitness of an applicant, is made at the time when the board 45

- of steamboat inspection is not sitting, it may be sent by such inspector or inspectors to the chairman, who, if he approves of it, shall submit it to the minister, who may thereupon grant the applicant a certificate specifying the grade for which he has been found qualified; but if the report of the said inspector or inspectors does not certify the fitness of such applicant, or is not approved by the chairman, the fee paid by such candidate shall not be returned to him, but he may be once more examined without payment of further fee.
- 10 3. Such certificate shall be on parchment and shall be signed by the minister. Certificate signed by Minister.
4. Any certificate as an engineer issued by the board of steamboat inspection, and in force on the second day of June, one thousand eight hundred and eighty-six, may be delivered 15 up by the holder thereof to the minister, who may thereupon give to the holder a certificate on parchment, signed by the minister. Certain former certificates may be exchanged.
5. Every certificate shall be granted for life or during good conduct. Duration.
- 20 6. For the first certificate to an engineer of any class, or for a certificate raising him to a higher class after re-examination, the applicant shall pay five dollars; and for every certificate granted on the delivery up, under subsection 4 of this section, the applicant shall pay one dollar. Fees.
- 25 7. The said sums shall be paid to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada. Disposal of fees.
8. The certificate of any such engineer may be suspended or cancelled by the minister upon proof of negligence, unskillfulness or drunkenness, or in consequence of the finding of a coroner's inquest, and may also be suspended or cancelled by 30 the minister for any other cause, provided such other cause is deemed sufficient by the minister and is certified as such by him. Suspension or cancellation of certificate.
- 35 9. No person shall act in the double capacity of engineer and master on any steamboat, and no person shall act as engineer and fireman on any steamboat having an engine of over seven nominal horse power and required by law to carry a certificated engineer, except in cases where the boiler is fired 40 from the engine-room. Engineers not to act in double capacity.
10. Whenever any engineer proves to the satisfaction of the minister that he has, without fault on his part, lost or been deprived of his certificate, the minister may, upon payment of one-half the fee charged for the original certificate, 45 cause a copy or duplicate of the original certificate to be made out, signed as aforesaid, and delivered to him. Replacement of lost certificate.
- 50 11. Every engineer holding a certificate of competency whether granted under this Act or under the Acts of the United Kingdom relating to merchant shipping, who is employed on any steamboat to which this Act applies, shall keep his certificate of competency posted up, framed and protected Engineer's certificate to be posted up.

Penalty.	by glass, in some conspicuous place in or near the engine-room of such steamboat, and any engineer neglecting to do so shall be liable to a penalty of twenty dollars.	5
Permits to act as engineers may be granted.	12. The minister, upon the report of the inspector of boilers and machinery, in whose district the steamboat is to run, may grant a temporary certificate to an applicant, sufficiently qualified by his knowledge of steamboat machinery and his experience as engineer on a steamboat, authorizing him to act as engineer on a steamboat carrying passengers, having an engine of not more than four nominal horse power if the engine is a single cylinder engine, or nine nominal horse power if the engine is of the compound type, within specified limits in the waters of Canada—which steamboat and limits shall be designated in the certificate.	10
Duration.	(2.) Such temporary certificate may be issued and be in force for a term not exceeding one year, but may be suspended or cancelled for cause by the minister.	15
Fee.	(3.) For every such temporary certificate the applicant shall pay the sum of two dollars, which shall be paid over to the Minister of Finance and Receiver General to form part of the Consolidated Revenue Fund of Canada.	20
Exemption from penalty in such case.	(4.) No person who holds such temporary certificate, and no person who employs him as holding such certificate, shall be liable to the penalty provided by section thirty-five of this Act, if he is acting on the vessel and within the limits specified in the said certificate.	25
Minister may issue certificates equivalent to those of the Board of Trade.	13. In any case where the minister has power under the provisions of the Imperial Act known as <i>The Merchant Shipping Act, 1894</i> , to grant a certificate valid in Great Britain or elsewhere outside of Canada, the minister may issue such certificates of competency as first-class or second-class engineer. Such certificates shall have the word "Canada" prominently marked on their face and back and shall be as nearly as possible similar in shape and form to corresponding certificates of competency for the foreign trade granted by the Board of Trade of the United Kingdom, under the said Act and shall be prominently marked on their face "valid in the United Kingdom or any British possession."	30
57-58 V., c. 60 (Imp.)		
Form.		
Requirements for obtaining certificates.	14. The certificates mentioned in the next preceding subsection of this section shall be granted only on proof that the previous service at sea of the person applying for the same has been such as is required by the regulations for the time being in force in the United Kingdom with respect to certificates of like grade :	40
Suspension or cancellation thereof, when and how incurred.	15. Every certificate of competency granted under the provisions of the subsection 13 of this section shall be subject to be suspended or cancelled by the Board of Trade for like offences or causes, and in like manner, as certificates granted under the said Act of the United Kingdom—all the provisions whereof or of any order of Her Majesty in Council made thereunder shall apply to such certificates, —or to be suspended or cancelled by the minister upon	45

proof of negligence, unskilfulness or drunkenness, or in consequence of the finding of a coroner's inquest, and may also be suspended or cancelled by the said minister for any other cause, provided such other cause is deemed sufficient by the  
5 said minister and is certified as such by him.

16. Certificates of competency as first or second-class engineers in sea-going ships, granted by the Board of Trade under any of the Acts of the United Kingdom relating to merchant shipping, shall, while in force under *The Merchant*  
10 *Shipping Act, 1894*, be of the same force and effect in Canada as if granted under this Act.

Board of Trade certificates to be in force in Canada.

17. Provided that the minister may order an investigation into the misconduct or incompetency of any engineer holding one of the certificates mentioned in the next preceding subsection to be held by one of the inspectors and may on the report  
15 of such inspector cancel or suspend such certificate so far as Canada is concerned.

Investigations of misconduct of engineers.

#### CLASSIFICATION OF ENGINEERS.

**34.** 1. Engineers shall be classified according to the following grades:—  
20

Grades of engineers.

- First class engineers;
- Second class engineers;
- Third class engineers;
- Fourth class engineers.

Engineers with temporary certificates.

25 2. A first class engineer shall be qualified to take charge of any steamboat.

First class.

30 3. A second class engineer shall be qualified to take charge of any freight steamboat, or of any other steamboat, except a sea-going passenger steamboat of more than one hundred nominal horse power.

Second class.

35 4. [A third class engineer shall be qualified to take charge of any passenger steamboat of not more than thirty nominal horse power, having single cylinder engines,—or any passenger steamboat of not more than forty-five nominal horse power, having compound engines,—or of any freight steamboat of not more than seventy-five nominal horse power; but such engineer shall not be qualified to take charge of any sea-going steamboat.

Qualification of third class engineer.

40 5. A fourth class engineer may act in the capacity of assistant engineer on any steamboat except a sea-going passenger steamboat of more than one hundred nominal horse power, but shall not act as chief engineer on any steamboat requiring under this Act engineers holding certificates.]

Qualifications of fourth class engineer.

**35.** 1. No person shall employ another as engineer, and  
45 no person shall serve as engineer on any passenger steamboat, of whatever tonnage, or on any freight steamboat of over one hundred and fifty tons gross, unless the person employed or serving as engineer holds a certificate of competency granted

Engineers may not be employed or serve unless they hold certificates.

under this Act or under the Acts of the United Kingdom for the grade in which he is to be employed, or for a higher grade; and every person who offends against this section shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars: Provided, however, that if a steamboat 5  
 leaves a port with a complement of engineers, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until engineers holding such cer- 10  
 tificates can be obtained.

Who to be deemed an engineer. [2. Any person keeping watch or in charge of the engine-room of any steamboat mentioned in this section shall be deemed to be serving and employed as engineer while keeping such watch, or while so in charge. 15

Certificate not to be transferred. **36.** No one who holds a certificate as engineer or a temporary certificate to act as engineer, under the provisions of this Act or a certificate as engineer under the provisions of chapter 78 of the Revised Statutes, shall transfer such certificate or temporary certificate to any other person and no 20  
 person shall accept or be a party to the transfer of any such certificate or temporary certificate; and every person guilty of such transfer or acceptance of such transfer or who is a party to any such transfer shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars and if such 25  
 penalty is not paid forthwith such person shall be imprisoned for a period not exceeding two months.]

## INSPECTION FEES.

Scale of inspection fees. **37.** 1. The owner or master of every steamboat in Canada shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding ten cents for every 30  
 ton gross which such steamboat measures; and the owner or master of every passenger steamboat exceeding one hundred tons gross, shall pay an inspection fee of eight dollars for each inspection made imperative by this Act; and the owner or 35  
 master of any passenger steamboat of one hundred tons or less, or of any other steamboat, shall pay an inspection fee of five dollars for each inspection made imperative by this Act.

No deduction for machinery when calculating tonnage. 2. Every ton of the gross tonnage of a steamboat shall, for the purposes of this section, be reckoned, and no allowance or deduction shall be made for the space occupied by the engine- 40  
 room.

Payment and disposal of fees. 3. The amount of such rate or duty and inspection fees shall, in each case, be paid to and received by the chief officer of customs, at some one of the ports in Canada, who shall, at such times and in such manner as the Governor in Council, from 45  
 time to time, directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada.

**38.** No inspector shall make or deliver a certificate respecting any steamboat under this Act, unless the receipt of a chief officer of customs for the rate or duty payable in respect of such steamboat for the then current year, has been produced  
 5 and shown to him, and unless he is satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with, in respect of such steamboat; and every inspector shall report to some chief officer of customs  
 10 any case of omission to pay such rate or duty, or of omission to apply for such inspection as aforesaid, for more than one year from the date of the last inspection, or of any refusal to submit to inspection at any time, which in any way or at any time comes to his knowledge.

Inspector's certificate not to be granted before fees are paid, and conditions of Act are complied with.

Omissions to pay fees, to apply for or submit to inspection, are to be reported.

**39. 1.** Each chief officer of customs shall demand of the  
 15 owner or master of every steamboat entered, cleared or otherwise officially dealt with by such officer, the production of the certificate of inspection of such steamboat and of the receipt for the payment of the rate or duty or fee imposed by this Act, in  
 20 respect of such steamboat; and if such certificate and receipt are not so produced, then such chief officer shall seize and detain the said steamboat until the same are produced and exhibited, and until any penalty incurred and lawfully imposed on such steamboat under the provisions of this Act, has been paid  
 in full with costs.

Certificate and receipt for fees to be demanded before clearance of vessel.

Penalty.

**2.** [Any chief officer of customs or other person thereunto directed by the minister may seize or detain any steamboat  
 or vessel running in violation of any of the provisions of this Act or of any Order in Council made under it; and any such  
 30 steamboat or vessel so seized or detained shall be deemed to be the property of Her Majesty until released by the minister and every person who knowingly removes or causes to be removed or is a party to removing, any steamboat or vessel so seized or  
 35 detained shall be liable to a penalty of not more than five hundred dollars and not less than fifty dollars: or to imprisonment for a term not exceeding six months.

Seizure and detention of vessels with respect to which there has been a contravention of this Act, &c.

**3.** Any person who impedes, prevents, obstructs or resists  
 any inspector or chief officer of customs or other person there-  
 unto appointed by the minister, in the performance of any  
 40 duty under any of the provisions of this Act or of any Order in Council made under it shall be liable to a penalty of not more than five hundred dollars and not less than fifty dollars  
 or to imprisonment for a term not exceeding three months or  
 to both].

Penalty for removing vessel under seizure.

Penalty for deceiving, obstructing, &c., officers.

#### PASSENGERS.

**40.** The inspectors shall, in their certificate, prescribe the  
 45 number of cabin or steerage or other passengers that may be carried by any steamboat inspected by them for the carriage of passengers, [according to the rules established by the Governor in Council for that purpose].

Certificate to specify number of passengers allowed.

Inspection  
may be made  
at any time.

Order of Min-  
ister.

Penalty for  
running  
steamboat  
contrary to  
order.

Penalty for  
carrying more  
than lawful  
number  
of passengers.

Vessel also  
liable, and  
may be seized  
and sold.

Barges, &c.,  
not to be  
towed unless  
inspected and  
certified.

Rules as to  
passengers  
and towing  
alongside.

Inspection  
fee.

**41.** 1. Any inspector may, at any time, visit any steamboat and inspect and examine the same, and if he considers such steamboat unsafe or unfit to carry passengers, he shall report thereon to the minister, who may order that such steamboat shall not be used or run until permitted by him. 5

2. Any steamboat run or used in violation of the order of the minister shall be liable to seizure by the chief officer of customs at any port or place or by any person thereunto authorized by the minister and the owner of such steamboat shall incur a penalty of not more than five hundred dollars and not less than fifty dollars. 10

**42.** The master, owner or person in charge for the time being of any steamboat, in which a greater number of passengers than that allowed by her certificate are, at any time, carried, or in respect of which no certificate authorizing the carriage of passengers has been granted and in which passengers are carried, is guilty of an offence against this Act, and shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars; and such steamboat shall be liable for the same and chargeable therewith; and if such penalty is not paid forthwith the steamboat shall, subject to the directions of the minister, be liable to be seized and sold by any chief officer of customs or any other person thereto directed by the minister; and the said penalty and the costs of conviction and costs of such seizure and sale shall be paid out of the proceeds of such sale and the surplus, if any, shall be paid over to the owner of the steamboat. 15 20 25

#### BARGES.

**43.** 1. No steamboat shall be employed to tow any barge, or any boat, bateau, scow or other vessel having passengers on board, unless such barge, boat, bateau, scow or vessel has been inspected by an inspector of hulls and equipment, and by him certified, according to the form C in the second schedule of this Act, to be fit and properly equipped to carry passengers on the waters on which she is so towed; and no such vessel shall, while so towed, have on board a greater number of passengers than she is certified as being fit to carry, nor shall such boat be towed alongside when there are passengers on the steamboat towing. 30 35

2. Every such vessel shall pay an inspection fee of ten dollars for every inspection under this Act, which fee shall be paid to and received by an inspector of hulls and equipment, who shall, at such times and in such manner as the Governor in Council from time to time directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada. 40 45

3. Before a certificate is issued to such vessel, the inspection fee must be paid to the inspector who inspects the vessel, and she must also be equipped throughout in conformity with the requirements of this Act and of the regulations made there-  
 5 under, and must have suitable means for steering, an anchor and chain, and a substantial tow-line of suitable length; and such certificate shall state the period of time for which it is valid.
4. For any violation of this section, the master and the  
 10 owner of the steamboat, and the owner and person in charge of such barge, boat, bateau, scow or vessel carrying passengers, shall each be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars; and such steamboat,  
 15 barge, boat, bateau, scow or vessel, shall be liable for the same and chargeable therewith; and if such penalty is not paid forthwith such steamboat, barge, boat, bateau, scow or vessel shall, subject to the directions of the minister, be liable to be seized and sold by any chief officer of customs or any other person thereto directed by the minister; and the said penalty  
 20 and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owners, [and any steamboat inspector or chief officer of customs may seize and detain any barge, boat, bateau, scow or other vessel, from going  
 25 on any voyage or trip contrary to the provisions of this section, and any person who takes or attempts to take or assists in taking any barge, boat, bateau, scow or other vessel on a voyage or trip contrary to the provisions of this section, after being so seized and detained, shall incur a penalty of one hundred  
 30 dollars and be liable to imprisonment for a period of not more than six months].

Requirements for obtaining certificate.

Penalty for violations of this section.

Vessel also liable, and may be seized and sold.

#### MASTS AND SAILS—AND GANG-BOARDS.

44. The minister may, from time to time, by regulations approved by the Governor in Council, require that every or  
 35 any description of passenger steamboat above sixty tons registered tonnage, employed on the sea coasts of Canada or on all or any of the waters of Canada, shall, at all or any seasons of the year, be provided with a mast or masts, and sail or sails, suitable for such steamboats, and may prescribe the dimensions of such mast or masts, and sail or sails respectively; but  
 40 nothing in this section contained shall apply to that portion of the St. Lawrence between Quebec and Kingston, and the river connecting Lakes Erie and Huron, and the waters between Kingston and the head of the Bay of Quinté, and the rivers in the provinces of Nova Scotia and New Brunswick, and the  
 45 tributary rivers flowing into the River St. Lawrence, or the lakes west of Quebec, and any rivers or lakes not exceeding one mile in width on any point thereof on the route of such steamboats.

Regulations may be made as to carrying masts and sails.

Waters to which these regulations shall not apply.

Gang-boards to be provided, and to be lighted.	<b>45.</b> 1. Every passenger steamboat or vessel shall be provided with good and sufficient gang-boards, protected at the sides in a suitable manner to prevent passengers from falling overboard ; and the master of every such steamboat or vessel shall, on stopping at any wharf or landing place, cause a gang-board to be firmly secured to the vessel or steamboat for the safe and convenient transit of passengers, and shall cause to be affixed to such gang-board in the night time good and sufficient lights ; and the owner or occupier of every such wharf or landing place shall also, in the night time, cause to be shown conspicuously, on such wharf or landing place, and at every angle or turn thereof, during the whole of the time that any such steamboat or vessel is approaching the same or stopping thereat, a good and sufficient light.	5 10
Lights to be provided on wharfs.	2. For the purposes of this section, the night at all seasons of the year shall be deemed to extend from one hour after sunset till one hour before sunrise.	15
Definition of night.	<b>46.</b> 1. The master or person in charge of any passenger steamboat, or vessel navigating the waters of Canada, and every owner, lessee or occupier of a wharf or landing place, who offends against any of the provisions of the next preceding section, shall for each offence be liable to a penalty not exceeding fifty dollars and not less than twenty dollars ; in addition to all damages sustained by any person or persons from any accident happening from non-compliance with any of the said provisions, or during the time the said provisions are not complied with.	20 25
Penalty.		
Damages.		

## GENERAL PROVISIONS.

Provision for notifying passengers of requirements of Act and of means of safety.	<b>47.</b> There shall be placed on board every passenger steamboat in some conspicuous place accessible to all the passengers, a printed copy of this Act ; and in every cabin, state-room and in other conspicuous places about the vessel, there shall be placed a printed paper (to be provided and filled up by the owner or master of the steamboat) showing the number of boats, with their capacity, and also the number of fire buckets, axes and life preservers and floats on board of such steamboat, and the method of adjusting such life preservers to the body, and a statement of the places where such buckets, axes and life preservers are kept ; the name of the steamboat shall be painted or stamped on all the boats, fire buckets and floats, axes and life preservers on board thereof.	30 35 40
Name of vessel to be on boats and apparatus.		
Owner's and master's liability for non-observance of Act.	<b>48.</b> In every case in which a conviction has been secured against the owner, lessee or charterer of a steamboat for a violation of any of the provisions of this Act, and a money penalty imposed, such steamboat shall if the penalty is not paid forthwith be liable to be seized and sold by any chief officer	45

of customs or any other person thereto directed by the minister and such chief officer or person may by bill of sale give the purchaser a valid title to such steamboat free from any mortgage or other claim on the vessel which at the time of such sale may be in existence :

2. Provided however, that any surplus remaining from the proceeds of the sale after paying the amount of the said penalty and the costs of conviction together with the costs of such seizure and sale shall be paid over to the owner of such steamboat.

**49.** Every inspector who wilfully, or through any culpable neglect of duty, makes or confirms any false statement in any certificate under this Act, shall incur a penalty of two hundred dollars.

Penalty for inspector giving false certificate.

**50.** 1. Except when otherwise especially provided, the owner or master of any steamboat in Canada shall, for any violation in respect of such steamboat, on any one voyage or trip thereof, of any of the provisions of this Act or of any Order in Council made under it, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars; and any chief officer of customs or any inspector may detain any steamboat in respect of which the provisions of this Act [or any Order in Council made under it,] have not been fully complied with, or of which the boilers or machinery or the hull, by reason of any injury or other cause, have, in an inspector's opinion, become unsafe; and whenever an inspector gives notice in writing to any chief officer of customs that any of the provisions of this Act or any Order in Council made under it, have not been fully complied with in respect to any steamboat, such chief officer of customs shall seize and detain such steamboat until he receives the certificate in writing of such inspector, to the effect that such provisions have been fully complied with in respect to such steamboat.

Penalty on owner or master for violation of Act.

Vessel may be detained.

And in certain case shall be detained.

**51.** 1. All penalties incurred under this Act may be recovered with costs in a summary manner under the provisions of Part LVIII of *The Criminal Code*, 1892, in the name of Her Majesty, by an inspector or any person aggrieved by any act, neglect or omission, or by any person named for the purpose by the minister, on the evidence of one credible witness who may be the prosecuting inspector himself, or the person aggrieved or the person named by the minister for the purpose of recovering penalties, before any judge of a county court, judge of the sessions of the peace, stipendiary or police magistrate, or two justices of the peace; and in default of immediate payment of such penalty, and costs, such judge, magistrate or justices may commit the offender to jail for any term not exceeding three months, unless such penalty and costs are sooner paid; and all penalties recovered un-

Mode of recovery of penalties.

- Disposal of penalties.      der this Act shall be paid to the Minister of Finance and Receiver General, and shall be by him placed to the credit of the Consolidated Revenue Fund of Canada; provided, that the Governor in Council may, if he sees fit, authorize the payment of a portion of any such penalty to the informer, if he is not an inspector. 5
2. Any information or complaint in respect of any offence against the provisions of this Act may be laid or made within twelve months of the time when the matter of the information or complaint arose. 10
- Investigations of accidents.      **52.** The minister may order an investigation to be made by any person or persons into the cause of any accident attended or not attended with loss of life on any steamboat; and the person or persons so appointed may summon witnesses and compel their attendance before him or them by the same process as courts of justice,—and may administer oaths and examine witnesses touching the cause of such accident,—and report thereon to the minister. 15
- Reports and returns by Board of Steamboat Inspection.      **53.** The chairman of the board of steamboat inspection shall, as often as the minister may direct, furnish a report of the proceedings of the board, and a return of all steamboats inspected, and of all penalties collected under the provisions of this Act. 20
- Returns by inspectors.      **54.** Each inspector shall make monthly returns to the chairman of the said board of all steamboats inspected by him, their tonnage and power, with general descriptions of their machinery and hulls, and a statement of the fees collected upon the same, and any other information which the minister may direct. 25
- How tonnage is to be ascertained.      **55.** The tonnage of every steamship for the purpose of this Act, shall be the tonnage ascertained by the rules of measurement prescribed by the Act of the United Kingdom known as *The Merchant Shipping Act, 1894.* 30
- 57-58 V., c. 60 (Imp.)
- Repeal.      **56.** [Under the power given by section 735 of the Act of the United Kingdom known as *The Merchant Shipping Act, 1894*, so much of the provisions of that Act as relates to ships registered in Canada and is either inconsistent with this Act, or provides for matters provided for in this Act, is hereby repealed.] 35
- 57-58 V., c. 60 (Imp.)
- Repeal.      **57.** The Acts mentioned in the first schedule to this Act are hereby repealed. 40
- Date of coming into force.      **58.** This Act shall come into force on the first day of August, one thousand eight hundred and ninety-eight.

## FIRST SCHEDULE.

## ACTS REPEALED.

Act.	Year.	Title.
R. S. C., chap. 78.....	1886.....	An Act respecting the Inspection of Steamboats and the examination and licensing of Engineers employed on them.
51 Vic., chap. 26.....	1888.....	An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes.
52 Vic., chap. 23.....	1889.....	An Act further to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.
53 Vic., chap. 17.....	1890.....	An Act to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.
54-55 Vic., chap. 39.....	1891.....	An Act further to amend "The Steamboat Inspection Act."
55-56 Vic., chap. 19.....	1892.....	An Act further to amend the Steamboat Inspection Act.
56 Vic., chap. 25.....	1893.....	An Act further to amend the Steamboat Inspection Act.
57-58 Vic., chap. 46.....	1894.....	An Act further to amend the Steamboat Inspection Act.
60-61 Vic., chap. 22.....	1897.....	An Act further to amend the Steamboat Inspection Act.

## SECOND SCHEDULE.

## FORM A.

DOMINION OF CANADA—DEPARTMENT OF  
MARINE AND FISHERIES.

*CERTIFICATE of the Inspector of Hulls and Equipment for a Steamboat to carry Passengers, or for a Freight boat of or over 150 tons gross.*

Having examined the hull and equipment of the steamboat  
of                   whereof                   of                   owner,  
on this                   day of                   A.D. 18   .

The particulars of her gross and register tonnage as shown on her certificate of registry, being as follows :

Tonnage under tonnage deck	Tons.
Houses on deck	"
Gross tonnage	"
Deduct for engine-room	"
Register tonnage	"

I,                   inspector of hulls and equipment, do hereby certify that her hull is in all respects staunch, seaworthy and in good condition for navigation ; that the equipment of the vessel

throughout is in conformity with the requirements of *The Steamboat Inspection Act, 189*, the said steamboat having on board, properly placed and in good order for immediate service:   boats, having (together) a carrying capacity for   persons   ; life boats having (together) a carrying capacity for   persons;   life preservers;   wooden floats;   fire buckets;   axes;   lanterns; life buoy, having a proper heaving line attached; and that she has the fire-pumps, hose and other appliances for extinguishing fire required by the said Act and placed as therein provided and in every way efficient and according to the requirements of the said Act, and I further certify that the said steamboat is permitted to run on the waters between   and   from this   day of   to the   day of   18   , and that she is adapted and fit to carry (*number*) passengers and no more (*as the case may be*).

Dated at  
this            day }  
of            18 . }

*Inspector of Hulls and Equipment.*

*CERTIFICATE of the Inspector of Boilers and Machinery for the same boat.*

And I,            inspector of boilers and machinery, do hereby certify that the engine, boiler and machinery of the steamboat   are sufficient and suitable to authorize her being lawfully employed\*   without hazard to life on the route between   and   from this   day of   to the   day of   19 .

That the engine of the said steamboat is of   nominal horse power and that her boiler can carry with safety   pounds of steam pressure per square inch, and no more.

Dated at  
this            day }  
of            18 . }

*Inspector of Boilers and Machinery.*

\* (Here insert "in the carriage of passengers" or "as a freight boat" or "as a ferry boat" as the case may be.)

NOTE.—The original copy of this certificate to be posted on board.

## FORM B.

DOMINION OF CANADA—DEPARTMENT OF  
MARINE AND FISHERIES.

CERTIFICATE for a *Freight Boat, Tug Boat Fishing Boat,  
Pleasure Yacht, Steam Dredge, Elevator, or like Vessel.*

Having examined the boiler and machinery of the steam-  
boat of whereof of owner,  
on this day of A.D., 18 .

The particulars of her gross and register tonnage, as shown  
by her certificate of registry, being as follows:—

Tonnage under tonnage deck	Tons.
Houses on deck	“
Gross tonnage	“
Deduct for engine-room	“
Register tonnage	“

I, , inspector of boilers and machinery, do  
hereby certify that her engine, boiler and machinery are in  
conformity with the provisions of *The Steamboat Inspection  
Act, 189* , for a and may be so used without hazard  
to life, until the day 18 ; that the engine of  
the said is of nominal horse power, and  
that the boiler of the said can carry with safety  
pounds per square inch of steam pressure and no more:—and  
that she is provided with one life buoy, having a proper  
heaving line attached, and so placed as to be ready for imme-  
diate use when required; she is also provided with signal  
lights properly located and screened, a fog-bell, steam whistle,  
a metal waste vessel and is otherwise equipped as required by  
law.

Dated at  
this day }  
of 18 . }

*Inspector of Boilers and Machinery.*

## FORM C.

DOMINION OF CANADA—DEPARTMENT OF  
MARINE AND FISHERIES.

CERTIFICATE for a *Barge, Boat, Bateau, Scow or other vessel, to  
carry Passengers in tow of a Steamboat.*

I, , inspector of hulls and equipment, having  
examined the of which of is  
owner on this A.D. 18 .  
39—4

do hereby certify that the said vessel is fit, safe and properly equipped in all respects to carry passengers in tow of a steamboat, on the waters and that she is provided with one life buoy having a proper heaving line attached, and so placed as to be ready for immediate use, and that her equipment throughout is in conformity with the requirements of *The Steamboat Inspection Act, 189* , and of the regulations made thereunder.

Dated at  
 this            day }  
 of            189 . }

*Inspector of Hulls and Equipment.*

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No. 39.

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3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them.

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First reading, March 1st, 1898.

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Sir LOUIS DAVIES.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
 1898

An Act to incorporate the Pacific and Eastern Railway Company.

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

Preamble.

**1.** H. S. Holt and Albert Brunet, of the city of Montreal, in the province of Quebec, P. Burns, of the town of Nelson, in the province of British Columbia, Chas. S. Hyman, of the city of London, in the province of Ontario, and H. E. McIntosh, of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Pacific and Eastern Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**3.** The head office of the Company shall be in the city of Vancouver, in the province of British Columbia.

Head office.

**4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Rossland, in the district of West Kootenay, in the province of British Columbia; thence to a point at or near Robson; thence to a point near the southern end of Okanagan Lake, to a point at or near Penticton; thence by the most feasible route to a point at or near the city of Vancouver.

Line of railway described.

**2.** Subject to the provisions of sections 121 and 122 of *The Railway Act* the Company may construct and operate one or more branches from convenient points on its main line to any mine adjacent to such main line or branch line, but no such branch line shall exceed twenty miles in length.

Branch lines.

**5.** The Company may construct, acquire, charter, control, navigate and keep in repair steamers and other vessels to ply between the ports on its line of railway, and between such ports and ports outside of Canada, and carry and convey passengers and freight, and carry on a general transportation ser-

Use of vessels for transportation.

vice in connection with the said railway, and may, for the purposes aforesaid, construct, acquire or lease elevators, warehouses, wharfs, quays and docks.

- Docks, etc.      6. The Company, at any point where the railway or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build and operate docks, warehouses and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings. 5
- Electricity.      7. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or its bridges, docks, wharfs, elevators and warehouses, and may sell or lease such electrical power. 10
- Telegraph and telephone lines.      8. The Company may construct, equip, work and maintain telegraph lines and telephone lines along the whole length of the railway extension and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease any of the Company's lines or any portion thereof. 15 20
- Arrangements with other companies.      2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 25
- Approval of rates by Governor in Council.      3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council. 30
- R.S.C., c. 132.      4. *The Electric Telegraph Companies Act*, shall apply to the telegraphic business of the Company.
- Power to enter upon highway, etc.      9. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions:— 35 40
- Erect poles.      (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;
- Break up highway.      (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway; 45 50
- Travel not to be obstructed.      (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;
- Height of wires.      (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

- (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ; Kind of poles.
- (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ; Cutting poles or wires in case of fire.
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ; Injury to trees.
- 10 (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ; Supervision of municipality.
- 15 (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ; Future legislation as to carrying wires under ground.
- 20 (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ; Workmen to wear badges.
- 25 (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ; Private rights.
- 30 (j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles, and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ; Temporary removal of wires and poles.
- 35 (k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works. Notice to Company.
- 40 Liability for damage.
- 45
- 50

**10.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company. Provisional directors.

**11.** The capital stock of the Company shall be four million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.

55

Annual meeting.

**12.** The annual meeting of the shareholders shall be held on the first Tuesday in August in each year.

Election of directors.

**13.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors. 5

Amount of bonds, etc., limited.

**14.** The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of 10 railway constructed or under contract to be constructed.

Issue of bonds.

**15.** The Company may issue bonds, debentures or other securities authorized to be issued by this Act, separately with respect to any specified section of its railway or branches or extension of its railway, or as to certain sections thereof combined, or on the whole line of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect of which the same are thus respectively issued, and upon the rents and revenues thereof and upon all the property of the Company appertaining to or belonging to such section, branch or extension. 15 20

Agreements with other companies.

**16.** The Company may enter into an agreement with any 25 companies for conveying or leasing to such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council. 30 35

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of 40 the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 45

Power of Parliament as to future legislation.

**17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any 50

other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company 5 without the enactment of this section.

No. 40.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Pacific and  
Eastern Railway Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL).

Mr. FRASER.

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OTTAWA .

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Dominion Building and Loan Association.

**W**HEREAS the Dominion Building and Loan Association Preamble.  
 has, by its petition, prayed for the passing of an Act to  
 enable it to change, by by-law, its corporate name, and it is  
 expedient to grant the prayer of the said petition : Therefore  
 5 Her Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, enacts as follows :—

**1.** The Dominion Building and Loan Association, herein- Power to  
 after called “the Association,” may by by-law change its name change name.  
 to “The Dominion Permanent Loan Company,” which change  
 10 shall take effect, and shall be held to be effectual to all intents  
 and purposes, from and after a day to be specified in such by-  
 law ; provided that the directors of the Association shall adver-  
 tise such change of the name in the *Canada Gazette* and also  
 in a newspaper published in the city of Toronto once in each  
 15 week during the month previous to such change of name tak-  
 ing effect.

**2.** The Association, under its new name, shall not be deemed Former rights  
 to be a new corporation, but it shall have, hold and continue to continue.  
 to exercise all the rights, powers and privileges that shall, pre-  
 20 viously to such change, have been held, exercised and enjoyed  
 by the Association in as full and ample a manner as if the Asso-  
 ciation had continued to exist under its original name ; and  
 all statutory provisions applicable to the Association shall  
 continue applicable to the said the Dominion Permanent Loan  
 25 Company.

**3.** All property, shares, stock, obligations, debts, rights, Rights to be  
 claims and privileges of the Association shall, from the time vested in the  
 such change takes effect, be held by and vested in the Asso- new corpora-  
 ciation under its new name ; and all the members and share- tion.  
 30 holders in the Association shall from such time continue  
 shareholders in all respects as before such change of name ;  
 but all legal proceedings theretofore regularly begun by or  
 against the Dominion Building and Loan Association may  
 be continued and terminated under the name or style of cause  
 35 in which they have been instituted.

**4.** The then existing president, vice-president, directors and Existing  
 officers of the Association shall continue in office as such in officers to  
 the Association under its new name until replaced in conformity continue.  
 with the by-laws of the corporation.

Existing  
by-laws to  
continue.

5. All the then existing by-laws and rules of the Association shall, as regards the Association under its new name, bind all its directors, officers, shareholders, members and borrowers, and shall continue in full force and effect until amended or repealed in conformity with the provisions of the statutes in that behalf governing the corporation. 5

No. 41.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Dominion Building  
and Loan Association.

First reading, March 2nd, 1898.

(PRIVATE BILL.)

Mr. CLARKE.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Canadian Railway Accident Insurance Company.

**WHEREAS** the Canadian Railway Accident Insurance Preamble.  
 Company has, by its petition, prayed for the passing of  
 an Act to amend as hereinafter set forth its Act of incorpora-  
 tion, and it is expedient to grant the prayer of the said petition :  
 5 Therefore Her Majesty, by and with the advice and consent  
 of the Senate and House of Commons of Canada, enacts as  
 follows:—

1. Section 5 of chapter 118 of the statutes of 1894, is hereby 1894, c. 118,  
s. 5.  
 repealed, and the following substituted therefor:—
- 10 “5. The Company may make and effect contracts of in- Powers and  
business.  
 surance with any person against any accident or casualty of  
 whatsoever nature or from whatsoever cause arising to in-  
 dividuals, whereby the insured may suffer loss or injury or be  
 disabled, including sickness not ending in death, or in case of  
 15 death from any accident or casualty, not including sickness, Accident  
insurance.  
 securing to the representative of the person assured the pay-  
 ment of a certain sum of money, upon such terms and conditions  
 as are agreed upon, and in like manner may also make and  
 effect contracts of indemnity with any person against claims  
 20 and demands of the workmen and employees of such person,  
 or of the legal representatives of such workmen and employees,  
 with respect to accidents or casualties of whatever nature or  
 from whatever cause arising, whereby the insured suffers  
 pecuniary loss or damage or incurs costs and expenses.
- 25 “2. The Company may also,— Guarantee  
insurance.  
 (a.) guarantee the fidelity of persons filling or about to fill  
 situations of trust or confidence, and the due performance and  
 discharge by such persons of all or any of the duties and obli-  
 gations imposed on them by contract or otherwise ;
- 30 “(b.) guarantee the due performance and discharge by  
 receivers, official and other liquidators, committees, guardians,  
 executors, administrators, trustees, attorneys, brokers and  
 agents of their respective duties and obligations ;
- “ (c.) guarantee persons filling or about to fill situations of  
 35 trust or confidence against liabilities in connection therewith,  
 and in particular against liabilities resulting from the miscon-  
 duct of any co-trustee, co-agent, sub-agent or other person.”
2. Section 9 of the said chapter 118 is hereby repealed, and Section 9  
repealed.  
 the following substituted therefor:—
- 40 “9. The affairs of the Company shall be managed by a Number of  
directors.  
 board of not less than seven and not more than twenty  
 directors.
- “2. If the board consists of not more than twelve directors, Quorum of  
board.  
 a majority of such board shall form a quorum, but if it consists  
 45 of more than twelve, not less than seven shall form a quorum.”

No. 42.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Canadian Railway  
Accident Insurance Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Board of Trade of the City of Toronto.

WHEREAS the Board of Trade of the city of Toronto has, Preamble.  
 by its petition, prayed that an Act be passed to enable it  
 to wind up the gratuity fund created by chapter 56 of the  
 statutes of 1886, and it is expedient to grant the prayer of the 1886, c. 56.  
 5 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. All assessments for the maintenance of the gratuity fund Assessments  
 of the Board of Trade of the city of Toronto, created under for gratuity  
 10 and by virtue of chapter 56 of the statutes of 1886, entitled fund to cease.  
*An Act to amend the several Acts relating to the Board of  
 Trade of the City of Toronto*, shall cease, and no member of  
 the said fund shall hereafter be liable to be assessed in respect  
 of the said fund.
- 15 2. The said fund, after deducting all necessary costs, charges Application  
 and expenses, shall be applied and disposed of pro tanto in and of fund.  
 by the payment to each member of the said fund at the date Payment of  
 of the passing of this Act, of the sum of one hundred and fixed sum  
 twenty-five dollars in cash. forthwith.
- 20 3. The balance remaining in the said fund after the distri- Payment of  
 bution provided for in the next preceding section hereof shall balance in  
 be then set apart, and the then members of the said fund are five years.  
 hereby declared to be entitled to share equally in the said  
 25 balance (after deducting all proper costs, charges and expenses  
 of management and distribution) at the expiration of five  
 years from the passing of this Act; provided that no such Proviso.  
 member, his representative or assign, shall be entitled to a share  
 of the said balance unless he shall have continued a member  
 of the said Board of Trade for a term of five years after the  
 30 date of the distribution referred to in section 2 hereof, and  
 shall have paid his annual dues in respect of the said term of  
 five years.
4. In the case of the death of a member who shall have Deceased  
 paid the dues payable by him in respect of the period up to member's  
 35 his death, his representative or assign shall be entitled to such share.  
 sum of money as the member would have been entitled to if  
 he had lived and had paid his dues, and the payment to his  
 representative or assign shall be made at the expiration of the  
 said term of five years, after first deducting the amount which  
 40 would have been payable by the member for annual dues if he  
 had lived for the said term of five years.

Transfer of certificate.

5. If any member shall, with the consent of the council of the said Board of Trade, make a transfer of his certificate during the said term of five years, the holder of such certificate shall be entitled at the expiration of five years from the passing of this Act, to the share to which the member so making the transfer would have been entitled but for such transfer. 5

Member of fund ceasing to be member of Board.

6. If any member shall fail to continue a member of the said Board of Trade, and to pay his annual dues, his interest in the said balance of the said fund shall cease, and such share as would otherwise have been payable to him under and by virtue of the provisions hereof, as aforesaid, shall be applied towards the payment of the annual dues which would have been payable by him if he had remained a member for the said term of five years. 15

Moneys applicable to payment of annual dues.

7. The moneys applicable to the payment of annual dues as aforesaid may be paid over to the said Board of Trade from time to time, and shall not be liable to be applied or taken to or for any purpose other than the annual current expenses of the said Board of Trade. 20

Board and trustees of fund may dispose of securities.

8. In order to carry out the object or intent of this Act, and the powers and trusts vested in or imposed upon them or either of them by this Act, the said Board of Trade and the trustees for the time being of the said fund shall have power to sell, hypothecate, pledge, assign and dispose of, and otherwise deal with as they shall see fit, the securities, or any of them, which shall or may be for the time being, for the purposes of the said fund, in the hands of the said Board of Trade and the said trustees, or either of them, and whether the same are held in the name of the said Board of Trade or of the said trustees. 25

1886, c. 56,  
1896 (1st Sess.)  
c. 45.

9. Chapter 56 of the statutes of 1886, entitled *An Act to amend the several Acts relating to the Board of Trade of the City of Toronto*, and chapter 45 of the statutes of 1896 (First Session), intituled *An Act relating to the Board of Trade of the City of Toronto*, are hereby repealed in so far as they are inconsistent with this Act. 30

No. 43.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Board of Trade of the City of Toronto.

First reading, March 2nd, 1898.

(PRIVATE BILL.)

Mr. OSLER.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to confirm an agreement between the St. Stephen and Milltown Railway Company, and the Canadian Pacific Railway Company.

**W**HEREAS the Canadian Pacific Railway Company has, <sup>Preamb</sup>  
by its petition, prayed that an Act be passed to confirm  
a conditional agreement made between the said company and  
the St. Stephen and Milltown Railway Company, a copy of  
5 which agreement is contained in the schedule to this Act, and  
it is expedient to grant the prayer of the said petition :  
Therefore Her Majesty, by and with the advice and consent  
of the Senate and House of Commons of Canada, enacts as  
follows :—

10 **1.** The agreement between the St. Stephen and Milltown <sup>Agreement</sup>  
Railway Company and the Canadian Pacific Railway Company <sup>confirmed.</sup>  
dated the twenty-first day of April, one thousand eight hun-  
dred and ninety-seven, a copy of which is set out in the  
schedule hereto, is hereby approved of, ratified and confirmed,  
15 and declared to be valid and binding on the parties thereto,  
and each of the companies parties thereto may do whatever is  
necessary to give effect to the substance and intention of the  
said agreement.

20 **2.** Nothing in this Act, or in the said agreement, shall be <sup>Railway laws</sup>  
held to relieve either of the said companies from any of its <sup>to apply.</sup>  
duties or liabilities under the railway laws of Canada.

#### SCHEDULE.

THIS INDENTURE made this twenty-first day of April, in the year of our Lord 1897, between the St. Stephen and Milltown Railway Company, hereinafter called "the Lessor," of the first part ; and the Canadian Pacific Railway Company, hereinafter called the " Lessee," of the second part :

WHEREAS the Lessor is the owner of a certain line of railway in the county of Charlotte, in the province of New Brunswick, running from a point on the line of the said Lessee in the town of St. Stephen, in the said county of Charlotte to the town of Milltown, in the county aforesaid, inclusive, having a length of about four miles and sixty-four one hundredths of a mile, and it has been agreed between the said parties that the Lessee shall lease and operate the said line of railway upon the terms hereinafter set forth :

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the covenants hereinafter contained on the part

of the Lessee, the Lessor doth hereby grant, lease and demise unto the Lessee, its successors and assigns, the said line of railway, running from a point on the line of the Lessee, in the town of St. Stephen, aforesaid, to the said town of Milltown, inclusive, together with the appurtenances thereto belonging, including amongst other things all lands and other properties of the Lessor used or acquired or occupied for the purpose of either the construction, maintenance or operation of the said railway or any part thereof, and including also the right of way, road-bed, tracks, sidings, superstructures, bridges, viaducts, culverts, fences, shops, stations, engine-houses, car-houses, freight-houses, engine-shops and all other edifices and structures now completed or in course of construction and held or used or intended to be held or used in connection with such construction, maintenance or operation, and all equipment, plant, tools and implements and all other goods and chattels of every kind (including plans) now owned or held or used by the Lessor for the purposes of the said railway or any part thereof, and all tolls and revenues which may or might be derived or derivable from the said railway, as well as all rights, privileges, powers, immunities, exemptions and corporate and other franchises which can or could be held or enjoyed in respect of the said railway or any part or parts thereof, including all further right, title and interest of the Lessor, if there be any, in and to all lands or premises acquired or to be acquired in respect of the business of the said railway or any part thereof, and all advantages and benefits to be derived therefrom, the said railway and all the above mentioned appurtenances, lands, properties, tolls, revenues, rights, privileges, powers, immunities, exemptions and franchises, advantages and benefits so demised as aforesaid, being hereinafter referred to in the aggregate as "the said demised property," to have and to hold the said demised property until the end of ninety-nine years, to be computed from the first day of May in the year of our Lord one thousand eight hundred and ninety-seven, the Lessee yielding and paying therefor every year during the said period (which period is hereinafter referred to as "the said term") the annual rent or sum of two thousand and fifty dollars in two equal parts, one on the last day of June and one on the last day of December in each year, the first payment of said rent to be made on the last day of December, A. D. 1897.

And the Lessor, for itself and its successors, doth hereby covenant with the Lessee, its successors and assigns, as follows, that is to say :

1. That the said Lessor has acquired or will on or before the first day of May, A. D. 1897, acquire, in fee simple, or with as absolute a title as the Railway Act or the charter of the Lessor permits to be obtained by expropriation or otherwise, the lands shown coloured pink on the plans hereto annexed, for the right of way, stations, station grounds, yards, and for all other matters necessary for the use of said railway and its appurtenances, which lands are more particularly described in the schedule A hereto attached, and are free from any liability in respect of the same or any part thereof and free from any charge or encumbrance of any kind whatsoever, and that the said Lessor now hath or before the first day of May, A. D. 1897, will have a good right to lease and demise the same in

manner and form as above written and that the Lessor will warrant and for ever defend the same unto the Lessee against the lawful claims or demands of all persons whomsoever.

2. That on or before the first day of July, A.D., 1897, the lessor will cause to be constructed and completed and the said line of railway and its road-bed, bridges and viaducts and all and every portion of its property, track and appurtenances, including all fences and farm crossings required by the railway law of Canada or of New Brunswick in good repair and efficient working order and will complete the same according to any specifications which may have been prescribed by the Government of Canada in respect of subsidized railways in so far as the same is not now so completed, such completion to be established to the satisfaction of and to be certified in writing by the engineer of the Canadian Pacific Railway Company, or specified prior to the execution of these presents:

3. That during the said term the said Lessee may exercise all the franchises and powers of the Lessor in respect of the running of the said railway and of every part thereof and also in respect of the acquisition of increased areas of land for station grounds, right of way, protection against snow, sidings and all other purposes, and may take such legal proceedings as are deemed to be expedient or necessary in the exercise of such franchises or powers or any of them, and for that purpose may use the name of the Lessor and of the officers thereof, which officers are hereby authorized and required upon the demand of the Lessee to append their signatures and to affix the seal of the Lessor to any document which may be useful in the exercise of any such franchises and that the Lessor will maintain its existence and organization as a Corporation during the said term and to that end will comply with all the requisites and forms of law.

4. That the Lessor will from time to time at the request of the Lessee affix the name and seal of the Lessor and do all acts, matters and things as and when the same may be necessary for the convenient, sufficient and effectual working of the said railway and for carrying out and giving effect to the terms of this lease, and the Lessee may during the said term make and enforce such lawful rules, regulations and by-laws touching or concerning the running and operation of the said railway as shall be required for the efficient and advantageous administration, management and operation thereof and for the preservation of order thereon and may fix and regulate from time to time and amend and alter the tariff of rates and tolls to be collected for the carrying of freight and passengers over the said line, and if the Lessee shall deem it expedient that such by-laws, rules and regulations or tariff or any of them should be made by the Lessor, than the shareholders, board of directors and officers of the Lessor will make such by-laws, rules and regulations and will do all such matters and things to complete and perfect the same as shall be reasonably required of them, but such by-laws, rules and regulations and such tariff by whomsoever made and passed shall be subject to the provisions of any Act or Acts of the Dominion Parliament or of the General Assembly of the province of New Brunswick applicable thereto, and the Lessor will allow the Lessee to use the name of the Lessor in any such suit or proceeding in which

it will be necessary to use the same in connection with the working of the railway, but all costs, damages and expenses which may arise from the use of the name of the Lessor shall be borne and paid by the Lessee.

5. That the Lessee paying its rent and observing the provisions of this lease and fulfilling all covenants herein contained, and on its part to be fulfilled shall have peaceable and undisturbed possession of the said demised property during the said term without any lawful interruption by the Lessor or any other person or persons whomsoever.

6. That if the Lessee shall have taken possession of the said railway and other properties so demised as aforesaid or any part thereof before the title to the lands shall be fully acquired by the Lessor as aforesaid, then the Lessee may, of its own motion, expend from time to time such sums as may be proper and necessary in order to acquire such title and properties within the meaning of the Lessor's covenants herein contained, and the Lessor will, on demand, reimburse the Lessee in respect of all such sums as may be so expended, or at the option of the Lessee it may deduct such sums or any part thereof from the rents which may at any time be due under the terms of this indenture, and thereupon such rents shall be satisfied to the extent of any sum or sums so deducted.

7. And the Lessee for itself and its successors covenants with the Lessor, its successors and assigns, as follows, that is to say :

That it will, during the said term, operate the said road, and will, at its own expense, for the said term, find all necessary means, men, rolling stock, tools, furniture, appliances and labour for that purpose, provided, however, that the Lessee is not under any obligation to run passenger trains on the said railway, and shall be bound to run only such trains as shall be necessary for the transportation of freight offered for carriage to and from the points thereon, but the Lessor shall not be held in any event to incur or assume any responsibility or expense in connection with the running of any trains of any kind or description whatsoever on the said railway during the said term.

8. That the said Lessee will pay to the said Lessor yearly the said rent or sum of two thousand and fifty dollars without any deduction whatsoever on account of operating expenses, taxes or any other outlay which the Lessee has to bear under the terms of this indenture.

9. That during the said term the Lessee will keep the said railway and all buildings, properties and appurtenances connected therewith in good repair, order and condition, except in so far as the same may be deteriorated by age and reasonable wear and tear, and will, during the said term, pay all taxes, assessments and impositions which may become payable either by the Lessor or Lessee in respect of the said railway or the traffic over it, including any corporation tax which may be levied by the provincial government.

10. That the Lessee will protect the Lessor against any loss, damage or claims that may arise in working the said railway under this lease and will do and perform all the acts, conditions, matters and things which the Lessor is bound by its charter to do and perform in respect of the said railway

and will bear and pay all expenses incurred in doing and performing all such acts, matters and things as are now or may hereafter be required for the maintenance and operation of the said railway.

11. That at the expiration or other determination of the said term the Lessee will yield up the said railway and other immovable property to the Lessor in as good general plight and condition as the same were at the commencement of this lease, save and except the natural deterioration thereof by age and wear and tear.

12. That in the event of the non-payment of the said yearly rent under the said lease the same shall not be distrained for until three months after it becomes due as aforesaid, and has been formally demanded by the Lessor in writing, and in case the said rent cannot be collected from the Lessee then it shall be lawful for the Lessor to annul and set aside this lease and to declare the same to be forfeited and at an and and to enter into the possession of said railway and all other premises hereby demised and to have again, repossess and enjoy the same as of its former state, anything herein contained to the contrary notwithstanding.

13. And it is hereby mutually agreed between the parties hereto that throughout this indenture the expression "Lessor" or "Lessee" means also their successors and assigns unless such meaning is inconsistent with the context.

14. This indenture is made subject to the condition that it shall be sanctioned and confirmed by votes of at least two-thirds of the shareholders of each of the said Companies, parties hereto, present or represented at an annual general meeting or at a special general meeting duly called for that purpose, and also that it shall be approved of by the Lieutenant Governor in Council of the province of New Brunswick, and also either by the Parliament of Canada, or in such way as will satisfy the requirements of any Act of the Parliament of Canada applicable thereto, and failing the fulfilment of the said condition then this indenture is to be null and void.

15. And the said Lessor and Lessee shall by all proper and lawful means join in and aid in procuring the fulfilment of the said condition that this lease shall take effect according to the terms thereof, but all expense in obtaining the approvals and the legislation aforesaid is to be borne and paid by the said Lessor.

Witness the corporate seal of each of the parties hereto, and the respective signatures of its officials below named.

THE SAINT STEPHEN AND MILLTOWN RAILWAY  
COMPANY.

Per

[Seal.]

JOHN D. CHIPMAN,  
*President.*  
GEORGE J. CLARKE,  
*Secretary.*

THE CANADIAN PACIFIC RAILWAY COMPANY.

Per

[C.P.R. Seal.]

T. G. SHAUGHNESSY,  
*Vice-President.*  
C. DRINKWATER,  
*Secretary.*

No. 44.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to confirm an agreement between  
the St. Stephen and Milltown Railway  
Company and the Canadian Pacific  
Railway Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL.)

Mr. MacPHERSON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the British Columbia Southern  
Railway Company.

**WHEREAS** the British Columbia Southern Railway Com- Preamble.  
pany has, by its petition, prayed for the passing of an  
Act to confirm a lease of a portion of the railway of the said  
company and for the purposes hereinafter set forth, and it is  
5 expedient to grant the prayer of the said petition : Therefore  
Her Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as follows :

1. Section 4 of chapter 36 of the statutes of 1897, is hereby 1897, c. 36,  
amended by inserting after the word "Company" in the s. 4 amended.  
10 second line thereof, the words "either with or without an  
option of purchase."

2. The lease to the Canadian Pacific Railway Company of Lease to  
that portion of the British Columbia Southern Railway Com- C. P. R.  
pany's railway between the eastern boundary of British Colum- confirmed.  
15 bia and Nelson, with the option of purchase as therein men-  
tioned, (a copy of which lease is set out in the schedule to this  
Act) is hereby confirmed and declared to be valid and binding  
on each of the said companies parties thereto according to the  
tenor thereof, and each of the said companies may do what-  
20 ever is necessary in order to give effect thereto, provided that  
nothing in this Act or in the said lease shall relieve either of  
the said companies from any of its duties or liabilities under  
the railway laws of Canada.

**SCHEDULE.**

THIS INDENTURE made the first day of January, in the year  
1898, between the British Columbia Southern Railway Com-  
pany, hereinafter called the "the Lessor," of the first part;  
the Canadian Pacific Railway Company, hereinafter called  
"the Lessee," of the second part; and Sir William C. Van  
Horne, K.C.M.G., and Richard B. Angus, Thomas G. Shaugh-  
nessy, and William Hanson, Esquires, all of the city of  
Montreal; Sir George A. Kirkpatrick, K.C.M.G., and Edmund  
B. Osler, Esquire, of the city of Toronto; William Whyte,  
Esquire, of the city of Winnipeg, Harry Abbott, Esquire, of  
the city of Vancouver, and John A. Gemmill, Esquire, of the  
city of Ottawa, being all the holders of shares in the capital  
stock of the Lessor, hereinafter referred to in the aggregate as  
"the Shareholders," of the third part:

WHEREAS the Lessor was duly authorized by Acts of the  
Legislature of the province of British Columbia to build a

railway of a gauge of not less than three feet. from the eastern boundary of British Columbia to New Westminster, in three sections, and a branch as follows:

(a.) The Eastern section to consist of that portion of the said railway commencing at the junction of Summit Creek with Michel Creek; thence by way of Michel Creek to Elk River and the Upper Kootenay River, with power to go to the forty-ninth parallel and the Tobacco Plains;

(b.) The Central section to consist of that portion of the railway commencing at a point on the Elk River near the junction of the Elk River with the Kootenay River; thence in a northerly direction to a point at or near Cranbrook; thence by the Moyee Pass to the Lower Kootenay River or by the alternative route from Cranbrook by way of St. Mary's River to Pilot Bay, on Kootenay Lake, or to the Lardo River;

(c.) The Western section to consist of that portion of the railway commencing from the western terminus of the Central section to the coast, by the most convenient route, to a favourable place for crossing the Fraser River to the city of New Westminster; thence to a suitable terminus on Burrard Inlet, and shall include a branch line to Nelson via Salmon River.

(d.) A branch line from a point on the main line at or near the Forks of Michel Creek; thence by way of Michel Creek to Martin Creek;

And whereas an Act of the Parliament of Canada declared the undertaking of the Lessor to be a work for the general advantage of Canada and enacted, amongst other things, that the Lessor might lease its works or any part thereof to the Lessee on such terms and conditions and for such period as should be agreed upon between the directors of the said Lessor and said Lessee; provided that the lease be sanctioned by the consent in writing of every shareholder of the Lessor and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented at a special or general meeting duly called for the purpose, and by the approval of the Governor in Council after notice of the proposed application therefor has been published in the *Canada Gazette* and in a newspaper published at Vancouver in British Columbia for at least four weeks previous to the hearing of such application;

And whereas it has been agreed between the respective boards of the Lessor and the Lessee that the Lessor shall on the terms and conditions hereinafter specified, lease the portion of its railway hereinafter more particularly described unto the Lessee in perpetuity with the option of purchasing the same in the manner and for the consideration stated in these presents;

And whereas by an Act of the Parliament of Canada (53 Victoria, chapter 47) the Lessee is authorized, amongst other things to enter into a lease of the line of any other company in Canada which has been empowered by the Parliament of Canada to make or grant the same to the Lessee and upon such terms and conditions and for such period as are from time to time agreed upon by the boards of directors of the respective companies, provided that every such transaction shall be subject to the approval of two-thirds of the votes of the shareholders of the Lessee present or represented at an annual general meeting or a special general meeting called for the purpose;

1. NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants on the part of the Lessee hereinafter contained the Lessor doth hereby demise and lease unto the Lessee, its successors, and assigns the railway of the Lessor, as now constructed or hereafter to be constructed, between the eastern boundary of the Province of British Columbia and the town of Nelson in the said province, and its appurtenances; such appurtenances, including amongst other things, all lands, stations, station yards, freight houses, shops, engine houses, water tanks, tracks, sidings, turntables, water and water rights, fences, gates, cattle-guards, farm crossings and all buildings, erections and structures of every kind which have been or may be acquired for use in the operation of that railway as well as all the rights, powers and franchises of the Lessor in respect of the same and every part thereof, and the surveys, plans, works, plant, machinery and other property of the Lessor used or intended to be used therewith; all which railway and appurtenances and rights, powers, franchises, works and other properties are hereinafter referred to in the aggregate as "the said demised railway." To have and to hold the said demised railway unto the Lessee, its successors and assigns from and after the date of these presents thenceforth in perpetuity, yielding and paying rent therefor as hereinafter more particularly specified in the covenant of the Lessee in that behalf.

2. The Lessor for itself and its successors doth hereby covenant with the Lessee, its successors and assigns as follows, that is to say:

3. The Lessee may at all times hereafter during the said demise take, in the name of the Lessor or of any of its officers, such legal proceedings as are from time to time deemed by the Lessee to be necessary or expedient in the exercise of the said rights, powers and franchises, which officers are hereby authorized and required, upon the demand of the Lessee, to append their signatures and to affix the seal of the Lessor to any document which may be useful in the exercise by the Lessee of any of the said rights, powers or franchises.

4. The Lessor will, at the request of the Lessee, affix the name and seal of the Lessor to any document or instrument, and do all acts, matters and things as and when the same may be necessary for the convenient, efficient and effectual working of the said demised railway, and for carrying out and giving effect to this lease in all respects.

5. While this lease remains in force the Lessee, from time to time, may make such lawful rules, regulations and by-laws concerning the running and operation of the said demised railway and the management of the business connected therewith as shall be deemed by the Lessee to be requisite for the efficient and advantageous administration and enjoyment thereof, and may make and amend and alter the tariff of tolls for the carriage of freight and passengers over the whole or any part of the said railway so demised as aforesaid, and if the Lessee shall deem it expedient that such rules, regulations, by-laws and tariffs, or any of them, be made by the Lessor, then the Lessor will make the same by such method as shall be most effective, and will do all such acts and things as may be properly done in order to complete and validate the same; but such rules and regulations, by-laws and tariffs by whomsoever

made, shall be at all times subject to the provisions of every Act of the Parliament of Canada which may be applicable to the railway so demised as aforesaid; at any time or times when the Lessee may deem it expedient so to do, the Lessee may use the name of the Lessor in any suit or proceeding arising out of the exercise of any of the said rights, powers or franchises, but all costs, damages and expenses which may be caused by such use of the name of the Lessor shall be borne and paid by the Lessee.

6. The Lessee paying the rent hereinafter reserved and fulfilling its covenants herein contained, shall at all times hereafter, during this demise, have peaceable and undisturbed possession of the said demised railway without any lawful interruption by the Lessor or any other person or persons whomsoever.

7. And the Lessee, for itself and its successors, doth hereby covenant with the Lessor, its successors and assigns, as follows, that is to say :

8. The Lessee will, in the first instance, provide and advance all moneys necessary to defray the cost of acquiring and completing the said demised railway according to plans and specifications as hereinafter mentioned, and the Lessor shall have and is hereby given the option of repaying to the Lessee the amount of such cost (which is to include interest during construction) at any time during the continuance of the demise contained in these presents, after at least six months notice in writing of its intention so to do, the cost which may be so repaid as aforesaid, being the cost without deduction on account of any subsidy or bonus or other advantage given in aid of the said railway or any part thereof.

9. Until the Lessor shall exercise its said option of repaying to the Lessee, as aforesaid, the said cost of the acquisition and completion of the said demised railway, and shall have actually repaid the same, the Lessee will pay to the Lessor as rental a nominal sum, that is to say : One dollar per annum on the first day of each calendar year, it being the intention of the parties to these presents that in the meantime the use of the moneys so to be provided and advanced by the Lessee to defray the said cost as aforesaid, shall be the compensation for the use of the said demised railway; and from and after the date on which the Lessor shall repay, if it do repay to the Lessee the said cost as aforesaid, the Lessee will pay to the Lessor in semi-annual payments, on the first day of January and of July in each year, a rental equal to four per centum per annum on the actual cost to the Lessor of the said demised railway, such cost being, in the first instance, the amount which the Lessor repays to the Lessee as above provided for, and being thereafter the actual cost as it stands at the beginning of each half-year, for which the rental is to be paid, at the rate of four per centum per annum as aforesaid.

10. At all times during its tenancy under this indenture, the Lessee will keep the said demised railway in good repair, order and condition, and will pay all taxes, assessments, rates and impositions which may become payable either by the Lessor or the Lessee in respect of the said demised railway or the traffic over it, and whether the same be imposed by provincial or municipal authority or otherwise howsoever, and

will protect and indemnify the Lessor against every loss or damage which may happen and every claim which may be made in consequence of the working by the Lessee of the said demised railway, and will, at its own costs and charges, do and perform all acts, conditions and things which the Lessor shall be bound by its charter or by any general railway law of Canada to do or perform in respect of the said demised railway or any part thereof, and of the government either of Canada or of the province of British Columbia.

11. The lessee will not sublet, transfer or set over or cause to be sublet, transferred or set over the said demised railway or any part thereof, or this lease or any interest under it unto any person or corporation without the consent in writing of the Lessor or its successors or assigns first had and obtained.

12. The Lessor, for itself and its successors doth hereby further covenant with the Lessee, its successors and assigns that at any time before the Lessor shall have repaid to the Lessee the said cost of the said demised railway as aforesaid, the Lessee, its successors and assigns, shall have and the Lessor doth hereby give to the Lessee, its successors and assigns the option of purchasing and taking forever the said demised railway free from all encumbrances by giving to the Lessor a valid acquittance of all claim which the Lessee may have in respect of moneys which shall then have been so provided and advanced by the Lessee to defray the said cost as aforesaid, and on giving such acquittance the Lessee, its successors and assigns, shall be entitled to a valid and absolute conveyance from the Lessor and its successors of the said demised railway free from all encumbrances;

13. And the Lessor and the Lessee do hereby mutually agree each for itself and its successors with the other, its successors and assigns as follows:

14. The said demised railway shall be acquired and completed so as to accord with the plans and specifications adopted by Her Majesty the Queen, and the Lessee in their agreement dated the sixth day of September, A.D. 1897, and made under the authority of an Act of the Parliament of Canada 60-61 Victoria chapter 5, in so far as they relate to that portion of the railway therein described which lies between the Eastern boundary of British Columbia and the town of Nelson or with such other plans and specifications, if any, as may at any time or times be adopted in respect thereof by agreement between the respective Boards of Directors of the parties hereto of the first and second parts.

15. The Lessor's covenant giving the said option of purchase to the Lessee is to take effect as soon as the Parliament of Canada has confirmed this indenture or has authorized the Lessor to give such option, and not before.

16. Each of the shareholders doth hereby consent to and sanction the lease to and the option of purchase by the Lessee embodied in this indenture.

Witness the corporate seal of the Lessor and of the Lessee and the signature of their respective officials below named and also the hand and seal of each of the shareholders.

BRITISH COLUMBIA SOUTHERN RAILWAY COMPANY.

[Seal] T. G. SHAUGHNESSY, *President.*  
H. CAMPBELL OSWALD, *Secretary.*

THE CANADIAN PACIFIC RAILWAY COMPANY.

[Seal] W. C. VAN HORNE, *President.*  
C. DRINKWATER, *Secretary.*

Witness :

C. DRINKWATER,  
J. P. GEDDES.

W. C. VAN HORNE, [Seal.]  
R. B. ANGUS, [Seal.]  
T. G. SHAUGHNESSY, [Seal.]  
WM. HANSON, [Seal.]  
GEO. A. KIRKPATRICK, [Seal.]  
E. B. OSLER, [Seal.]  
W. WHYTE, [Seal.]  
H. ABBOTT, [Seal.]  
J. A. GEMMILL, [Seal.]

No. 45.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the British Columbia Southern Railway Company.

First reading, March 2nd, 1898.

(PRIVATE BILL).

Mr. MORRISON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Canadian Pacific Railway Company.

**WHEREAS** the Canadian Pacific Railway Company has, Preamble.  
 by its petition, prayed for the passing of an Act for the purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and  
 5 with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The Canadian Pacific Railway Company, hereinafter called "the Company," may construct, acquire and operate a railway between a point on the southern shore of Minnehaha  
 10 Lake and the north-east bay of Upper Manitou Lake; also between a point on the southern shore of Cedar Lake and Manitou Sound, an arm of Rainy Lake, the said railways being portions of a route for the transportation of goods and passengers between Wabigoon and Rainy River. Line of railway described.
- 2.** In addition to branch lines from any point on the main  
 15 line of the Company, as described in section fourteen of the contract between Her Majesty the Queen and the Company, confirmed by chapter 1 of the statutes of 1881, the Company  
 may construct, acquire and operate any railway forming a connecting  
 20 link in any route for the transportation of goods and passengers to and from any point in the district of Thunder Bay and Rainy River in the province of Ontario, and from any point in the province of British Columbia on any line of  
 25 railway operated by the Company, the other portion or portions of such route to be traversed by steam vessels or other boats or vehicles. Connecting lines. 1881, c. 1.
- 3.** The rights and liabilities of the Company in respect of  
 30 bonds to be issued in aid of the construction of the said branches, and of securing the payment thereof, shall be the same as if such branches were constructed under the Company's charter, or the said contract so confirmed as aforesaid. Bonds on such lines.
- 4.** The Company may construct, acquire and operate rope-  
 ways for the transportation of ores and other freight, and also  
 35 tramways to or from any point in the province of British Columbia on any railway operated by the Company, and shall have all such powers for the expropriation of land requisite for the convenient construction and operation of such works as are given by *The Railway Act* to railway companies for railway purposes. Ropeways and tramways.

No. 46.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Canadian Pacific  
Railway Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Canadian Pacific Railway Company.

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

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

- 1.** The Canadian Pacific Railway Company, hereinafter Line of railway described.  
called "the Company," may construct, acquire and operate a railway between a point on the southern shore of Minnehaha  
10 Lake and the north-east bay of Upper Manitou Lake; also between a point on the southern shore of Cedar Lake and Manitou Sound, an arm of Rainy Lake, the said railways being portions of a route for the transportation of goods and passengers between Wabigoon and Rainy River.
- 15 **2.** The Company may construct, acquire and operate any Connecting links.  
railway forming a connecting link in any route for the transportation of goods and passengers to and from any point in the district of Thunder Bay and Rainy River in the province of Ontario, and from any point in the province of British  
20 Columbia on any line of railway operated by the Company, the other portion or portions of such route to be traversed by steam or other vessels or vehicles.
- 3.** The rights and liabilities of the Company in respect of Bonds on such lines.  
bonds to be issued in aid of the construction of the said  
25 branches, and of securing the payment thereof, shall be the same as if such branches were constructed under the Company's charter, or the contract confirmed by chapter 1 of the 1881, c. 1.  
statutes of 1881.
- 4.** The Company may construct, acquire and operate rope- Ropeways and tramways.  
30 ways for the transportation of ores and other freight, and also tramways to or from any point in the province of British Columbia on any railway operated by the Company, and shall have all such powers for the expropriation of land requisite for the convenient construction and operation of such works  
35 as are given by *The Railway Act* to railway companies for railway purposes.

No. 46.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Canadian Pacific  
Railway Company.

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

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Brandon and South-western  
Railway Company.

**W**HEREAS the Brandon and South-western Railway Com-  
pany has, by its petition, prayed for the passing of an  
Act to extend the time limited for the commencement and  
completion of its railway, and it is expedient to grant the  
5 prayer of the said petition : Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows :—

- 1.** The time limited for the commencement of the railway  
of the Brandon and South-western Railway Company, and  
10 for the expenditure of fifteen per cent on the amount of its  
capital stock, as required by section 89 of *The Railway Act*,  
is hereby extended for a period of three years from the first  
day of November, one thousand eight hundred and ninety-eight ;  
and if such expenditure is not so made, or if the railway is not  
15 finished and put in operation within five years from the said  
first day of November, one thousand eight hundred and ninety-  
eight, then the powers of construction granted to the said  
company shall cease and be null and void as respects so much  
of the railway as then remains uncompleted.
- 20 2.** Any Act hereafter passed for the purpose of controlling  
railway companies incorporated by or subject to Parliament as  
to the issuing of stock or bonds, and as to rates or tolls and  
the regulation thereof, and as to running powers over or other  
rights in connection with the railway of any Company by any  
25 other company, and the exercise of powers conferred upon  
railway companies, shall apply to the said company from the  
time such Act goes into effect ; but this section shall not be  
construed to imply that such Act would not apply to the said  
company without the enactment of this section.

eamble.

Time for  
construction  
extended.

Power of  
Parliament  
as to future  
legislation.

No. 47.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Brandon and  
South-western Railway Company.

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First reading, March 2nd, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

No. 48.]

**BILL.**

[1898.

An Act to incorporate the Cowichan Valley Railway Company.

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

Preamble.

**1.** The Honourable George A. Cox and Randolph Macdonald, both of the city of Toronto; Perrott Long-Innes, of the city of New York; Henry John Wickham, of the city of Toronto; Mossom Martin Boyd and William Thornton Cust Boyd, both of the village of Bobcaygeon; James Gordon Edwards and John Dundas Flavelle, of the town of Lindsay; and Henry Boyd, of the said village of Bobcaygeon, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Cowichan Valley Railway Company" hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

**3.** The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Head office.

**4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the mouth of the Cowichan River in Vancouver Island, British Columbia; thence, following the valley of the Cowichan River and Cowichan Lake, to a point at or near the head of said Cowichan Lake; thence in a north-westerly direction, and following the Franklin River, to a point on the Alberni Canal at or near the mouth of the said Franklin River, with a branch following the Nitinat River and Nitinat Lake to a point at or near the outlet of the said Nitinat Lake.

Line of railway described.

**5.** The Company may construct retaining dams (at such points on the said waters, and according to such plans and specifications as shall have first received the approval of the Governor General in Council) to obtain power for the generation of electricity to be used in connection with the said railway, and for other purposes.

Dams.

- Provisional directors. **6.** The persons mentioned by name in section 1 of this Act are hereby constituted provisional directors of the Company.
- Capital stock and calls thereon. **7.** The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. 5
- Annual meeting. **8.** The annual meeting of the shareholders shall be held on the first Monday in February in each year.
- Election of directors. **9.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose twenty persons to be directors of the Company, one or more of whom may be paid directors. 10
- Amount of bonds, etc. limited. **10.** The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 15
- Agreements with other companies. **11.** The Company may enter into an agreement with the Esquimalt and Nanaimo Railway Company, or the British Pacific Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 20
- Approval of shareholders and Governor in Council. **2.** Such sanction shall not be signified until after notice of the proposed application thereafter has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published. 25
- Notice of application for sanction. **12.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 30
- Power of Parliament as to future legislation. 35

No. 48.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Cowichan Valley Railway Company.

First reading, March 2nd, 1898.

(PRIVATE BILL.)

Mr. McINNES.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Canada Temperance Act.

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

1. The section substituted for section 108 of *The Canada Temperance Act* by section 10 of chapter 34 of the statutes of 1888, is hereby repealed, and the following is substituted therefor :—

R.S.C., c. 106,  
new section  
108.

“108. Any policeman or constable or officer appointed by any incorporated town or municipality to enforce the provisions of this Act, may, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at any time enter into any part of any hotel, shop, warehouse, or other place wherein intoxicating liquors are reputed or supposed to be sold, or where he believes that liquors are kept for sale contrary to the provisions of the second part of this Act, and may make searches in every part thereof and of the premises connected therewith as he thinks necessary for the purpose aforesaid.”

Officer may  
search for  
liquor.

“2. All policemen, constables, or other peace officers shall, on the demand of the officer appointed by any incorporated town or municipality to enforce the provisions of this Act, aid and assist him in carrying out the said provisions under a penalty of not less than twenty dollars.”

Assistance to  
be given him.

“3. Every person being therein or having charge thereof, who refuses or fails to admit such policeman or constable or officer demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman or constable on any such searches as aforesaid, shall be liable to a penalty of not less than fifty dollars.”

Refusing to  
admit officer.

“4. Any one of the officers named in section 103 of this Act, if satisfied by information on the oath of a credible witness that there is reasonable ground for belief that intoxicating liquor is sold or being kept for sale contrary to the provisions of the second part of this Act, or of *The Temperance Act of 1864*, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or other place, may, in his direction, grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant, at any time or times within ten days from the date thereof, to enter, by force if necessary, the dwelling house, store, shop, warehouse, outhouse, garden, croft, vessel or place named in the warrant, and every part thereof, or of the premises connected therewith, and to examine the same and search for intoxicating liquor therein

Search  
warrant.

and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other article likely to contain such liquor; and in the event of any intoxicating liquor being found in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, the owner or occupant or person in possession thereof, shall, until the contrary is proved, be deemed to have such intoxicating liquor for the purpose of sale, contrary to the provisions of the second part of this Act; and any information to obtain a warrant under this section may be in the form M in the schedule to this Act, and any search warrant under this section may be in the form N in the said schedule.”

“ 5. When any policeman, constable or officer, in making or attempting any search under or in pursuance of the authority conferred by subsection 1 of this section, or under the warrant mentioned in subsection 4 of this section, finds in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel or place, or in the possession of any person or his servants, any intoxicating liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to the provisions of the second part of this Act, he may forthwith seize and remove such liquor and the vessels in which it is kept; and upon the conviction of the owner, tenant or occupant of such house or place, or any dweller therein, or of any other person employed in or about it, for selling intoxicating liquor or of keeping intoxicating liquor for sale contrary to the provisions of the second part of this Act, the magistrate making such conviction may, in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels to be forfeited to Her Majesty, and may order and direct that the said constable, policeman or other officer, shall destroy such liquor, and the said constable, policeman or other officer as aforesaid, shall forthwith destroy it, as directed by such conviction or order; and in case no conviction is made and no person establishes his ownership thereof, within two months after the seizure, to the satisfaction of the magistrate, then the magistrate may, at any time after the expiration of the said period of two months, order and direct that the said constable, policeman or other officer, shall destroy the said liquor, and the latter shall thereupon forthwith destroy it accordingly.”

Presumption, if liquor is found.

Forms.

Seizure of liquor and vessels.

Upon conviction, Magistrate may order destruction of liquor.

Destruction of liquor if ownership not established.

Section 115 amended.

2. Paragraph (a) of section 115 of the said Act is hereby amended by adding the following words at the end thereof:—  
 “ If the accused is not present, the justices or magistrate or other officer shall proceed in the same manner as if he were present and denied that he was so previously convicted.”

An Act to incorporate the Ottawa, Montreal and  
James Bay Railway Company.

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

**1.** George H. Perley, Alexander Lumsden and William B. Incorpora-  
Ross, together with such persons as become shareholders in tion.  
the company hereby incorporated, are hereby constituted a  
10 body corporate under the name of "The Ottawa, Montreal Corporate  
and James Bay Railway Company," hereinafter called "the name.  
Company."

**2.** The head office of the Company shall be in the city of Head office,  
Montreal, but may be changed to any other place in Canada  
15 or in Great Britain, as the directors from time to time deter-  
mine by by-law.

**3.** The Company may lay out, construct and operate a rail- Line of  
way of the gauge of four feet eight and one-half inches, [or of railway  
such other gauge as may be adopted by the Company], from a described.  
20 point at or near the town of Labelle, in the county of Ottawa,  
or from the city of Montreal, in the province of Quebec, and  
from some point on the Ottawa and Gatineau Railway, or  
from the city of Hull, in the said county of Ottawa; thence  
running almost northerly to a point near the source of the  
25 Gatineau and St. Maurice rivers near the northern boundary  
line of the said province; thence to a point near the source of  
the Megiskun (or Bell) River, in the North-east Territory;  
thence northerly and westerly to Lake Mattagami, in the said  
territory; thence northerly near the Noddawai River, or by  
30 the most feasible route, to some point on James Bay.

**4.** The Company may, for the purposes of its business,— Powers of  
(a.) construct, acquire, and navigate vessels upon or across Company.  
Hudson's Bay, the Megiskun River, Noddawai River and Vessels.  
Lake Mattagami, and upon the other lakes and streams form-  
35 ing part thereof or tributary thereto, or connecting therewith,  
and upon other inland waters of the North-east Territory and  
of the province of Quebec connecting with or adjacent to the  
proposed line of railway, and carry on generally the business  
of transportation in connection with the said railway and ves-  
40 sels, and may from time to time sell and dispose of such ves-  
sels;

Docks, etc.	(b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation of passengers or freight upon or across the said railway and the said bay, rivers, lakes and streams;	
Electricity.	(c.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with its railways, vessels and works, and may also sell or otherwise dispose of surplus electricity or other power generated by its works, and not required for operating its railway or other works;	5 10
Lands, etc.	(d.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches.	15
Telegraph and telephone lines.	<b>5.</b> The Company may construct, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-east Territory, and may undertake the transmission of messages for the public by all of such lines or any portion thereof.	20
Power to enter upon highway.	<b>6.</b> With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic electrical contrivances thereon; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions :--	25
Erect poles.		
Stretch wires.		30
Break up highway.		
Travel not to be obstructed.	(a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;	35
Height of wires.	(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;	40
Kind of poles.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;	
Cutting poles or wires in case of fire.	(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;	45
Injury to trees.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;	50
Supervision of municipality.	(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such	55

poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;

Surface of streets to be restored.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Future legislation as to carrying wires under ground.

10 (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

15 (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;

Private rights.

20 (j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such

Temporary removal of wires and poles.

25 wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be

Notice to Company.

30 removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

35 (k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

7. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

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

Capital stock and calls thereon.

45 9. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy ; and such

Preferred stock.

50 preference stock shall entitle the holder thereof, in priority to all other shareholders, to a non cumulative dividend of five per cent per annum out of the net earnings of the Company.

- Rights of holders. 2. The holders of such preference stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of the shareholders and for the purpose of becoming directors.
- Annual meeting. **10.** The annual meeting of the shareholders shall be held on the last Thursday in October in each year. 5
- Election of directors. **11.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five and not more than eleven persons to be directors of the Company, one or more of whom may be paid directors. 10
- Undertaking divided into sections. **12.** The Company may divide its undertaking into sections, as follows :—  
 1. From the city of Montreal, or from the town of Labelle, or a point near thereto, northerly to the height of land near the sources of the St. Maurice and Gatineau Rivers. 15  
 2. From the height of land near the source of the Megiskun River, northerly and westerly to the Kiask River on the Megiskun River.  
 3. From the said Kiask River on the Megiskun River northerly to Island Portage on the Megiskun River. 20  
 4. From Island Portage northerly to a point near Mount Laurier on Lake Mattagami.  
 5. From Lake Mattagami northerly to a point on James Bay. 25
- Amount of bonds, etc., limited. **13.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of its railway, branches and extensions, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 30
- Issue of bonds. **14.** The Company may issue the bonds, debentures and other securities authorized to be issued by this Act, separately with respect to each of the said sections, or as to certain sections combined, or on all the lines of the railway of the Company; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular section in respect to which they are issued, and upon the rents and revenues thereof and upon all the property of the Company belonging to such section. 35
- 1888, c. 29, s. 94. **15.** The Company may, from time to time, receive from any government, person or municipal corporation, in aid of the construction, equipment and maintenance of the said railway and of any line of steam vessels running in connection therewith or otherwise, grants of land, bonuses, loans or gifts or money or securities for money, and may also purchase or lease from any government, person or corporation any lands, rights or privileges; and the lands, leases and privileges so to be acquired by the Company, and held by the Company, for sale or otherwise for the purposes thereof, may be conveyed to 45 50
- Power to receive aid.

trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges; and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the purposes following, that is to say: firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on, and principal of, bonds issued upon the land grant or any portion thereof, or upon the railway, from time to time, payable in cash by the Company, provided such dividends, interest and principal have been made a charge on such lands; and thirdly, for the general purposes of the Company.

15 **16.** All lands sold and conveyed by the Company, or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the persons entitled to receive the purchase money, shall thereby be for ever released and discharged from all mortgages, liens and charges of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied, in the first place, in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or liens created by the Company thereon, the same shall be applied in accordance with the trusts in the next preceding section declared.

Application of proceeds of sales of lands.

30 **17.** Any lands acquired by the Company, whether earned or to be earned after the passing of this Act, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted, or disposed of as the directors of the Company think necessary and advantageous for the purposes of the Company.

Sale of lands.

35 **18.** The Company may enter into an agreement with the Ottawa and Gatineau Railway Company, the Canadian Pacific Railway Company, the Hull Electric Company, the Canada Atlantic Railway Company, the Montreal and Western Railway Company, the Montreal Island Belt Line Railway Company or the Chateauguay and Northern Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such Company on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special meeting of the shareholders duly called for the purpose of considering the same, at which meeting 45 shareholders representing at least two-thirds in value of the stock are present, or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Agreement with another company.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway runs and a newspaper is published. 5

Time for construction limited.

19. The construction of either section one or section two of the said railway shall be commenced within two years and completed within five years from the passing of this Act, and the construction of the sections of the railway other than the one upon which construction is first commenced shall be commenced within four years, and completed within eight years, from the passing of this Act; otherwise, the powers granted for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted. 10 15

Power of Parliament as to future legislation.

20. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies shall apply to the Company from the time such Act goes into effect, but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 20 25

BILL.

An Act to incorporate the Ottawa, Montreal and James Bay Railway Company.

First reading, March 3rd, 1898.

(PRIVATE BILL.)

Mr. FRASER,  
(Guyshorough.)

OTTAWA

Printed by S. H. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Calgary and Edmonton  
Railway Company.

**W**HEREAS the Calgary and Edmonton Railway Company Preamble.  
has, by its petition, prayed for the passing of an Act for  
the purposes hereinafter set forth, and it is expedient to grant  
the prayer of the said petition : Therefore Her Majesty, by and  
5 with the advice and consent of the Senate and House of Com-  
mons, of Canada, enacts as follows :—

1. The Calgary and Edmonton Railway Company, herein- Line of  
after called "the Company," may lay out, construct and oper- railway  
ate a railway of the gauge of four feet eight and one-half described.  
10 inches, from the present southern terminus of its railway to a  
point on the line of, and so as to make a connection and junc-  
tion with, the railway now in course of construction from  
Lethbridge, in the district of Alberta, through the Crow's  
Nest Pass to Nelson, in the province of British Columbia,  
15 and which is known as the "Crow's Nest Line"; provided,  
however, that the location of the line so to be constructed shall  
be subject to the approval of the Governor in Council.
2. The Company may purchase and acquire any land, rails, Purchase of  
ties, railway structures or appliances of any kind connected materials.  
20 therewith that may be necessary or that have been acquired,  
used or constructed in view of, or for the purpose of making  
connection between the aforesaid terminus of the Company's  
railway and the said "Crow's Nest Line"; and the Company Issue of bonds.  
may issue its bonds, debentures or other securities in respect of  
25 the railway by this Act authorized at the rate of twenty-five  
thousand dollars per mile of each mile or fraction of a mile of  
the railway; and such bonds, debentures or other securities  
may be issued only in proportion to the length of railway con-  
30 structed or under contract to be constructed; and the railway  
hereby authorized, and the property so acquired, and the bonds,  
debentures or other securities issued on the security thereof,  
shall be free from the lien of the existing bond debt of the  
Company.
3. The head office of the Company is hereby changed from Head office.  
35 the city of Montreal to the city of Toronto.
4. Any Act hereafter passed for the purpose of controlling Power of  
railway companies incorporated by or subject to Parliament as Parliament as  
to the issuing of stock or bonds, and as to rates or tolls and to future  
the regulation thereof, and as to running powers over or other legislation.  
40 rights in connection with the railway of any company by any

other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 5

No. 51.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Calgary and Edmonton Railway Company.

First reading, March 3rd, 1898.

(PRIVATE BILL.)

Mr. CLARKE.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Nakusp and Slocan Railway  
Company.

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

**1.** The Nakusp and Slocan Railway Company may con- Branch lines.  
struct, acquire and operate such branch lines as may from time  
to time be authorized by the Governor in Council, provided  
10 that no one of such branch lines shall exceed thirty miles in  
length.

**2.** The said Company may, in connection with such branch Telegraph and  
telephone  
lines, docks,  
etc.  
lines, acquire and operate telegraph and telephone lines,  
wharfs, docks, elevators, warehouses, station-houses, offices  
15 and other buildings.

No. 52.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act<sup>n</sup> respecting the Nakusp and  
Slocan Railway Company.

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First reading, March 4th, 1898.

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(PRIVATE BILL.)

Mr. MacPHERSON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Prudential Life Assurance  
Company of Canada.

WHEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated for the purposes here-  
inafter set forth, and it is expedient to grant the prayer of the  
said petition : Therefore Her Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
enacts as follows :—

1. Henry O'Hara, John C. Copp, J. K. Stewart, C. McGill, Incorporation.  
John Gowans, H. R. O'Hara and Matthew Riddell, all of the  
city of Toronto, together with such persons as become share-  
10 holders in the company hereby incorporated, are hereby con-  
stituted a body corporate under the name of "The Prudential  
Life Assurance Company of Canada," hereinafter called "the  
Company."
2. The Company may effect contracts of life insurance with Business of  
15 any person, and may grant, sell or purchase annuities, grant Company.  
endowments, and generally carry on the business of life insur-  
ance in all its branches and forms.
3. The capital stock of the Company shall be one million Capital stock.  
dollars, divided into shares of one hundred dollars each.
- 20 4. The persons named in section 1 of this Act, together with Provisional  
such persons, not exceeding six, as they associate with them, directors.  
shall be the provisional directors of the Company, a majority  
of whom shall be a quorum for the transaction of business,  
and they may forthwith open stock books, procure subscrip- Organization  
25 tions of stock for the undertaking, make calls on stock of Company.  
subscribed, and receive payments thereon, and shall deposit in a  
chartered bank in Canada all moneys received by them on  
account of the Company, and withdraw the same for purposes  
only of the Company, and may do generally what is necessary  
30 to organize the Company.
5. So soon as two hundred and fifty thousand dollars of the Election of  
capital stock of the Company have been subscribed, and ten directors.  
per cent of that amount paid into some chartered bank in  
Canada, the provisional directors shall call a meeting of the  
35 shareholders of the Company, at some place to be named, in  
the city of Toronto, at which general meeting the shareholders  
present or represented by proxy, who have paid not less than  
ten per cent on the amount of shares subscribed for by them,  
shall elect a board of directors.

Qualification  
of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Calls on stock.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until sixty-five thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

When busi-  
ness may be  
commenced.

Number o  
directors.

7. The affairs of the Company shall be managed by a board of not less than seven nor more than twenty-five directors, of whom a majority shall be a quorum.

Annual gen-  
eral meeting.

8. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office; and at such meeting a statement of the affairs of the Company shall be submitted by the directors.

Head office.

9. Until otherwise determined by the directors, the head office of the Company shall be in the city of Toronto, but the directors may from time to time change the head office to some other place in Canada; and branches and sub-boards or agencies may be established either within Canada or elsewhere in such manner as the directors may from time to time appoint.

Branches.

Investment  
of funds.

10. The Company may invest its funds in or on the debentures, bonds or stocks or other securities of the Dominion of Canada or of any province of Canada or the securities of any municipal or school corporation in Canada, or the security of the stock, bonds or debentures of any incorporated building society, loan or investment company, water-works company, gas company, street railway company, electric light or power company, electric railway or street railway company, telegraph company incorporated in Canada, or of bank stock, or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term or terms of years or other estate or interest in real property or mortgage security thereon in any province of Canada or in or on policies issued by the Company, or by other companies, or in the purchase of ground rents and in or upon the stock, bonds or debentures of the United States or of any state thereof, or of any municipality in the United Kingdom or in the United States or any state thereof, or in, or on mortgages on real estate therein, (but the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States, and the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all

- outstanding policies in force in the United Kingdom, and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*,) and may change and re-invest the same as occasion may from time to time require;
- 5 and may take, receive and hold any of such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of the said
- 10 debentures, bonds, stocks, mortgages or other securities as aforesaid; such loans to be on such terms and conditions and in such manner and at such times and for such sums and in such sums of re-payment, whether of principal or interest, or principal and interest together and at such interest and return
- 15 as the board of directors may from time to time determine and direct, and taken either absolutely or conditionally or as collateral security, or taken in satisfaction of debts due to the Company, or judgments recovered against any person or corporation in its behalf, or in security for the payment of the same
- 20 or of any part thereof; provided that the Company may take any additional security of any nature to further secure the re-payment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.
- 25 2. The Company shall not be subject to liability as a shareholder with respect to any stock, other than bank stock, held by the Company as security for any debt due to the Company, but the person pledging such stock shall be considered as holding it, and shall be liable as a shareholder accordingly. Liability of Company as a stockholder.
- 30 11. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Foreign securities.
- 35 12. The Company may hold such real estate as is bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered; provided always that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to
- 40 the previous owner or to his heirs or assigns. Power to hold real estate. Proviso.
- 45 13. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accommodation of the Company, but the annual value thereof in any province of Canada shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars. Real estate required for Company's use.
- 50 14. The directors may, from time to time, set apart such proportion of the net profits as they shall deem safe and proper, for distribution as dividends or bonuses to shareholders and holders of participating policies, ascertaining the part thereof which has been derived from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be Dividends.

entitled to share in that portion of the profits so set apart, which has been so distinguished as having been derived from participating policies to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared. 5

Rights of certain policy holders.

**15.** Whenever any holder of a policy, other than a term or natural premium policy, shall have paid three or more annual premiums thereon, and shall fail to pay any further premium, or shall desire to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up commuted policy for such sum as the directors may determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he shall demand such paid-up commuted policy while the original is in force, or within six months after his failure to pay a premium thereon. 10 15 20

Holders of participating policies.

**16.** The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company; and if the Company so determines then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits and are referred to in this Act as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company, except at those called for the purpose of increasing the capital stock of the Company (and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company); and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote, in person, for each one thousand dollars in his policy. 25 30 35

Husband or father holding participating policy.

**2.** A husband or father holding a participating policy on his life for the benefit of his wife or children shall be deemed a member of the Company. 40

Separate accounts for "sections."

**17.** The Company may maintain separate accounts of the business transacted by it, in the "Industrial," the "General," the "Abstainers" and the "Women's" sections, keeping the receipts and the expenditures distinct, each section sharing its own profits, and each section paying its own proper proportion of expenses; and the Company may establish a section on the principle of non-participation in profits—which shall be known as the "Non-Participating Section." 45

Non-participating section.

R.S.C., c. 124.

**18.** This Act, and the Company, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act.* 50

**19.** Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections 18 and 39 thereof, shall apply to the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions herein contained.

No. 53.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Prudential  
Life Assurance Company of Canada.

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First reading, March 7th, 1898.

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(PRIVATE L.)

Mr. BAIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

[No. 54.]

**BILL.**

[1898.]

An Act respecting the Edmonton District Railway Company.

**WHEREAS** the Edmonton District Railway Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Edmonton District Railway Company, hereinafter called "the Company," may lay out, construct and operate a line of railway from its point of connection with the Athabasca River, as defined by chapter 17 of the statutes of 1896 (First Session), to the Peace River; thence to a point on the Nelson River; and thence by way of the Nelson, Liard and Francis Rivers to the navigable waters of the Pelly River. Line of railway described. 1896 (1st Sess.) c. 17.

**2.** Section 10 of the said Act is hereby amended by striking out the words "and Athabasca Rivers," in the sixth line thereof, and inserting in lieu thereof the words "Athabasca, Peace, Nelson, Liard, Frances, Pelly, Mackenzie, Peel, Porcupine and Yukon Rivers." Section 10 amended.

**3.** Section 8 of the said Act shall apply to the extension of the railway hereby authorized; provided, that with respect to that portion of the Company's railway between the Peace River and the navigable waters of the Pelly River the Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile. Amount of bonds, etc., limited.

**4.** The capital stock of the Company is hereby increased to five million dollars. Capital stock increased.

**5.** The railway of the Company and the extension hereby authorized shall be commenced and fifteen per cent on the amount of the capital stock expended thereon within two years from the passing of this Act, and the railway and extension shall be finished and put in operation within five years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time limited for construction of railway.

**6.** Nothing in this Act contained shall be held or construed to vary any of the conditions contained in an indenture made the sixteenth day of December, A.D. one thousand eight Agreement with Wm. Pugsley.

hundred and ninety-seven, between the Edmonton District Railway Company, the municipality of the town of Edmonton and the Honourable William Pugsley, Q.C.

Power of Parliament as to future legislation.

7. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of the Company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

No. 54.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Edmonton District Railway Company.

First reading, March 8th, 1898.

(PRIVATE BILL.)

Mr. OLIVER.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

## An Act respecting the Atlas Loan Company.

**W**HEREAS the Atlas Loan Company has, by its petition, Preamble.  
 represented that it is incorporated under the Act of  
 the province of Ontario respecting Building Societies, being  
 chapter 169 of the Revised Statutes of Ontario, 1887, and has  
 5 prayed that an Act be passed enabling it to carry on business  
 anywhere in Canada, with all the powers of a loan company  
 and building society, and with the powers hereinafter set forth,  
 and it is expedient to grant the prayer of the said petition :  
 Therefore Her Majesty, by and with the advice and consent  
 10 of the Senate and House of Commons of Canada, enacts as  
 follows :—

**1.** The Atlas Loan Company, hereinafter called “the Com- Incorporation.  
 pany,” may, subject to the laws of the several provinces in that  
 behalf, carry on its business in any part of Canada ; provided,  
 15 that before the directors commence to carry on business in any  
 province other than Ontario, they shall be empowered so to do  
 by a by-law of the Company passed for that purpose.

**2.** The authorized capital stock of the Company shall be Capital stock.  
 two million dollars, divided into shares of one hundred dollars  
 20 each.

**3.** The Company may, subject to the laws in that behalf of Power to hold  
real estate.  
 any province in which it carries on its business as hereinbefore  
 provided, acquire and hold such real estate in each of the said  
 provinces as is necessary for the transaction of its business, not  
 25 exceeding in any such province in yearly value the sum of ten  
 thousand dollars, or such real estate as being mortgaged or  
 hypothecated to it is acquired by it for the protection of its in-  
 vestments, and may from time to time sell, mortgage, lease or  
 otherwise dispose of the same ; but the Company shall sell  
 30 any real estate acquired in satisfaction of any debt, within seven  
 years after it has been so acquired, otherwise it shall revert to  
 the previous owner or to his heirs or assigns.

**4.** The Company may,— Powers of  
Company.  
Loan money.  
 (a.) lend money on the security of real estate in Canada, or  
 35 upon the security of the public securities of Canada or of any  
 province thereof, or on the security of the stock, shares, bonds,  
 debentures or other undertakings of any municipal corpora-  
 tion, or on the stock, shares, bonds or debentures of any other  
 corporation or incorporated institution, or of any chartered  
 40 bank doing business in Canada, upon such terms and condi-  
 tions of repayment as may be lawfully agreed upon with the  
 borrower, and may invest money in the purchase of any of the

- said securities, and may re-sell any of such securities, or sell or transfer any security upon which a loan may be made, with right of sale, and for that purpose execute all necessary instruments, and may lend and invest as aforesaid both the capital of the Company and any money that may be borrowed by the Company on their debentures or on cash loans or otherwise ; 5
- Acquire securities. (b.) acquire, by purchase or otherwise, any security upon which it is authorized to lend or advance money, and re-sell the same as it deems advisable ;
- Enforce contracts. (c.) do all acts that are necessary for advancing such sums of money and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing from such sums so advanced and the observance and fulfilment of any condition annexed to such advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment ; 10
- Give discharges. (d.) give receipts, acquittances and discharges, either absolutely and wholly or partially, and execute such deeds, assignments or other instruments as are necessary for carrying any such purchase or re-sale into effect ; 20
- Application of capital. (e.) for every and any of the foregoing purposes, and for every and any other purpose in this Act mentioned or referred to, lay out and apply the capital and property for the time being, of the Company, or any part thereof, or any of the moneys authorized to be hereafter raised or received by the Company in addition to its capital for the time being, and may authorize and exercise all acts and powers whatsoever, which, in the opinion of the directors of the Company, are requisite or expedient to be done or exercised in relation thereto. 25
- Debentures. 5. The directors may issue debentures of the Company for such sums of not less than one hundred dollars each, and in such currency as they deem advisable, and payable in Canada or elsewhere not less than one year from the issue thereof, subject to the limitations hereinafter provided, and such debentures may be in the form of schedules A and B to this Act. 30 35
- Transfer of debentures. 6. Such debentures or any of them may, in the option of the Company, contain a provision in the following words : "This debenture or any interest therein is not transferable except by entry in the debenture registry book of the said Company," or to the like effect. 40
- Entry of transfers. 7. The Company shall cause every transfer of such last mentioned debentures to be entered in a proper debenture registry book kept for that purpose, and such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debentures, or of his executor or administrators, or of his or their lawful attorney, which authority shall be retained by the Company. 45
- Future transfers. 8. Transfers of such last mentioned debentures shall only be made by entry in such debenture registry book, from time to time, as the same are authorized by the owner thereof or his attorney. 50

9. The aggregate amount of money borrowed by the Com-  
 pany by guarantee as hereinafter provided and also by way of  
 deposits, together with the amount of the debentures issued or  
 to be issued as hereinbefore provided and remaining unpaid,  
 5 may be equal to, but shall not, at any time, exceed double the  
 aggregate amount of the paid-up, unimpaired, fixed and  
 permanent share capital of the Company not liable to be with-  
 drawn therefrom, together with a further sum, which may be  
 equal to, but shall not exceed the amount remaining unpaid on  
 10 the subscribed fixed and permanent share capital, upon which  
 not less twenty per cent has been paid; but in no case shall  
 the total liabilities of the Company to the public at any time  
 exceed the sum of two million dollars, nor shall they at any  
 time exceed the amount of principal remaining unpaid on the  
 15 securities then held by the Company: Provided that in esti-  
 mating the limitation of the said liabilities, the amount of all  
 loans or advances made by the Company to its shareholders  
 upon the security of its stock shall be deducted therefrom.

Amount of  
 money which  
 may be  
 borrowed.

Proviso.

10. Sections 89, 90, 91 and 95 of *The Companies Act* shall  
 20 apply to the Company.

R.S.C., c. 119,  
 ss. 89, 90, 91,  
 95.

11. Nothing herein contained shall be construed to exempt  
 the Company from the effect of any Acts of any province of  
 Canada respecting building societies or loan companies which  
 carry on business in such province, and the head office of  
 25 which society or company is in the province of Ontario.

Provincial  
 Acts to apply.

#### SCHEDULE A.

This debenture is issued under the authority of an Act of the  
 Parliament of Canada, intituled *An Act respecting the Atlas  
 Loan Company*, being chapter of the statutes of 1898, and  
 under the authority of the Revised Statutes of Ontario, 1887,  
 chapter 169, and *The Loan Corporations Act*, of Ontario, being  
 chapter 28 of the statutes of 1897.

The Atlas Loan Company Debenture No. transferable.

§ The Atlas Loan Company, of St. Thomas, Ontario, Canada,  
 promises to pay to or order, the  
 sum of dollars, on the  
 day of A. D. at the Bank, in the  
 city of St. Thomas, Ontario, with interest at the rate of  
 per centum per annum to be paid half yearly on presentation  
 of the proper coupon for the same as hereunto annexed, say, on  
 the second day of January and on the second day of July in  
 each year at the said Bank.

In witness whereof the said Atlas Loan Company has caused  
 its corporate name to be hereto signed by its president, and its  
 corporate seal to be hereunto affixed by its manager, this

day of                      A. D.                      , and the  
annexed interest coupon to be executed with the signature of  
its manager.

THE ATLAS LOAN COMPANY.

By

*President.*

Attest

*Manager.*

SCHEDULE B.

This debenture is issued under the authority of an Act of the Parliament of Canada entitled *An Act respecting the Atlas Loan Company*, being chapter                      , of the statutes of 1898, and under the authority of the Revised Statutes of Ontario, 1887, chapter 169, and *The Loan Corporations Act*, of Ontario, being chapter 38 of the statutes of 1897.

THE ATLAS LOAN COMPANY,

St. Thomas, Canada.

MORTGAGE DEBENTURE.

No.                      £                      Due

1. For valuable consideration already received, the Atlas Loan Company, hereinafter called "the Company," will, on the                      day of                      , or on such earlier day as the principal moneys hereby secured become payable, pay to                      or other the registered holder for the time being hereof, on presentation of this debenture at the office of the National Bank of Scotland, London, England, the sum of                      pounds sterling.

2. The Company will in the meantime pay interest thereon at the rate of                      per centum per annum, by half yearly payments, in accordance with the coupons annexed hereto.

As witness the common seal of the Atlas Loan Company,  
the                      day of                      189 .

*President.*

*Manager.*

No. 55.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act respecting the Atlas Loan  
Company.

First reading, March 8th, 1898.

(PRIVATE BILL.)

Mr. CASEY.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act respecting the Atlas Loan Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

- W**HEREAS the Atlas Loan Company has, by its petition, Preamble.  
 represented that it is incorporated under the Act of  
 the Revised Statutes of Ontario intituled *An Act respecting*  
*Building Societies*; and whereas the said company desires to  
 5 have its shareholders incorporated by an Act of Parliament for  
 the purposes of carrying on business anywhere in Canada, and  
 has prayed that it be enacted as hereinafter set forth, and it is  
 expedient to grant the prayer of the said petition: Therefore  
 Her Majesty, by and with the advice and consent of the Senate  
 10 and House of Commons of Canada, enacts as follows:—
- 1.** The shareholders of the said the Atlas Loan Company, Incorporation of new company.  
 hereinafter called “the old Company,” together with such  
 persons as become shareholders in the company hereby  
 incorporated, are hereby incorporated under the name of “The Corporate name.  
 15 Atlas Loan Company,” hereinafter called “the new Company.”
- 2.** The capital stock of the new Company shall be two Capital stock.  
 million dollars, divided into shares of one hundred dollars  
 each.
- 3.** The shareholders of the old Company are hereby declared Shares in old company converted.  
 20 to be holders respectively of shares in the new Company to  
 the same extent, and with the same amounts paid up thereon,  
 as they are holders respectively of shares in the old Company;  
 Provided that two shares of fifty dollars each in the old  
 Company shall constitute one share of one hundred dollars in  
 25 the new Company.
- 4.** The president, vice-president and directors of the old Officers.  
 Company shall respectively be the president, vice-president  
 and directors of the new Company until their successors are  
 elected.
- 30 **5.** The by-laws, rules and regulations of the old Company, By-laws.  
 lawfully enacted, shall be the by-laws, rules and regulations of  
 the new Company, subject to repeal, amendment or other  
 change lawfully made.
- 6.** The new Company shall be liable for and subject to, and Liability for obligations of old company.  
 35 shall pay, discharge, carry out and perform, all the debts,  
 liabilities, obligations, contracts and duties of the old Company;  
 and any person having any claim, demand, right, cause of

action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders. 5

Existing rights preserved.

7. Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty. 10

Acquisition of old company's assets.

8. The new Company may acquire all the assets, rights, credits, effects, and property, real and personal, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act, or to the like effect, shall be sufficient. 15 20

Form of conveyance.

Securities for investments.

Mortgages.

Debentures, etc.

9. The new Company may lend money on the security of or purchase or invest in—

(a.) mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;

(b.) the debentures, bonds, stocks and other securities of any government; or any chartered bank incorporated by or under the authority of Parliament to the extent of not more than ten per cent of the stock of such bank; or on the fully paid up stock of any permanent building society or loan company incorporated by Parliament, or by the laws of any former, present, or future province of Canada, or the debentures, bonds, stock and securities of any municipal or school corporation whereby such corporation may lawfully pledge its credit; provided that the new Company shall not lend upon the security of bills of exchange or promissory notes. 25 30 35

Borrowing powers.

Proviso.

10. The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public, outstanding from time to time, shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid up and unimpaired capital, and of its cash actually in hand or deposited in a chartered bank in Canada and belonging to the Company. 40 45

Liabilities of old company included.

11. The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in 30

chartered banks, and belonging to the new Company, shall be deducted from such total liabilities for the purposes of the said section

**12.** So long as the new Company is indebted for money  
5 received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed  
15 eighty per cent of its total assets. Limitation as to holding real estate.

**13.** The affairs of the new Company shall be managed by  
10 a board of not less than five directors. Directors.

**14.** The head office of the new Company shall be at the  
15 city of St. Thomas, in the province of Ontario, or in such other place in Canada as the directors may from time to time determine by a by-law confirmed at a special general meeting  
of the new Company duly called for the purpose of considering the same. Head office.

**15.** The directors of the new Company may, with the con-  
20 sent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but such debenture stock shall be treated and considered  
25 as part of the ordinary debenture debt of the new Company, and shall be included in estimating the new Company's liabilities to the public under section 10 of this Act, and such  
debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the  
30 new Company. Debenture stock. Limitation. How to rank.

**16.** The debenture stock aforesaid shall be entered by the  
35 new Company in a register to be kept for that purpose in the head office of the new Company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors may determine. The said register shall be accessible  
40 for inspection and perusal at all reasonable times to every debenture-holder, mortgagee, bondholder, debenture-stockholder and shareholder of the Company without the payment of any fee or charge. Registration of debenture stock.

**17.** All transfers of debenture stock of the new Company  
45 shall be registered at the head office of the new Company, and not elsewhere, but the said transfers may be left with such agents in the United Kingdom as the new Company appoints for that purpose, for transmission to the new Company's head office for registration. Transfer of debenture stock.

**18.** The holders of the ordinary debentures of the new  
50 Company may, with the consent of the directors, at any time exchange such debentures for debenture stock. Exchange of debentures for debenture stock.

Cancellation  
of debenture  
stock.

**19.** The new Company, having issued debenture stock, may, from time to time, as it thinks fit, and in the interest of the new Company, but only with the consent of the holders thereof, buy up and cancel any of the said debenture stock.

Agencies.

**20.** The new Company may have an agency in any city in 5  
England, Scotland or Ireland, and any by-law establishing  
such agency shall not be altered or repealed except by a vote  
of two-thirds of the shareholders present or represented by  
proxy at a special meeting called for the purpose of considering  
such by-law, and unless the notice calling such meeting be 10  
published once a week for four consecutive weeks in a daily  
newspaper in each city in England, Scotland and Ireland  
where the new Company has an agency.

No liability  
on trusts.

**21.** The new Company shall not be bound to see to the  
execution of any trust, whether expressed, implied or con- 15  
structive, to which any share of its stock or debenture stock,  
or to which any deposit or any other moneys payable by or in  
the hands of the new Company may be subject; and the  
receipt of the person in whose name such share, debenture  
stock or money stands in the books of the new Company from 20  
time to time shall be a sufficient discharge to the new Com-  
pany for a payment of any kind made in respect of such share,  
stock or money, notwithstanding any trust to which the same  
may then be subject, and whether or not the new Company  
has had notice of such trust; and the new Company shall not 25  
be bound to see to the application of the money paid upon such  
receipt.

Real estate  
to be sold  
within seven  
years.

**22.** No parcel of land, or interest therein at any time  
acquired by the new Company and not required for its actual  
use and occupation, or not held by way of security, shall be 30  
held by the new Company, or by any trustee on its behalf, for  
a longer period than seven years after the acquisition thereof,  
but shall be absolutely sold and disposed of, so that the new  
Company shall no longer retain any interest therein, unless by  
way of security, and any such parcel of land, or any interest 35  
therein not within the exceptions hereinbefore mentioned,  
which has been held by the new Company for a longer period  
than seven years without being disposed of, shall be forfeited  
to Her Majesty for the use of Canada: Provided that the  
Governor in Council may extend the said period from time 40  
to time, not exceeding in the whole twelve years: Provided  
further that no such forfeiture shall take effect or be enforced  
until the expiration of at least six calendar months after  
notice in writing to the new Company of the intention of Her  
Majesty to claim such forfeiture; and the new Company shall 45  
give to the Governor in Council, when required, a full and  
correct statement of all lands at the date of such statement  
held by or in trust for the new Company, and subject to these  
provisos.

Proviso for  
extending  
time.

Notice of  
forfeiture.

Statement of  
lands held.

Financial  
returns.

**23.** The new Company shall transmit, on or before the first 50  
day of March in each year, to the Minister of Finance and  
Receiver General, a statement in duplicate, to the thirty-first  
day of December, inclusive, of the previous year, verified by the

oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by  
 5 the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the  
 10 Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

15 **24.** Sections 7, 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the new Company.

**25.** This Act shall not take effect unless and until, at a  
 special general meeting of the shareholders of the old Company  
 20 duly called for the purpose of considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting and holding not less than seventy-five per cent of the  
 25 subscribed capital stock of the Company represented at such meeting; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State, and shall be by him published in the *Canada Gazette*; but upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution:  
 30 Provided that prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the new Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act,  
 35 and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the new Company, in any province of Canada.

When Act to take effect.

Proviso for organization.

#### SCHEDULE.

This indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 189\_\_\_\_, between the Atlas Loan Company, incorporated under R. S. O. 1887, chap. 169, of the first part, hereinafter called "the old Company," and the Atlas Loan Company, incorporated by chapter — of the statutes of 1898 of Canada, of the second part, hereinafter called "the new Company"

Whereas, the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled *An Act respecting the Atlas Loan Company*, and, by the resolution of the shareholders duly passed in that behalf, the \_\_\_\_\_ day of \_\_\_\_\_ (or the execution hereof, or as the case may be) was fixed as the date (or event) from which the said Act should take effect.

And whereas by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real and personal, of the old Company; and the old Company has agreed to convey and assign the same to the new Company;

Now this indenture witnesseth, that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real and personal of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for its sole and only use for ever; and the old Company covenants with the new Company to execute and deliver, at the expense of the new Company, all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full legal, equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and every part thereof.

And, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable, or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

## BILL

## An Act respecting the Atlas Loan Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

## (PRIVATE BILL.)

Mr. CASEY.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

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No. 56.]

**BILL.**

[1898.

An Act respecting the Montreal and Province Line  
Railway Company.

**W**HEREAS the Montreal and Province Line Railway Com- Preamble.  
pany has, by its petition, prayed that it be enacted as  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition: Therefore Her Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The time limited for repairing and putting in operation Time  
the railway of the Montreal and Province Line Railway Com- extended.  
pany is hereby extended for a period of five years from the 1896 (1st Sess.)  
10 twenty-third day of April, one thousand eight hundred and c. 26, s. 13.  
ninety-six.

No. 56.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Montreal and  
Province Line Railway Company.

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First reading, March 8th, 1898.

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(PRIVATE BILL.)

Mr. PENNY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Manufacturers' Guarantee and Accident Insurance Company, and to change its name to "The Dominion of Canada Guarantee and Accident Insurance Company."

**W**HEREAS the Manufacturers' Guarantee and Accident Insurance Company has, by its petition, represented that it has passed a by-law for the purposes set out in the schedule hereto, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows :—

- 1.** The name of the Manufacturers' Guarantee and Accident Insurance Company, hereinafter called "the Company," is hereby changed to "The Dominion of Canada Guarantee and Accident Insurance Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, or in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.
- 2.** The directors of the Company are hereby authorized and empowered to create and issue any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and capital and otherwise over ordinary stock as may be declared by by-law.
- 3.** The by-law (set out in the schedule to this Act) providing for the issue of preference stock is hereby ratified and confirmed.

#### SCHEDULE.

Whereas the Manufacturers Accident Insurance Company in the year one thousand eight hundred and ninety-three petitioned for an Act amending their Act of Incorporation to enable them to carry on the Guarantee business, and their petition was granted and an Act amending their Act of Incorporation was duly passed and assented to on the first day of April, one thousand eight hundred and ninety-three, whereby

the name of the Company was changed from "The Manufacturers Accident Insurance Company" to "The Manufacturers Guarantee and Accident Insurance Company," and gave power to transact the guarantee business as is therein set out.

And whereas, the said Act of Amendment contains a provision that before the Company should exercise the enlarged powers given by the Amendment the subscribed capital of the Company should be increased to at least two hundred thousand dollars (\$200,000) and the amount paid thereon in cash should be increased to at least seventy-five thousand dollars (\$75,000);

And whereas, the Company have decided to exercise the enlarged powers given by the Act and have decided to issue stock to the amount of one hundred and eighteen thousand seven hundred dollars (\$118,700) of stock in addition to the one hundred and eighteen thousand seven hundred dollars (\$118,700) already issued;

Therefore be it resolved that the Company do issue \$118,700 of stock in addition to the \$118,700 already issued to be called preference shares to which there shall be attached the special rights and privileges following, that is to say:

1. The holders of such preference shares shall be entitled (notwithstanding an impairment of capital, if any) to receive out of the annual profits of the Company as a first charge a cumulative preferential dividend at the rate of six per cent per annum on the capital for the time being paid up on such shares respectively.

2. Whenever the profits of the Company in respect of any year shall be more than sufficient to pay the preferential dividend accumulated as aforesaid to the close of such year and also a dividend for such year at the rate of six per cent per annum on the ordinary shares, the holders of the preference shares shall be entitled to participate in the surplus *pari passu* with the holders of the other shares.

3. The capital paid up on the preference shares shall not be liable to cancellation or reduction in respect of loss or depreciation.

4. In the event of the winding up of the Company the holders of the preference shares shall be entitled to have the surplus over and above what is required to pay debts applied first in payment of the capital paid up on the preference shares held by them respectively, and secondly in paying off the arrears (if any) of the preferential dividend accumulated as aforesaid to the commencement of the winding up and thereafter to participate rateably with the holders of ordinary shares in the receipt (if any) of such surplus assets which shall remain after paying off the capital paid up on such ordinary shares.

5. Every holder of preference shares shall have one vote for each share held by him.

6. The preference shares shall be issued as nearly as possible to the same persons as at present hold the capital stock of the Company, each person being entitled as nearly as possible to have issued to him an amount of the new stock which bears the same proportion to the preferential stock to be issued which the stock now held by him bears to the stock already issued by the Company, and in case any of the persons now holding stock in the Company do not desire to take preferen-

tial stock the same shall be issued to such person or persons as the Board of Directors may see fit. Each persons requiring preferential stock issued to him, as aforesaid, shall request the same in writing, stating the amount, on or before the first day of November, 1897, and shall pay to the Company on or before that date a sum equal to ten per cent of the amount of stock which he shall require to be issued to him, such ten per cent to be deemed payment of the first call upon the stock.

Be it also resolved that a call upon the preferred shares to be issued as aforesaid shall be and is hereby made upon each person requiring the issue of preferential stock to him of ten per cent of the amount subscribed on the first day of November, 1897, with a further call to be made of ten per cent on the first day of December, 1897, with a further call to be made of ten per cent. on the first day of January, 1898, and with a further call to be made of ten per cent on the first day of February, 1898. Each person taking the preferred shares aforesaid shall have the right to pay the whole forty per cent up at once.

Be it further resolved that a special general meeting of the shareholders of the Company be called, to be held at the head office of the Company in the City of Toronto, on the fourth day of November, 1897, at the hour of eleven o'clock in the forenoon, for the consideration by the shareholders of the above mentioned by-law, and for the approval and confirmation thereof if deemed advisable, and for authority if it is deemed advisable so to do to authorize the Directors to apply to Parliament for an Act to ratify and confirm the same, and to change the name of the Company to "The Guarantee and Accident Insurance Company of Canada," or such other name as the Parliament will permit and the Directors may approve of.

I hereby certify that the above is a correct copy from the minutes, of a by-law passed at a meeting of the shareholders of the Manufacturers Guarantee and Accident Insurance Company held November 4th 1897.

TORONTO, 28th January, 1898.

E. WILLIAMS,  
*Secretary.*

No. 57.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Manufacturers' Guarantee and Accident Insurance Company, and to change its name to "The Dominion of Canada Guarantee and Accident Insurance Company."

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First reading, March 8th, 1898.

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(PRIVATE BILL.)

Mr. CLARKE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 58.]

**BILL.**

[1898.

An Act respecting the Queenston Heights Bridge Company.

**W**HEREAS the Queenston Heights Bridge Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter  
set forth, and it is expedient to grant the prayer of the said 1896 (1st Sess.)  
petition: Therefore Her Majesty, by and with the advice and c. 43.  
5 consent of the Senate and House of Commons of Canada, enacts  
as follows:—

**1.** The times limited by chapter 43 of the statutes of Time for  
1896 (First Session) for the commencement and completion construction  
of the undertaking of the Queenston Heights Bridge Company, extended.  
10 is hereby extended for two years and five years respectively  
from the passing of this Act, and if the works are not so  
commenced and completed, then the powers granted by the  
said Act and by this Act shall cease and be null and void as  
15 respects so much of the undertaking as then remains uncom-  
pleted.

No. 58.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Queenston Heights  
Bridge Company.

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First reading, March 8th, 1898.

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(PRIVATE BILL.)

Mr. CLARKE.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act to incorporate the Victoria Fire Insurance Company.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Samuel H. Ewing and Allen R. Macdonell, both of the Incorporation.  
city of Montreal, William Pugsley, of the city of Saint John, in the province of New Brunswick, John Dowsley Reid, of the  
10 village of Cardinal, and James A. Wright, of the city of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of the "Victoria Fire Insurance  
Corporate name.  
Company," hereinafter called "the Company."

15 2. The head office of the Company shall be in the city of Head office.  
Montreal, in the province of Quebec, and branches, sub-boards Branch offices.  
or agencies may be established and maintained elsewhere, in such manner as the directors from time to time appoint.

3. The capital stock of the Company shall be one million Capital stock.  
20 dollars, divided into shares of one hundred dollars each.

2. The directors may, after the whole capital stock has been Increase of capital.  
subscribed for and fifty per cent paid thereon in cash, increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding two million dollars, but the  
25 stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.

30 4. The persons named in section 1 of this Act are hereby Provisional directors.  
constituted provisional directors of the Company, and a majority of them shall be a quorum. The directors may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments  
35 thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the  
40 Company.

Proxies.	2. The provisional directors may vote and act by proxy, but such proxies shall be held by provisional directors only, and no provisional director shall hold more than two proxies.	
Business of Company.	5. The Company may make and effect contracts of insurance with any person, against loss or damage by fire or lightning in or to any houses, dwellings, stores or other buildings whatsoever, and to any goods, chattels or personal estate whatsoever, including tenants' risks and rents, for such times, and for such premiums or considerations, under such modifications and restrictions and upon such conditions as are bargained and agreed upon or set forth by and between the Company and the insured.	5 10
Re-insurance.	2. The Company may also cause itself to be insured against any risk it may have undertaken in the course of its business.	
First meeting of Company.	6. So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed and twenty-five per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Montreal, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than five nor more than nine directors, of whom a majority shall form a quorum.	15
Election of directors.		20
Number of directors.		
Qualification.	2. No person shall be a director unless he holds in his own name and for his own use at least twenty shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.	25
Payment of calls.	7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of each such subsequent instalment shall be given.	30
Commencement of business.	8. The Company shall not commence the business of insurance until at least eighty thousand dollars of capital stock have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act; and within one year thereafter at least eighty thousand dollars of additional capital shall be called up and paid in; provided, that the amount so paid in by any shareholder shall not be less than ten per cent on the amount subscribed by such shareholder.	35 40
Proviso.		
Annual meeting.	9. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business at its head office; and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders specifying in the notice the object of such meeting.	45 50
Special general meetings.		

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed to the addresses of the shareholders respectively given in the books of the Company.

Notice of meetings.

10. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada or of any province of Canada or of any municipal corporation in Canada, or in debentures of any building society, loan, or investment company, or on the security of any of the said debentures, bonds, stocks or securities, or on the security of paid-up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities or shares are assigned absolutely or conditionally or by assignment in the nature of a charge or mortgage thereon to the Company or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds or other securities of the United Kingdom or the United States, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interest in real property or mortgage security thereon, and may take, receive and hold all or any of such securities in the name of the Company or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Investment of funds.

2. Any investment or loan above authorized to be made, may be on such terms and conditions, and in such manner and at such times and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest as the directors from time to time determine, and either in satisfaction of, or as collateral security for debts due to the Company, or judgments recovered against any person, or in security for the payment thereof.

Terms of investments to be in discretion of directors.

3. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company or to further secure the sufficiency of any of the securities upon which the Company is by this section authorized to lend any of its funds.

Additional security.

11. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Foreign securities.

12. The Company may hold such real estate as is mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: Provided, always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Real estate.

Proviso.

R.S.C., c. 124. **13.** This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*.

R.S.C., c. 118. **14.** *The Companies Clauses Act*, except sections 18 and 39 thereof, shall extend and apply to the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained. **5**

No. 59.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Victoria Fire Insurance Company.

First reading, March 8th, 1898.

(PRIVATE BILL.)

MR. QUINN.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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Nó. 60.]

**BILL.**

[1898.

An Act to amend the Weights and Measures Act.

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

**1.** When potatoes are sold or offered for sale by the bag, <sup>Weight of bag</sup> 5 each bag shall contain at least eighty pounds of potatoes. <sub>of potatoes.</sub>

**2.** Every person who violates this section shall be liable to <sup>Penalty.</sup> the penalties imposed by subsection 2 of section 16 of *The R.S.C., c. 104. Weights and Measures Act.*

No. 60.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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**BILL.**

An Act to amend the Weights and Measures Act.

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First reading, March 8, 1898.

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**MR. FORTIN.**

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**OTTAWA**

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act in further amendment of the Trade Mark and  
Design Act.

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

1. Section 3 of *The Trade Mark and Design Act*, chapter R.S., c. 63,  
5 63 of the Revised Statutes, is hereby amended by adding the s. 3 amended.  
following subsection thereto:—

“3. All marks, names, brands, labels, packages or other As to trade  
unions.  
business devices which are adopted for use by any association  
or union of workingmen in its trade, business, occupation or  
10 calling, for the purpose of distinguishing any manufacture,  
product or article of any description, manufactured, produced,  
compounded or packed by or through the labour of any of  
the members of such association or union of workingmen, and  
applied in any manner either to such manufacture, product or  
15 article, or to any package, parcel, case, box or other vessel or  
receptacle of any description containing it, shall, for the pur-  
poses of this Act, be considered and known as trade marks,  
and may be registered for the exclusive use of the association  
or union of workingmen registering it in the manner herein  
20 provided, and of the members of such association or union;  
and thereafter such association or union of workingmen and  
its members shall have the exclusive right to use such trade  
mark to designate articles manufactured by or through the  
labour of the members of such association or union of work-  
25 ingmen, which, for the purposes of this Act, shall be con-  
sidered the proprietor of such trade mark.”

No. 61.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act in further amendment of the  
Trade Mark and Design Act.

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First reading, March 8th, 1898.

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Mr. BERTRAM.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Tamagamingue Railway Company.

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

**1.** Wallace Adam Cockburn, Charles Alfred Marie Paradis, Lancelot Edward Bolster, Henry Elwood McKee, James Holdatch, L. O. Armstrong, and George Phillips Cockburn, all of Sturgeon Falls, and Robert James McLaughlin and Frederick Armand McDiarmid, of Lindsay, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Tamagamingue Railway Company," hereinafter called "the Company."

**2.** The head office of the Company shall be in the village of Sturgeon Falls, in the district of Nipissing.

**3.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from some point on the main line of the Canadian Pacific Railway in the townships of Springer, Caldwell or Kirkpatrick, and thence in a northerly direction to some point on Lake Tamagamingue.

**4.** [The Company may construct or purchase steamboats, barges or other vessels, and use and operate the same upon Lake Tamagamingue and the lakes and rivers connected therewith, and may blast, dredge or otherwise make navigable for vessels any or all of the said lakes and rivers.]

**5.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

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

**7.** The annual meeting of the shareholders shall be held on the first Tuesday in May in each year.

Election of directors.

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

Amount of bonds, etc., limited,

9. The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 5

Water power. Electricity.

10. [The Company may operate the said railway by either steam or electricity, and acquire and utilize water power, and dispose of surplus power either directly or by converting the same into electricity.] 10

Agreement with another company.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company [or with any railway company which may be empowered to construct a line of railway through Nipissing district to James Bay] for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds, of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council. 15 20 25 30

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published. 35

Power of Parliament as to future legislation.

12. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament, as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 40 45

BILL.

An Act to incorporate the Tamagamingue Railway Company.

First reading, March 9th, 1898.

(PRIVATE BILL.)

Mr. McHUGH.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 63.]

**BILL.**

[1898.

An Act to amend the law relating to Aliens.

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

1. Notwithstanding section 3 of *The Naturalization Act*,  
5 chapter 113 of the Revised Statutes, or anything in any Act of  
the Parliament of Canada or of the legislature of any province,  
no person may acquire, either in his own name or through a  
trustee or otherwise, or work on or in connection with the  
development of, any mining lands or mining rights in Canada,  
10 or become a director of a mining company, unless he has been  
continuously domiciled in Her Majesty's dominions, or in a  
country where there is no alien labour law in force against  
Her Majesty's subjects, during the twelve months immediately  
15 prior to the time he acquires such lands or rights, or com-  
mences work on or in connection with the development there-  
of, or becomes such director.

What persons  
may not  
acquire min-  
ing rights, etc.

No. 63.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the law relating to  
Aliens.

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First reading, March 9th, 1898.

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Mr. McMULLEN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

**W**HEREAS the Vancouver, Victoria and Eastern Railway and Navigation Company has, by its petition, represented that it was incorporated by an Act of the legislature of the province of British Columbia, being chapter 75 of the statutes of 1897, and that it was thereby authorized to build a railway as therein mentioned: And whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** In this Act the expression “the Company” means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Vancouver, Victoria and Eastern Railway and Navigation Company; and the works which the Company by its said Act of incorporation is empowered to undertake and operate are hereby declared to be works for the general advantage of Canada.

**2.** Nothing herein contained shall be construed in any way to affect or render inoperative any of the provisions of the said Act of incorporation which authorized the Company to undertake, own and operate the said works as aforesaid; but hereafter the same shall be subject to the legislative authority of the Parliament of Canada, and the provisions of *The Railway Act*.

**3.** The Company may lease its works, or any part thereof, to the Canadian Pacific Railway Company, on such terms and conditions, and for such period as is agreed upon between the directors of the said companies: Provided that the lease be sanctioned by the consent in writing of every shareholder of the Company, and by the Governor in Council; or failing such consent of every shareholder, then by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting duly called for the purpose, and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette*, and in a newspaper published at Vancouver in British Columbia for at least four weeks previous to the hearing of such application; and a duplicate of the said lease shall, within thirty days after its execution, be deposited in the office of the Secretary of State, and notice of such deposit shall be given by the Company in the *Canada Gazette*.

Preamble.

B.C., 1897,  
c. 75.

Declaratory.

Provincial  
Act to remain  
valid, but  
works to be  
subject to  
Parliament.Lease to  
C.P.R.Approval of  
shareholders  
and Governor  
in Council.Lease to be  
deposited with  
Secretary of  
State.

Power of  
Parliament  
as to future  
legislation.

4. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 5  
10

No. 64.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

First reading, March 10th, 1898.

(PRIVATE BILL.)

Mr. MAXWELL.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 65.]

**BILL.**

[1898.

An Act further to amend the Criminal Code.

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

**1.** Sections 736, 738, 739, 740 and 741 of *The Criminal Code*, 1892, c. 29  
5 1892, are hereby amended by striking out the words “Lieutenant Governor” wherever they occur therein, and substituting therefor the words “Governor General.”  
amended.

**2.** Section 748 of the said Code is hereby repealed.

Section 748  
repealed.

No. 65.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Criminal  
Code.

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First reading, March 10th, 1898.

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Mr. DAVIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Lake Manitoba Railway and Canal Company.

**W**HEREAS the Lake Manitoba Railway and Canal Com-<sup>Preamble.</sup>  
pany has, by its petition, prayed that it be enacted as  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition: Therefore Her Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

**1.** The Lake Manitoba Railway and Canal Company may <sup>Agreement</sup>  
enter into any agreement for amalgamation with any other <sup>with other</sup>  
railway company which is or may be authorized to enter into <sup>companies.</sup>  
10 such amalgamation.

**2.** The agreement may prescribe the terms and conditions <sup>Provisions of</sup>  
of the amalgamation, and may provide for the mode of carry- <sup>agreement.</sup>  
ing the same into effect, the name of the amalgamated com-  
pany, the amount of the capital stock, the number of shares  
15 and the amount of each share, the place of the head office, the  
number of the board of directors, the names of the first direct-  
ors and their term of office, the manner of converting the  
capital stock of each company into that of the amalgamated  
company, and such other or additional details as may be  
20 necessary or convenient to perfect the new organization and  
the after management and working thereof.

**3.** The agreement shall be submitted to the shareholders of <sup>Approval of</sup>  
each company party thereto, at an annual general meeting or <sup>shareholders</sup>  
at a special general meeting called for the purpose of taking <sup>of companies</sup>  
25 the same into consideration, and the agreement which is <sup>party thereto.</sup>  
accepted and approved by resolution passed at such meeting,  
may be executed under the corporate seals of the said com-  
panies, and an application may be made to the Governor in  
30 Council for an order approving of the same. <sup>Order in</sup>  
<sup>Council.</sup>

**4.** On, from and after the date of an order of the Governor <sup>Amalgamated</sup>  
in Council approving of the said agreement, the companies <sup>company.</sup>  
parties thereto shall be amalgamated and shall form one com-  
pany by the name in the said agreement provided, and upon  
the terms and conditions thereof; and the amalgamated com-  
35 pany shall possess and be vested with all the powers, franchises,  
privileges, assets, rights, credits, effects and property, real,  
personal and mixed, of whatever kind and wheresoever situated,  
belonging to, possessed by, or vested in each of the said com-  
panies, or to which each may be or become entitled.

Rights preserved.

5. Nothing in the said agreement of amalgamation, or in this Act contained, or done in pursuance thereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, nor shall it relieve such company from the payment or performance of any debt, liability, obligation, contract or duty. 5

Pending suits not affected.

6. No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof. 15

No. 66.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Lake Manitoba Railway and Canal Company.

First reading, March 11th, 1898.

(PRIVATE BILL.)

Mr. JAMESON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act to incorporate the London and Lake Huron  
Railway Company.

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

- 1.** Thomas Henry Smallman, Charles Brewer Hunt, John Labatt and John D. Wilson, all of the city of London, in the province of Ontario, and Malcolm Graeme Cameron, of the town of Goderich in the county of Huron, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The London and Lake Huron Railway Company," hereinafter called "the Company."
- 2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.
- 3.** The head office of the Company shall be in the city of London, in the province of Ontario.
- 4.** The Company may lay out, construct and operate a steam or electric railway, or a railway operated partly by steam power and partly by electric power of the gauge of four feet eight and one half inches from the city of London, to a point in or near the village of Lucan, in the county of Middlesex, and from a point in or near the said village of Lucan, to a point in or near Centralia, in the township of Stephen, in the county of Huron, and thence to a point in or near Grand Bend, on Lake Huron.
- 5.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- 6.** The Company, at any point where the railway, or any branch thereof, touches or crosses any navigable water, may, for the purposes of its business, build and operate docks and elevators, and steam and other vessels, and may collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway, convey passengers and freight.
- 7.** The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting, motor and heating purposes, in connection with its railway.

Preamble.

Incorporation.

Corporate name.

Declaratory.

Head office.

Line of railway described.

Provisional directors.

Power to build docks and vessels.

Use of electricity.

- Capital stock and calls thereon. **8.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
- Annual meeting. **9.** The annual meeting of the shareholders shall be held on the first Monday in September in each year. 5
- Election of directors. **10.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, one or more of whom may be paid directors. 10
- Amount of bonds, etc., limited. **11.** The Company may issue bonds, debentures or other securities to the extent of ten thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 15
- Agreement with G. T. R. **12.** The Company may enter into an agreement with the Grand Trunk Railway Company of Canada for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved of by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council. 20
- Approval of shareholders and Governor in Council. **13.** Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs, and in which a newspaper is published. 25
- Notice of application for sanction. **14.** A duplicate of the agreement, conveyance or lease referred to in section 12 of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 30
- Agreement to be filed with Secretary of State. **15.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric 35
- Power to enter upon highway. **16.** 45

- power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon ; and, as often as the Company thinks proper, may enter upon, use, break up and open any highway or public place, subject, however, to the following provisions :—
- (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;
- (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;
- (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company.
- (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;
- (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;
- (j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no

Erect poles.

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires underground.

Workmen to wear badges.

Private rights.

Temporary removal of wires and poles.

Notice to Company.

such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Liability for damage.

(k.) The Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

Future legislation as to electric railways.

15. The powers hereby conferred, which relate to an electric railway, shall be subject to any general Act hereafter passed by Parliament relating to electric railways.

Power of Parliament as to future legislation.

16. Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

No. 67.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the London and Lake Huron Railway Company.

First reading, March 11th, 1898.

(PRIVATE BILL.)

Mr. LISTER.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

Act Act respecting the Montfort Colonization Railway Company, and to change its name to the Montfort and Gatineau Colonization Railway Company.

**W**HEREAS the Montfort Colonization Railway Company Preamble.  
 has, by its petition, represented that it was incorporated  
 by an Act of the legislature of the province of Quebec, being Que. 1890,  
 chapter 107 of the statutes of 1890 (53 Victoria); and has c. 107.  
 5 prayed that it be enacted as hereinafter set forth, and it is  
 expedient to grant the prayer of the said petition: Therefore  
 Her Majesty, by and with the advice and consent of the Senate  
 and House of Commons of Canada, declares and enacts as  
 follows:—

- 10 **1.** The name of the Montfort Colonization Railway Com- Name  
 pany, hereinafter called “the Company,” is hereby changed changed.  
 to the “Montfort and Gatineau Colonization Railway Com-  
 pany,” but such change in name shall not in any way impair,  
 alter or affect the rights or liabilities of the Company, nor in  
 15 any wise affect any suit or proceeding now pending or judg-  
 ment existing either by or in favour of, or against the Com-  
 pany, which, notwithstanding such change in the name of  
 the Company, may be prosecuted or continued, completed  
 and enforced as if this Act had not been passed.
- 20 **2.** The undertaking of the Company is hereby declared to Declaratory.  
 be a work for the general advantage of Canada.
- 3.** The head office of the Company shall be in the city of Head office.  
 Montreal, in the province of Quebec, or such other place in  
 Canada as the directors shall from time to time by by-law  
 25 determine.
- 4.** The works which the Company is, by its Act of incorpora- Works of  
 tion, authorized to lay out, construct and operate, are as fol- Company.  
 lows, namely: “An ordinary or a narrow-gauge railway, and Railway.  
 also a telegraph line along the road, from a point on the line Telegraph  
 of the Canadian Pacific Railway or the Montreal and Occi- line.  
 30 dental Railway either from Lachute, St. Jérôme or St.  
 Sauveur or near the said localities to Montfort, in the town-  
 ship of Wentworth, and for continuing the said railway to a  
 point on the Rivière Rouge, in the township of Arundel”; and  
 the Company is hereby authorized to extend the said railway  
 35 from the actual terminus at the Rivière Rouge to some point on

Branch lines.	the Ottawa and Gatineau Valley Railway in the county of Wright, and, to make connection with the said railway, passing through the counties of Argenteuil, Labelle and Wright ;	
Vessels.	to construct branch lines ; and also with power to acquire, charter and use steam and other vessels upon Seize Iles and Simon Lakes, the du Lièvre River, Poissons Blancs Lake and Grand Lake or Trente et Un Milles Lake, which are situated along the line of the said railway in the counties of Argenteuil, Labelle and Wright, and also to construct and put in operation a telegraph line along the said extension.	5 10
Telegraph line.		
Powers under provincial incorporation confirmed.	<b>5.</b> The Company is hereby declared to have all the rights, powers, privileges, immunities and authority conferred upon it by the said Act of Quebec, but without affecting any debts, obligations, or liabilities of the Company, or rights in litigation in any action or suit now pending before the courts of the province of Quebec, but <i>The Railway Act</i> of Canada shall apply to the Company instead of the laws relating to railways in force in the province of Quebec.	15
1888, c. 29.		
Annual meeting.	<b>6.</b> The annual meeting of the Company shall be held on the second Tuesday in March in each year.	20
Amount of bonds, etc., limited.	<b>7.</b> The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of its railway and branches ; and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.	25
Vessels.	<b>8.</b> The Company may construct, acquire, navigate and dispose of steam and other vessels upon all navigable waters upon and near the line of the said railway.	
Agreements with other companies.	<b>9.</b> The Company may enter into an agreement with the Canadian Pacific Railway Company and any other railway company for conveying or leasing to such companies the railway of the Company hereby incorporated, in whole or in part or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.	30 35 40
Approval of shareholders and Governor in Council.		
Notice of application for sanction.	<b>2.</b> Such sanction shall not be signified until after due notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of <i>The Railway Act</i> and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.	45 50

10. Notwithstanding anything contained in the above mentioned Act of Quebec, the time fixed for the completion of the railway authorized by the said Act is hereby extended for seven years from the passing of this Act, and the line of railway authorized by this Act shall be commenced within three years and be completed within seven years from the passing of this Act, and if the said railway is not so commenced and completed, then the powers relating to its construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 68.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Montfort Coloniza-  
tion Railway Company and to change its  
name to the Montfort and Gatineau  
Colonization Railway Company.

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First reading, March 11th, 1898.

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(PRIVATE BILL.)

Mr. BOURASSA.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Kingston and Pembroke Railway Company.

**W**HEREAS the Kingston and Pembroke Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The time for the completion of the railway and branches of the Kingston and Pembroke Railway Company, hereinafter called "the Company," is hereby extended for the period of five years from the passing of this Act, and if the railway and branches are not then completed, then the powers granted by the Acts relating to the Company, and by this Act, shall cease and be null and void as respects so much of the railway and branches as then remain uncompleted: Provided that the extension of time hereby granted shall be without prejudice to the rights of any person in or under any legal proceedings between such person and the Company either now pending, or in which judgment has been rendered, respecting any lands in the city of Kingston, or respecting the powers of the Company to expropriate any such lands; and provided also that nothing in this Act shall be construed to extend, enlarge, or revive the Company's powers of expropriating the lands of any such person situate in the city of Kingston.

**2.** The Company may call in its first preference bonds or debentures issued pursuant to the powers contained in chapter 61 of the statutes of 1879 and redeem the same by giving to the holders of the said bonds or debentures in lieu thereof all the interest due thereon and debentures, bearing interest at the rate of three per cent per annum—to the amount of those redeemed, and the Company is hereby authorized to issue debentures, according to the form in the schedule to this Act, to the amount of five hundred and seventy-two thousand dollars such new issue of debentures to be first preference debentures, and to be used to redeem the said first preference bonds or debentures already issued bearing date the first day of January, one thousand eight hundred and eighty-two: Provided that nothing herein contained shall be taken in any way to limit the power of the Company to issue second preference bonds or debentures as provided by chapter 61 of the statutes of 1879.

Preamble.

Time for completion extended.

Proviso.

Redemption of first preference bonds. 1879, c. 61.

New issue.

Proviso.

1888, c. 29,  
ss. 93 to 97.

3. Sections 93 to 97 inclusive of *The Railway Act* shall apply to the debentures to be issued in lieu of those already issued.

Notice of  
payment of  
interest.

4. The Company, so soon as it is prepared to pay the said interest as aforesaid, shall give notice of the same in the manner provided in its Act of incorporation for giving notice of meetings, and on demand shall pay the same, and thereafter all interest on the said first preference bonds or debentures already issued by the Company shall cease and no action shall be brought by the holders thereof against the Company save to obtain the debentures hereby authorized to be issued in lieu thereof, and the interest thereon. 5  
10

Capital  
reduced.

5. The ordinary capital stock of the Company is hereby reduced from five million dollars to two and one-half million dollars, and the directors are hereby authorized to call in the present stock script and to issue to the holders thereof in lieu thereof stock script for one-half the shares or fraction thereof. 15

Issue of  
preference  
stock.

6. The directors, under the authority of the shareholders given to them at any annual or special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock subscribed are present or represented by proxy, may, in addition to the stock already issued, issue preference stock to the amount of one million dollars in shares of fifty dollars each, entitling the holders thereof in priority to all other stockholders to a dividend payable thereon at such rate, not exceeding five per cent per annum, as the directors may think fit, out of the net earnings of the Company after the interest on all outstanding first preference bonds or debentures is paid; and such preference stock shall be fully paid-up stock, and shall be first offered pro rata to the holders of ordinary stock on such terms and at such rate as the directors think fit. 20  
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Sale of  
preference  
stock.

7. The sale of such preference stock shall be at such a price as will pay the interest payable as aforesaid on the bonds or debentures already issued up to and inclusive of the first day of January, one thousand eight hundred and ninety-eight, and the floating liabilities of the Company, and shall be used in payment of the said interest and the said floating liabilities. 35

Rights of  
holders.

8. The holders of such preference stock shall have the rights, privileges and qualifications of holders of the ordinary capital stock of the Company for voting at meetings of the Company and for being directors. 40

Time limited  
respecting  
preference  
stock.

9. The powers given to the Company by sections 2 to 8 inclusive of this Act shall cease if not taken advantage of prior to the first day of April, one thousand eight hundred and ninety-nine. 45

## SCHEDULE.

DOMINION OF CANADA,  
No.

PROVINCE OF ONTARIO,  
\$1,000.00.

Kingston and Pembroke Railway Company Debenture.

The Kingston and Pembroke Railway Company hereby acknowledges itself indebted and promises to pay to the bearer hereof on the first day of January A.D. 1912 at the agency of the said Company in the city of New York, the sum of one thousand dollars in gold coin with interest at the rate of three per cent per annum, payable half yearly on the first days of July and January in each year, said interest being payable on the presentation of the proper coupons hereunto annexed at the said agency in the city of New York.

This debenture is issued under the authority of Acts of the Parliament of Canada as follows: An Act to amend the Act incorporating the Kingston and Pembroke Railway Company 42 Victoria, Chap. 61. The Railway Act, 51 Victoria, Chap. 29, and an Act to amend the Act incorporating the Kingston and Pembroke Railway Company, 61 Victoria, Chap. and forms a first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof now or at any future time acquired after the payment from the tolls and income of the working expenses of the railway, and any penalties imposed for non-compliance with the said railway Act: and is secured by a mortgage deed dated the        day of        and made between the said Company of the one part and        of the other part upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof present and future, subject to the conditions heretofore mentioned.

The total amount of the debentures of this issue is five hundred and seventy two thousand dollars.

This debenture is subject to the conditions endorsed hereon.

In witness whereof the said railway company has caused its corporate seal to be affixed hereto, and these presents to be subscribed by its president and secretary, at Kingston, Ontario, this        day of        A.D. 189        .

1. Each holder of the said debentures shall be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all the other holders.

2. All the debentures shall be payable *pari passu* without preference or priority one over another.

3. The Company shall not be at liberty to create any mortgage or charge upon the securities comprised in the mortgage deed neither in favour of its bankers for advances nor in favour of any person for any reason whatsoever either in priority to or to rank *pari passu* with the charge hereby created.

4. The principal moneys hereby secured shall become immediately payable in the following events:—

(a.) If the Company makes default for one year in the payment of any interest hereby secured, and the bearer, before

such interest is paid, by notice in writing to the Company calls in the said principal moneys.

(b.) If a receiver is appointed of the property charged, or any of it.

5. If the Company makes default in paying the principal or interest on any of the debentures at the time when the same becomes due or payable, then at the next annual general meeting of the Company and at all subsequent meetings all holders of debentures so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount.

Provided the debenture in respect of which he claims to exercise such rights had been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such debentures, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

6. The holders of these debentures are entitled *pari passu* to the benefit of a mortgage deed dated the      day of A.D., 1898, and made between the Company of the one part and      of the other part, whereby all the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the Company present and future has been conveyed to the said trustee upon trust for further securing the principal moneys and interest secured under the said series of debentures, subject to the payment from the tolls and income of the working expenses of the railway and any penalties imposed for non-compliance with *The Railway Act*.

This debenture is subject to all the privileges and conditions contained in the said trust deed.

No. 69.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Kingston and  
Pembroke Railway Company.

First reading, March 11th, 1898.

(PRIVATE BILL.)

Mr. BRITTON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act respecting the Kingston and Pembroke Railway Company.

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

**W**HEREAS the Kingston and Pembroke Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The time for the completion of the railway and branches of the Kingston and Pembroke Railway Company, hereinafter called "the Company," is hereby extended for the period of  
10 five years from the passing of this Act, and if the railway and branches are not then completed, then the powers granted by the Acts relating to the Company, and by this Act, shall cease and be null and void as respects so much of the railway and branches as then remain uncompleted: Provided that the  
15 extension of time hereby granted shall be without prejudice to the rights of any person in or under any legal proceedings between such person and the Company either now pending, or in which judgment has been rendered, respecting any lands in the city of Kingston, or respecting the powers of the Com-  
20 pany to expropriate any such lands; and provided also that nothing in this Act shall be construed to extend, enlarge, or revive the Company's powers of expropriating the lands of any such person situate in the city of Kingston.

**2.** The Company may call in its first preference bonds or  
25 debentures, issued pursuant to the powers contained in chapter 61 of the statutes of 1879, and redeem the same by giving to the holders of the said bonds or debentures in lieu thereof all the interest due thereon, and debentures, bearing interest at the rate of three per cent per annum—to the amount of  
30 those redeemed, and the Company may issue debentures, according to the form in schedule A to this Act, to the amount of five hundred and seventy-two thousand dollars; such new issue of debentures to be first preference debentures, and to be used to redeem the said first preference bonds or debentures  
35 already issued bearing date the first day of January, one thousand eight hundred and eighty-two: Provided that nothing herein contained shall in any way limit the power of the Company to issue second preference bonds or debentures as provided by chapter 61 of the statutes of 1879.

Preamble.

Time for completion extended.

Proviso.

Redemption of first preference bonds. 1879, c. 61.

New issue.

Proviso.

**3.** The Company may secure such new debentures by the mortgage deed set out in Schedule B to this Act, and confer on the trustee all the rights powers and privileges therein contained.

1888, c. 29,  
ss. 93 to 97.

**4.** Sections 93 to 97 inclusive of *The Railway Act* shall apply to the debentures to be issued in lieu of those already issued. 5

Notice of  
payment of  
interest.

**5.** The Company, so soon as it is prepared to pay the said interest as aforesaid, shall give notice of the same in the manner provided in its Act of incorporation for giving notice of meetings, and on demand shall pay the same, and thereafter all interest on the said first preference bonds or debentures already issued by the Company shall cease, and no action shall be brought by the holders thereof against the Company except for the purpose of obtaining the debentures hereby authorized to be issued in lieu thereof, and the interest thereon. 10 15

Capital  
reduced.

**6.** The ordinary capital stock of the Company is hereby reduced from five million dollars to two and one-half million dollars, and the directors are hereby authorized to call in the present stock script and to issue to the holders thereof in lieu thereof stock script for one-half the shares or fraction thereof. 20

Issue of  
preference  
stock.

**7.** The directors, under the authority of the shareholders given to them at any annual or special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock subscribed are present or represented by proxy, may, in addition to the stock already issued, issue preference stock to the amount of one million dollars in shares of fifty dollars each, entitling the holders thereof in priority to all other stockholders to a dividend payable thereon at such rate, not exceeding five per cent per annum, as the directors may think fit, out of the net earnings of the Company after the interest on all outstanding first preference bonds or debentures is paid; and such preference stock shall be fully paid-up stock, and shall be first offered pro rata to the holders of ordinary stock on such terms and at such rate as the directors think fit. 25 30 35

Sale of  
preference  
stock.

**8.** The sale of such preference stock shall be at such a price as will pay the interest payable as aforesaid on the bonds or debentures already issued up to and inclusive of the first day of January, one thousand eight hundred and ninety-nine, and the floating liabilities of the Company, and shall be used in payment of the said interest and the said floating liabilities. 40

Rights of  
holders.

**9.** The holders of such preference stock shall have the rights, privileges and qualifications of holders of the ordinary capital stock of the Company for voting at meetings of the Company and for being directors. 45

Time limited  
respecting  
preference  
stock.

**10.** The powers given to the Company by sections 2 to 8 inclusive of this Act shall cease if not taken advantage of prior to the first day of April, one thousand eight hundred and ninety-nine. 50

11. Nothing in this Act contained shall in any way impair or affect any suit, proceeding, charge or lien now pending, subsisting or outstanding upon or against the Company, or its railway or assets, and the benefits and liabilities given and incurred by all contracts, agreements and leases, either express or implied, heretofore made by the Company with any person or corporation shall remain as if this Act had not been passed.

Existing  
rights  
preserved.

#### SCHEDULE A.

DOMINION OF CANADA,  
No.

PROVINCE OF ONTARIO,  
\$1,000.00.

Kingston and Pembroke Railway Company Debenture.

The Kingston and Pembroke Railway Company hereby acknowledges itself indebted and promises to pay to the bearer hereof on the first day of January A.D. 1912 at the agency of the said Company in the city of New York, the sum of one thousand dollars in gold coin with interest at the rate of three per cent per annum, payable half yearly on the first days of July and January in each year, said interest being payable on the presentation of the proper coupons hereunto annexed at the said agency in the city of New York.

This debenture is issued under the authority of Acts of the Parliament of Canada as follows: An Act to amend the Act incorporating the Kingston and Pembroke Railway Company 42 Victoria, Chap. 61. The Railway Act, 51 Victoria, Chap. 29, and an Act to amend the Act incorporating the Kingston and Pembroke Railway Company, 61 Victoria, Chap. and forms a first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof now or at any future time acquired after the payment from the tolls and income of the working expenses of the railway, and any penalties imposed for non-compliance with the said railway Act: and is secured by a mortgage deed dated the day of and made between the said Company of the one part and of the other part upon the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof present and future, subject to the conditions heretofore mentioned.

The total amount of the debentures of this issue is five hundred and seventy two thousand dollars.

This debenture is subject to the conditions endorsed hereon.

In witness whereof the said railway company has caused its corporate seal to be affixed hereto, and these presents to be subscribed by its president and secretary, at Kingston, Ontario, this day of A.D. 189 .

1. Each holder of the said debentures shall be deemed to be a mortgagee or incumbrancer upon the said securities pro rata with all the other holders.

2. All the debentures shall be payable *pari passu* without preference or priority one over another.

3. The Company shall not be at liberty to create any mortgage or charge upon the securities comprised in the

mortgage deed neither in favour of its bankers for advances nor in favour of any person for any reason whatsoever either in priority to or to rank *pari passu* with the charge hereby created.

4. The principal moneys hereby secured shall become immediately payable in the following events:—

(a.) If the Company makes default for one year in the payment of any interest hereby secured, and the bearer, before such interest is paid, by notice in writing to the Company calls in the said principal moneys.

(b.) If a receiver is appointed of the property charged, or any of it.

5. If the Company makes default in paying the principal or interest on any of the debentures at the time when the same becomes due or payable, then at the next annual general meeting of the Company and at all subsequent meetings all holders of debentures so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they held fully paid-up shares of the Company to a corresponding amount.

Provided the debenture in respect of which he claims to exercise such rights had been registered in his name, in the same manner as the shares of the Company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the Company shall be bound on demand to register such debentures, and thereafter any transfer thereof, in the same manner as shares or transfers of shares.

6. The holders of these debentures are entitled *pari passu* to the benefit of a mortgage deed dated the        day of        A.D., 1898, and made between the Company of the one part and        of the other part, whereby all the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the Company present and future has been conveyed to the said trustee upon trust for further securing the principal moneys and interest secured under the said series of debentures, subject to the payment from the tolls and income of the working expenses of the railway and any penalties imposed for non-compliance with *The Railway Act*.

This debenture is subject to all the privileges and conditions contained in the said trust deed.

#### SCHEDULE B.

THIS INDENTURE, made the        day of        A.D. 1898, between the Kingston and Pembroke Railway Company (hereinafter called "the Company"), of the one part, and        (hereinafter called "the Trustee") of the other part.

Whereas, the Company being duly empowered in that behalf has resolved to raise the sum of five hundred and seventy-two thousand dollars by the issue of mortgage debentures for that amount, bearing interest at the rate of three per centum per annum, and has agreed to further secure the payment of the principal and interest payable in respect of such

debentures by transferring to the Trustee the property hereinafter conveyed upon trusts hereinafter appearing.

And, whereas, the said \_\_\_\_\_ has consented to act as Trustee for the holders of the said debentures.

Now this indenture, made in pursuance of the said agreement, and in consideration of the premises, witnesseth and declares as follows :—

1. The Company, for itself and its assigns, hereby covenants with the Trustee and his successors that the Company will duly pay to the holders for the time being of the debentures forming part of the said issue of five hundred and seventy-two thousand dollars the respective sums which shall from time to time become due to such holders for principal and interest under the said debentures at the respective times at which the same shall respectively become due, and in accordance with the conditions of such debenture.

Provided always that the Trustee shall be bound to bring any action or take any proceeding against the Company under the covenant hereinbefore mentioned upon the requisition of any holder of a debenture or debentures, such holder giving full and satisfactory indemnity against all costs and expenses to be incurred in such action or proceeding.

2. The Company hereby grants and assigns unto the said Trustee the franchise, undertaking, tolls and income, rents and revenues, and real and personal property of the Company, present and future (provided always that such rents and revenues shall be subject in the first instance to the payment of any penalty imposed by the Railway Act of Canada, and then to the payment of the working expenditure of the railway as defined by the said Railway Act); to have and to hold the hereditaments and premises hereby granted and assigned (hereinafter called the mortgaged property) as to the real estate comprised therein unto and to the use of the Trustee in fee simple, and as to the personal property comprised therein to the Trustee absolutely upon trust as to both for securing to the respective holders of said debentures forming part of the issue of five hundred and seventy-two thousand dollars without preference or priority the principal moneys and interest payable thereunder in manner following.

3. The Company shall be entitled and shall be permitted by the Trustee to hold and enjoy all the mortgaged property and to carry on their business therein and therewith until default shall be made for one year in the payment of any principal or interest secured by the debentures, but so that the Company shall not charge any part of the mortgaged property with any principal moneys or interest ranking in priority to the charge hereby created in favour of the said debenture holders, or *pari passu*, with such debentures, neither in favour of its bankers for advances, nor in favour of any person for any reason whatsoever.

4. If the Company shall make default for one year in payment of any principal moneys or interest secured by the debentures of the Company, or if for any reason the Trustee may consider the security imperilled, the Trustee may in his discretion, and shall upon the request in writing of holders of debentures to the aggregated amount of

enter upon and take pos-

session of the mortgaged property. And shall, upon the like request, sell and dispose of the said mortgaged property upon terms and conditions to be fixed by the High Court of Justice for Ontario or a judge thereof on the application of the said Trustee; notice of which application shall be given by publication in the *Canada Gazette*, and in a paper published in each of the counties in which any part of the mortgaged property is situated, once a week for nine successive weeks, and at the hearing thereof any holder of a debenture or debentures shall be entitled to be represented and to produce evidence as to the value of the mortgaged property, and as to the advisability of the terms and conditions of sale.

And it is hereby declared that upon any such sale purporting to be made in pursuance of the aforesaid power or trust in that behalf, the purchaser or purchasers shall not be bound to see or inquire whether any such request as aforesaid to make entry and sale has been made by any of the debenture holders, or whether any such default as aforesaid, or whether any default has been made in payment of any principal or interest intended to be hereby secured at the time appointed for the payment thereof, or whether any money remains on the security of these presents or otherwise as to the propriety or regularity of such sale, and notwithstanding any impropriety or irregularity whatever in any such sale the sale shall, as far as regards the safety and protection of the purchasers, be deemed to be within the aforesaid power in that behalf, and be valid and effectual accordingly.

5. On receipt of any request as hereinbefore mentioned to enter or sell, the Trustee shall give immediate notice thereof in writing to the Company, and shall not enter or sell in pursuance of such request if the Company shall prove to the said Trustee that they have within one calendar month next after notice to them of re-entry or sale duly paid all principal and interest so in arrear.

6. The Trustee shall hold the moneys which shall arise from any sale made in pursuance of the aforesaid trust in that behalf upon trust that he shall in the first place by and out of the same reimburse himself or pay and discharge all the costs and expenses incurred in or about such sale or otherwise in respect of the property.

And in the next place shall by and out of the same pay the moneys for the time being due and owing for principal and interest on all the debentures of the Company forming part of the aforesaid issue of five hundred and seventy-two thousand dollars, whether such debentures shall have fallen due or not, and shall pay the surplus of the moneys arising from such sale to the Company or its assigns.

But in case such moneys shall be insufficient to pay in full the principal moneys and interest due on the said debentures the same shall be apportioned ratably and without any preference or priority among all the holders of such debentures according to the amount of their debentures.

7. The trustee may, whenever the said power of entry or sale has become exercisable, appoint any one or more persons receiver or receivers of the mortgaged property, and may from time to time remove any such receiver and appoint a new receiver in his place. But such appointment, whether before

or after the aforesaid power of sale has arisen shall not prejudice the aforesaid power of sale or any other of the powers and remedies hereby given to the Trustee in respect of any previous or subsequent default which would otherwise entitle the Trustee to exercise any such power or remedy.

8. The Trustee may, after he has entered and taken possession of the mortgaged property, and until the same is sold under the trust deed before declared, carry on the business of the Company, and manage and conduct the same as he shall in his discretion see fit.

And may repair and keep the said property in repair and do all things necessary and incident to the carrying on of the work of the railway, and may insure the said property against damage by fire as he shall think fit.

9. The Company, for itself and its assigns, hereby covenants with the Trustee and his successors that it will observe and perform the conditions endorsed on the said debenture and in particular will not create any charge on the mortgaged property ranking in priority to, or *pari passu*, with the mortgage hereby created.

10. The Trustee may at any time call a meeting of the bondholders by advertisement as herein provided, to discuss matters affecting their interest.

11. Upon a request in writing being made by the holders of debentures to the aggregate amount of

to the Trustee either to enter or sell or

both, full and satisfactory indemnity shall be given by them against any costs or expenses which may be incurred in enforcing this security.

Provided always that the principal moneys hereby secured, five hundred and seventy-two thousand dollars, shall immediately become payable in the following events:

(a) If the Company makes default for one year in the payment of any interest hereby secured, and the holder of the debenture, before such interest is paid, by notice in writing to the Company calls in the principal moneys of such debenture;

(b) If a receiver is appointed of the mortgaged property or any part of it.

13. If at any time or times the position of Trustee shall become vacant, then, on the application of the Company or any holder of debentures, notice of which shall be given as hereinbefore provided, a judge of the High Court of Justice for Ontario may appoint such person to be Trustee as may to him seem fit, and on such appointment the said mortgaged property shall vest in such, and such person shall be vested with the same rights, powers, authorities and interests and privileges as are given to the Trustee herein named, without any conveyance, act or deed.

14. The Company, for itself and its assigns, covenants with the said Trustee and his successors that the Company has the right to convey the said lands notwithstanding any act of the said Company.

That in default the Trustee shall have quiet possession of the said lands free from all encumbrances. That the Company will execute such further assurance of the said lands as may be necessary. That the Company has done no act to encumber the said lands.

The covenants in this section contained shall be construed according to the tenor and effect of the several and respective forms of covenants set forth in Schedule B to the Act respecting Short Forms of Conveyances, R.S.O. 1897, chapter 124, and therein numbered 2, 3, 4, 5 and 7.

In witness whereof the Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its president and secretary; and the Trustee, to evidence his acceptance of the said trust, has likewise signed and sealed these presents.

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No. 69.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Kingston and  
Pembroke Railway Company.

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*Reprinted as proposed to be amended in the  
Railway Committee.*

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(PRIVATE BILL.)

Mr. BRITTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Chinese Immigration Act, so as to extend its application to Japanese, and to provide for a more equitable distribution of the revenue derived thereunder.

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

- 1.** Section 2 of *The Chinese Immigration Act*, chapter 67 of the Revised Statutes, is hereby amended by adding thereto the following paragraph:—

“(f.) The expression “Japanese immigrant” means any person of Japanese origin entering Canada and not entitled to the privilege of exemption provided for by section 8 of this Act.”

R.S.C., c. 67,  
s. 2 amended.  
“Japanese  
immigrant”  
defined.
- 2.** The said Act and the Acts amending it are hereby amended by inserting the words “or Japanese” after the word “Chinese” wherever it occurs.

Act to apply  
to Japanese.
- 3.** Section 8 of the said Act is hereby amended by substituting the words “five hundred” for the word “fifty” in the third line thereof.

Section 8  
amended.
- 4.** The section substituted for section 15 of the said Act by section 3 of chapter 35 of the statutes of 1887, is hereby amended by substituting the words “a three-fourths” for the words “one-fourth” in the third line thereof.

Section 15  
amended.

No. 70.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Chinese Immigration Act, so as to extend its application to Japanese, and to provide for a more equitable distribution of the revenue derived thereunder.

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First reading, March 11th, 1898.

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Mr. McINNES.

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OTTAWA  
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1898

and a new certificate of such inspection and verification obtained from the proper inspector; and the production of this certificate shall be prima facie evidence of the verification or stamping or re-verification having taken place within the period prescribed by law.

No. 71.] **BILL.** [1898.

An Act further to amend the Weights and Measures Act.

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

1. Auctioneers, second-hand dealers, repairers and adjust-  
5 ers having in their possession, for sale, repair or adjustment, any weight, measure, or weighing machine, shall be deemed to be “dealers” within the meaning of *The Weights and Measures Act* and of this Act. “Dealers” defined.

2. Subsection 1 of section 16 of *The Weights and Measures Act* is hereby repealed, and the following is substituted therefor :— R.S.C., c. 194, s. 16 amended.

“16. In contracts for the sale and delivery of any of the undermentioned articles, the bushel shall be determined by weighing, unless a bushel by measure is specially agreed upon—the weight equivalent to a bushel being as follows :— Bushel of certain articles determined by weight.

- 15 Wheat, sixty pounds ;
- Indian corn, fifty-six pounds ;
- Rye, fifty-six pounds ;
- Peas, sixty pounds ;
- 20 Barley, forty-eight pounds ;
- Malt, thirty-six pounds ;
- Oats, thirty-four pounds ;
- Beans, sixty pounds ;
- Clover seed, sixty pounds ;
- 25 Timothy seed, forty-eight pounds ;
- Buckwheat, forty-eight pounds ;
- Flax seed, fifty-six pounds ;
- Hemp seed, forty-four pounds ;
- Blue grass seed, fourteen pounds ;
- 30 Castor beans, forty pounds ;
- Potatoes, turnips, carrots, parsnips and beets, sixty pounds ;
- Onions, fifty pounds ;
- Bituminous coal, seventy pounds.”

3. Section 44 of the said Act is hereby repealed. Section 44 repealed.

4. Section 48 of the said Act is hereby repealed and the following is substituted therefor :— New s. 48.

“48. Within four months after the expiration of two years from the first verification and stamping, and once in two years after each subsequent verification, every weight, measure and weighing machine shall be again inspected and verified, Re-inspection at certain periods.

and a new certificate of such inspection and verification obtained from the proper inspector; and the production of the certificate shall be *prima facie* evidence of the verification or stamping, or re-verification, having taken place within the period prescribed by law.”

Regulations  
as to certain  
scales.

“2. The Governor in Council may, however, make regulations providing for the more frequent verification of elevator, railway, colliery and public scales, and spring balances, and may require the owners thereof to provide suitable and safe storage for such standard weights as are necessary for the proper conduct of such verification, and may establish fees therefor.”

Having  
weights, etc.,  
which cannot  
be verified.

5. No manufacturer of or dealer in weights, measures and weighing machines, shall have in his possession for purposes of trade, any weight, measure or weighing machine except such as can, after adjustment, be admitted to verification.

Penalty.

2. Every manufacturer of or dealer in weights, measures or weighing machines who violates this section shall be liable to a penalty not exceeding ten dollars for the first offence, and a penalty not exceeding twenty dollars for each subsequent offence; and such weights, measures and weighing machines shall be seized and confiscated.

Unnecessary  
number of  
weights.

6. No trader shall use with a weighing machine a greater number of weights than is required by its certified capacity.

Penalty.

2. Every trader who violates this section shall be liable to a penalty not exceeding ten dollars for the first offence, and not exceeding twenty dollars for each subsequent offence, and to the confiscation of the weights.

Payment of  
inspector's  
fees.

7. In case of dispute as to the correctness of a weight, measure or weighing machine, if an inspector or assistant inspector is requested to inspect such weight, measure or weighing machine, the fees for such inspection shall be paid by the person against whom the decision is given.

No. 71.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act further to amend the Weights  
and Measures Act.

First reading, March 11th, 1898.

Sir H. JOUY DE LOTBINIÈRE.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Adulteration Act.

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

1. The section substituted, by section 1 of chapter 26 of the 5 statutes of 1890, for section 2 of *The Adulteration Act*, chapter 107 of the Revised Statutes, is hereby amended by adding the following sub-paragraph to paragraph (e) thereof:—  
 “(8.) If it is so coloured or coated or polished or powdered that damage is concealed, or if it is made to appear better or 10 of greater value than it really is;” R.S.C. c. 107, s. 2 amended.
2. The said section is hereby further amended by repealing sub-paragraph (1) of paragraph (g) thereof, and substituting the following therefor:—  
 “(1.) If any matter or ingredient not injurious to health has 15 been added to the food or drug because it is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or to conceal the inferior quality thereof, if each package, roll, 20 parcel or vessel containing every such article manufactured, sold or exposed for sale is distinctly labelled as a mixture, in conspicuous characters forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer.” S. 2 further amended.
- 25 3. The said section is hereby further amended by repealing sub-paragraph (4) of paragraph (g) thereof, and substituting the following therefor:—  
 “(4.) If any articles of food not injurious to the health of the person consuming them are mixed together and sold or 30 offered for sale as a compound, and if each package, roll, parcel or vessel containing such articles is distinctly labelled as a mixture, in conspicuous characters forming an inseparable part of the general label, which shall also bear the name and address of the manufacturer.” S. 2 further amended.
- 35 4. Section 22 of *The Adulteration Act* is hereby repealed and the following is substituted therefor:—  
 “22. Every person who wilfully adulterates any article of food or any drug, or orders any other person so to do, shall,—  
 “(a.) if such adulteration is, within the meaning of this 40 Act, deemed to be injurious to health, for the first offence, incur a penalty not exceeding five hundred dollars and costs, New s. 22.  
Penalty for adulteration of food or drug.  
If injurious to health.

- or six months imprisonment, or both, and not less than fifty dollars and costs, and for each subsequent offence a penalty not exceeding one thousand dollars and costs, or one year's imprisonment, or both, and not less than one hundred dollars and costs; 5
- If not injurious. “(b.) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than one hundred dollars and costs.” 10
- New s. 23. 5. Section 23 of the said Act, as amended by section 9 of chapter 26 of the statutes of 1890, is hereby repealed and the following is substituted therefor:— 15
- Penalty for selling adulterated article. “23. Every person who, by himself or his agent, sells, offers for sale, or exposes for sale, any article of food or any drug, which is adulterated within the meaning of this Act, shall,—
- If injurious. “(a.) if such adulteration is, within the meaning of this Act, deemed to be injurious to health for a first offence incur a penalty not exceeding two hundred dollars and costs, or three months' imprisonment, or both, and for each subsequent offence a penalty not exceeding five hundred dollars and costs, or six months' imprisonment, or both, and not less than fifty dollars and costs; 20
- If not injurious. “(b.) if such adulteration is, within the meaning of this Act, deemed not to be injurious to health, incur for each such offence a penalty not exceeding one hundred dollars and costs, and not less than five dollars and costs. 30
- Proviso: as to knowledge of offender. “2. Provided that if the person accused proves to the court before which the case is tried that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser or inspector, and with a written warranty to that effect,—which warranty, in the form 35 in the third schedule to this Act, is produced at the trial of the case,—and that he sold it in the same state as when he purchased it, and that he could not with reasonable diligence have obtained knowledge of its adulteration, he shall be discharged from the prosecution, and shall be liable to pay the 40 costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence, and has called the party from whom he purchased the said article into the case, as provided for by the next following subsection of this section, in which case he shall be liable only to the for- 45 feiture provided by section 21 of this Act.
- Summons to person from whom he purchased. “3. The person presenting the defence referred to in the next preceding subsection shall, upon his sworn declaration that he purchased the article in good faith, and as provided for in the said subsection, obtain a summons to call such third 50 party into the case; and the court shall at the same time hear all the parties, and decide upon the entire merits of the case, not only as regards the person originally accused, but also as regards the third party so brought into the case.”

6. Section 27 of the said Act is hereby repealed and the following is substituted therefor:— New s. 27.

“27. It shall be the duty of any officer entrusted with the enforcement of this Act, when he is required thereto by any person, to purchase from the vendor of any article sold or exposed for sale a sample thereof and submit it for analysis in accordance with the provision of this Act, provided the person so requiring such purchase and analysis deposits with such officer at the time such a demand is made, a sum of money sufficient to pay for such sample and analysis.” Duty of analyst.

“2. If, upon analysis, such article is found to be adulterated within the meaning of this Act, the person at whose instance the analysis is made, may prosecute the vendor of the article, or may require such officer to prosecute the vendor upon making a deposit of twenty-five dollars with the Collector of Inland Revenue, as security for the costs of such prosecution, and every person so prosecuting shall be entitled to a moiety of the penalty imposed, upon conviction of the person accused.” Prosecution of vendor of adulterated article.

“3. Nothing herein contained shall be held to preclude such officer, or the Department of Inland Revenue, from prosecuting the vendor of such article so adulterated: Provided that a second prosecution shall not be instituted for the same offence.” Prosecution by Department.

7. The said Act is hereby further amended by inserting the following sections immediately after section 27:— Section added.

“27A. Nothing herein contained shall be held to preclude any person from submitting any sample of food, drug, or agricultural fertilizer for analysis to any public analyst, or from prosecuting the vendor thereof, if it is found to be adulterated within the meaning of this Act.” Employment of public analyst.

“2. Any public analyst shall analyse such sample on payment of the fee prescribed with respect to such article or class of articles by the Governor in Council.” His fee.

“27B. The person purchasing any article with the intention of submitting it to analysis shall, after the purchase is completed, forthwith notify to the seller or his agent selling the article his intention to have it analysed by the public analyst, and shall offer to divide the article into three parts to be then and there separated, each part to be marked and sealed or fastened up in such manner as its nature will permit of, and shall, if required to do so, proceed accordingly, and he shall deliver one of the parts to the seller or his agent, retain one of the parts for future comparison, and submit the third part to the analyst, if he deems it right to have the article analysed.” Division into three parts of article to be analysed.

“27C. If the seller or his agent does not accept the offer of the purchaser to divide in his presence the article purchased, the analyst receiving the article for analysis shall divide it into two parts, and shall seal or fasten one of those parts, and shall cause it to be delivered, either upon receipt of the sample or when he supplies his certificate to the purchaser, who shall retain such part for production in case proceedings are afterwards taken in the matter.” Division by analyst.

8. The section substituted for section 28 of the said Act by section 11 of chapter 26 of the statutes of 1890 is hereby amended by adding thereto the following subsection:— Section 28 amended.

Costs of prosecution.

“2. Such expenses of prosecution shall also include a reasonable counsel fee, in the discretion of the judge; and in the case of a private prosecutor, if the prosecution is dismissed as being instituted without reasonable and probable cause, the costs of defence shall be taxed against such prosecutor.” 5

Section added.

9. The said Act is hereby further amended by adding at the end thereof the following section:—

Other remedies not affected.

“31. Nothing in this Act contained shall affect the power of proceeding by indictment or take away any other remedy against any offender under this Act.” 10

Schedule added.

10. The said Act is hereby further amended by adding the following schedule thereto:—

“THIRD SCHEDULE.

“Form of Warranty.

“I hereby warrant that the undermentioned articles sold by me to \_\_\_\_\_ on the dates opposite thereto, are pure and unadulterated within the meaning of the Adulteration Act.

“ Date.	Article.

“(Signature of Vendor.)”

No. 73.]

**BILL.**

[1898.

An Act further to amend the Gas Inspection Act.

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

5 **1.** Subsection 1 of section 36 of *The Gas Inspection Act*, R.S.C., c. 101, chapter 101 of the Revised Statutes, is hereby amended by striking out the word “purchasers” wherever it occurs therein and substituting therefor the word “meters.” s. 36 amended.

10 **2.** The section substituted for section 46 of the said Act by section 3 of chapter 25 of the statutes of 1890, is hereby amended by striking out the words “purchasers” and “customers” wherever they occur therein and substituting therefor the word “meters.” Section 46 amended.

No. 73.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Gas Inspection Act.

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First reading, March 11th, 1898.

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Sir H. JOLY DE LOTBINIÈRE.

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OTTAWA

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Printer to the Queen's most Excellent Majesty  
1898

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No. 74.]

**BILL.**

[1898.

An Act further to amend the Petroleum Inspection Act.

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

**1.** The section substituted for section 22 of *The Petroleum* R.S.C., c. 102,  
5 *Inspection Act*, chapter 102 of the Revised Statutes, by section s. 22 amended.  
10 of chapter 36 of the statutes of 1893, is hereby amended by  
inserting after the word “use” in the first line, the words “or  
has in his possession.”

**2.** Paragraph (a) of section 23 of the said Act is hereby Section 23  
10 amended by inserting after the word “use” in the first line, amended.  
the words “or has in his possession.”

No. 74.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Petroleum  
Inspection Act.

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First reading, March 11th, 1898.

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Sir H. JOLY DE LOTBINIÈRE.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Inland Revenue Act.

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

1. Section 121 of *The Inland Revenue Act*, chapter 34 of R.S.C., c. 34, s. 121 amended.  
5 the Revised Statutes, as amended by section 3 of chapter 46 of the statutes of 1891, is hereby further amended by adding thereto the following paragraph :—
- “(i.) The expression “beer,” “wash,” or “wort,” as applied Interpretation.  
to distilleries, means and includes all liquor, fermented or  
10 unfermented, made in whole or in part from grain, malt, or any saccharine matter, and suitable for the distillation of spirits.”
2. Section 157 of the said Act is hereby repealed and the Section 157 repealed.  
following is substituted therefor :—
- 15 “157. No spirits shall be removed from a distillery at any time in casks or packages containing less than ten standard Least quantity removable in one cask or package.  
gallons each; and any spirits removed in violation of this section shall be forfeited to the Crown, and shall be seized by any officer of Inland Revenue, and dealt with accordingly.”
- 20 3. Paragraphs (e), (f) and (g) of section 159 of the said Act, Section 159 amended.  
as amended by section 6 of chapter 19 of the statutes of 1897, are hereby repealed and the following are substituted therefor :—
- “(e.) has in his possession, in any place, any such still,  
25 worm, rectifying or other apparatus, or any part or parts thereof, or any beer or wash suitable for the manufacture of spirits, without having given notice thereof as required by this Act, except in cases of registration provided for by section 125 of this Act, or in whose place or upon whose premises such  
30 things are found; or
- “(f.) conceals or keeps, or allows or suffers to be concealed or kept, in any place or premises owned or controlled by him, any such still, worm, rectifying or other apparatus, or part thereof, or any beer or wash suitable for the manufacture of  
35 spirits; or
- “(g.) conceals by removing, or removes, or assists in concealing by removing or otherwise, any such still, worm, rectifying or other apparatus, or part thereof, or any beer or wash suitable for the manufacture of spirits.”
- 40 4. The paragraphs substituted for paragraphs (b), (c) and Section 260 amended.  
(e) of subsection 1 of section 260 of the said Act, by section

15 of chapter 15 of the statutes of 1889, are hereby repealed and the following are substituted therefor:—

Packing of  
fine-cut, etc.

“(b.) all fine-cut chewing tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-twentieth, one-sixteenth, one-fifteenth, one-fourteenth, one-thirteenth, one-twelfth, one-eleventh, one-tenth, one-ninth, one-eighth, one-seventh, one-sixth, one-fifth, one-fourth, or one-half of one pound, or one pound—except that fine-cut chewing tobacco, when of a quality and description identical with a sealed sample approved by departmental regulations in that behalf, and deposited in the office of the collector of Inland Revenue for the division in which the tobacco is manufactured or where any such tobacco is imported, may, at the option of the manufacturer or importer, be put up in wooden packages containing five or ten pounds each;”

Cut and  
granulated  
tobacco.

“(c.) all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing tobacco, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, cuttings, and sweepings of tobacco, in packages containing one-twentieth, one-sixteenth, one-fifteenth, one-fourteenth, one-thirteenth, one-twelfth, one-eleventh, one-tenth, one-ninth, one-eighth, one-seventh, one-sixth, one-fifth, one-fourth, or one-half of one pound, or one pound each;”

Cigarettes.

“(e.) all cigarettes, in packages containing six, seven, ten, twenty, fifty, or one hundred cigarettes each.”

No. 75.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act further to amend the Inland Revenue Act.

First reading, March 11th, 1898.

Sir H. JOLY DE LOUVERGNE.

OTTAWA

Printed by S. E. DAWSON  
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1898

An Act to provide for the abolition of the Civil Service Superannuation Act and for the retirement of members of the Civil Service.

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

1. This Act may be cited as *The Civil Service Retirement Act*, 1898. Short title.

2. This Act shall apply, instead of *The Civil Service Superannuation Act*,— To whom Act shall apply.

(a.) to every person hereafter appointed to the Civil Service and to every person now in the Civil Service who has not  
10 been subject to any deductions from his salary towards making good superannuation allowances under the provisions of *The Civil Service Superannuation Act*;

(b.) to every person now in the Civil Service who has been subject to such deductions for a period less than ten years;

15 (c.) to every person now in the Civil Service who has been subject to such deductions for a greater period than ten years, and who, within three months after the passage of this Act, with the consent of the Governor in Council, elects to accept the provisions of this Act in lieu of those of *The Civil Service*  
20 *Superannuation Act*.

3. The Civil Service for the purpose of this Act, includes and consists of— Who shall be deemed civil servants.

(a.) all officers, clerks and employees in or under the several departments of the Executive Government who are paid a  
25 yearly salary and to whom *The Civil Service Act* applies;

(b.) all such officers, clerks and employees of the second or outside division of the Civil Service, as the Governor in Council from time to time designates, and to whom *The Civil Service Act* does not apply, and who are paid a yearly salary and  
30 employed in an established capacity;

(c.) the permanent officers and servants of the Senate and House of Commons and the permanent officers and servants employed in the Library of Parliament, who, for the purposes of this Act, shall be deemed to be in the Civil Service, saving  
35 all rights and privileges of either House with respect to the appointment or removal of its officers and servants.

4. A fund, to be called the "retirement fund," shall be formed for the retirement of the persons to whom this Act  
40 applies, subject to the conditions and qualifications hereinafter contained. Retirement fund.

Formation of fund.

5. The said fund shall be created by the reservation out of the salary of each person of five per cent of his salary; in addition to which, in the case of any person included in subsection (b) or (c) of section two of this Act, there shall be transferred to his credit and form part of the said fund, a sum equal to the amount of all such deductions from his salary, and interest, compounded half-yearly, at the rate of five per cent per annum. 5

Separate account for each person.

6. The amount reserved, in the case of each person, together with any sum transferred to his credit as in the next preceding section mentioned, shall be entered in a separate account; and interest at the rate of five per cent per annum shall be computed on the first days of January and July in each year on all sums, whether of principal or interest, to the credit of the retirement fund, and such interest shall be credited thereto and form part thereof. 10 15

Interest.

No claim while in service.

7. No person shall, during his continuance in office, have any claim or right to any part of the retirement fund.

Payment on retirement or dismissal.

8. On the retirement or dismissal of any person, the amount to his credit in the retirement fund shall be payable to him: Provided always, that if he is, in the opinion of the Governor in Council, unfit to manage his own affairs, such amount may be dealt with for the benefit of such person, or of his wife or children or other next of kin, in such manner as the Governor in Council determines. 20 25

If person is mentally infirm.

Payment on death of person.

9. If a person dies while in the Civil Service, the amount to his credit in the retirement fund shall be paid to his legal representatives.

No. 76.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to provide for the abolition of the Civil Service Superannuation Act and for the retirement of members of the Civil Service.

First reading, March 11, 1898.

Mr. MULLOCK.

OTTAWA

Printed by S. E. DAWSON  
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1898

An Act to incorporate the Toronto and Hudson Bay  
Railway Company.

**W**HEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by 5 and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** George Gooderham, John Herbert Mason, Robert Davis, W. R. Brock, the Honourable Lyman Melvin Jones and John Shaw, all of the city of Toronto, in the province of Ontario, 10 together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Toronto and Hudson Bay Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to 15 be a work for the general advantage of Canada.

Declaratory.

**3.** The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Head office.

**4.** The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches 20 from the city of Toronto to a point at or near the mouth of Moose River, Albany River or Churchill River, on the west side of James' Bay and Hudson's Bay, with a branch line extending to the North Pacific Junction Railway, at or near the town of Gravenhurst; a branch line extending southward from the 25 main line adjoining the watershed near Tamagami Lake, thence to the Northern and Pacific Junction Railway, at or near North Bay or Nipissing Junction; a branch line from near Parry Sound to or near Sudbury, thence to Wahnapiatae Lake; and such other and further branches as may from time to 30 time be deemed advisable for the advancement of the undertaking.

Line of railway described.

**2.** [The Company may construct and operate any of the branch lines hereinbefore mentioned, before commencing the construction of the main line.]

Branch lines may be commenced first.

**5.** The persons named in section 1 of this Act are hereby 35 constituted provisional directors of the Company.

Provisional directors.

**6.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary.

Capital stock and calls thereon.

Annual meeting.	<b>7.</b> The annual meeting of the shareholders shall be held on the first Tuesday in May in each year.	
Election of directors.	<b>8.</b> At such meeting the subscribers for capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company.	5
Amount of bonds, etc., limited.	<b>9.</b> The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.	10
Agreement with another company.	<b>10.</b> The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Parry Sound Colonization Railway Company, or the Grand Trunk Railway Company of Canada, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for working or amalgamating with, or acquiring running rights on the systems of, such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council.	15 20 25 30
Approval of shareholders and Governor in Council.	2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of <i>The Railway Act</i> , and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.	35
Notice of application for sanction.	<b>11.</b> The Company may, in connection with and for the purposes of its railway,—	
Power to control vessels.	(a.) acquire, construct and navigate steam and other vessels upon Georgian Bay, James Bay and Hudson's Bay, and upon rivers and other waters connected therewith, and also upon lakes and rivers upon the line of its railway, and for the like purposes may construct, own, lease and use docks, warehouses, grain elevators and other works for facilitating transportation upon the said rivers, streams or other waters ;	40 45
Water and steam power.	(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of surplus power generated by the Company's works and not required for its undertaking ;	50
Lands and buildings.	(c.) acquire lands and construct and acquire buildings and other erections for the purpose of supplying water for the use of its railways, and sell or otherwise dispose of to municipalities	

and individuals the surplus water produced from any of the works of the Company and not required for the undertaking.

- 12.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—
- 5            (a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building ;
- 10           (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;
- 15           (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- 20           (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;
- 25           (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- 30           (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;
- 35           (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- 40           (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;
- 45           (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;
- 50           (j.) If, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires
- Power to enter upon highway, etc.
- Erect poles.
- Stretch wires.
- Break up highway.
- Travel not to be obstructed.
- Height of wires.
- Kind of poles.
- Cutting poles or wires in case of fire.
- Injury to trees.
- Supervision of municipality.
- Surface of street to be restored.
- Future legislation as to carrying wires under ground.
- Workmen to wear badges.
- Private rights.
- Temporary removal of wires and poles.

- or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. 5  
The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ; 10
- Liability for damage. (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works ;
- Telegraph and telephone lines. **13.** The Company may construct, acquire and operate, telegraph and telephone lines beyond its railway to any point on James Bay, Hudson's Bay and Hudson's Straits, and may lay sub-marine lines for telegraph and telephone connections between such points. 15
- Power to collect tolls. **14.** The Company may undertake the transmission of messages for the public by any of its lines of telegraph or telephone and collect tolls therefor, or may lease such lines, provided that if the Company undertakes the transmission of messages for hire, it shall be subject to the provisions of sections 5 and 6 of *The Electric Telegraph Companies Act*, and the Company may use any other means of communication that may at any time hereafter be deemed expedient by the Company. 20 25
- R.S.C., c. 132.
- Power to acquire lands. **15.** The Company may, for the purposes of its undertaking, purchase lands, including water power and mill privileges, and may hold, alienate or mortgage the same, and may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway. 30
- Electricity.
- Proceedings when extra land required. **16.** If the Company requires land for wharves, docks, elevators, and warehouses, or for any other purpose of the Company, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111 both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation thereof. 35 40
- Time for construction limited. **17.** [The construction of the railway, or one of its branches, shall be commenced within three years and completed within ten years from the passing of this Act, otherwise the powers of construction granted to the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.] 45
- Power of Parliament as to future legislation. **18.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and 50

the regulation thereof, and as to running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time  
5 such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

77-2

1886  
Printed by J. W. P. Presson  
OLNEY, MD.

No. 77.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Toronto and  
Hudson Bay Railway Company.

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First reading, March 15th, 1898.

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(PRIVATE BILL.)

MR. CLARKE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898



1883, c. 26.

and for the enforcement of the rights and remedies of such holders, provided, however, that the rents and revenues of the Company shall be subject, first, to the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act*, respecting returns to be made to the Minister of Railways; and, also, that such mortgage and the bonds and debentures secured thereby, shall be subject to the mortgage given by the Company to Her Majesty, to secure advances made to the Company by the Governor in Council under the provisions of chapter 26 of the statutes of 1883 of Canada; and, provided also, that all such advances made by the government of Canada under the last mentioned Act shall be and remain a charge and lien upon the property of the Company conveyed by the said mortgage, prior to any mortgage made under the authority of this Act, or any bonds or debentures issued hereunder, until or unless the government of Canada shall otherwise agree or consent.

Proceeds of  
sale of bonds  
to retire  
existing  
bonds.

4. The directors shall hold all moneys received from the sale or pledge of any or all of the bonds or debentures issued under the authority of this Act for the sole purpose of paying the bonds or debentures of the Company which will fall due on the first day of July, one thousand eight hundred and ninety-eight, and which are two hundred and fifty in number, for five hundred dollars each, and are dated the second day of July, one thousand eight hundred and eighty-three, and amount in all to one hundred and twenty-five thousand dollars.

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 No. 78.

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 3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

 An Act respecting the Saint John Bridge  
and Railway Extension Company.

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 First reading, March 15th, 1898.

(PRIVATE BILL.)

Mr. ELLIS.

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 OTTAWA

 Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Windsor and Detroit Union  
Bridge Company.

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

1. Charles M. Hays and George B. Reeve, of the city of Incorporation.  
Montreal, in the province of Quebec, Joseph Ramsey, the  
younger, and Wells H. Blodgett, of the city of St. Louis, in  
the state of Missouri, Ossian D. Ashley, of the city of New  
10 York, in the state of New York, Henry B. Joy and Elijah  
W. Meddaugh, of the city of Detroit, in the state of Michigan,  
John Proctor, of the city of Hamilton, in the province of  
Ontario, and William H. Biggar, of the city of Belleville, in  
the province of Ontario, together with such persons as become  
15 shareholders in the company, are hereby incorporated under the  
name of the “ Windsor and Detroit Union Bridge Company,” Corporate name.  
hereinafter called “ the Company.”

2. The Company may construct, maintain and use a bridge Location of bridge described.  
for railway and other purposes across the Detroit River from  
20 a point on the Canadian side of the river at or near the city  
of Windsor, in the province of Ontario, to a point on the  
opposite side of the said river at or near the city of Detroit,  
in the state of Michigan, one of the United States, and may  
lay tracks on the said bridge for the passage of locomotive Railways.  
25 engines and railway trains, with all the necessary approaches,  
tracks, machinery and appliances required to enable the rail-  
way companies whose lines shall connect therewith to use the  
said bridge ; and the Company may construct or at any time Pedestrians and carriages.  
arrange the said bridge for the use of foot passengers and  
30 carriages, or either ; and may purchase, acquire and hold such Real estate.  
real estate, including lands for sidings and other such like  
accommodation required for the convenient working of the  
traffic to, from and over the said bridge, as the Company may  
think necessary for any of the said purposes.

35 3. The Company shall not commence the said bridge or any  
work thereunto appertaining until the plans of the said bridge  
and the works intended and connected therewith together  
with plans of the proposed site of the bridge have been sub-  
mitted therewith to and approved by the Governor in Council, Plans to be approved by Governor in Council.

and such conditions as he shall have thought fit for the public good to impose touching the said bridge and works shall have been complied with, nor shall any such plans be altered nor any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he shall impose. 5

Construction  
of bridge.

4. The said bridge shall be made with not more than three unbroken continuous spans between the bulkhead line as established on the Windsor side of the river and the bulkhead line as established on the Detroit side of the river. The length of the main channel span shall not be less than one thousand one hundred feet in the clear width between the masonry piers measured at a point twenty-five feet below the extreme low water and there shall be only two piers inside of said bulkhead lines. The height of the superstructure above high water shall be fixed and determined by the order of the Governor in Council. Provided that the clear head room available for vessels under the spans, mean stage of water as recorded during the season of navigation shall not be less than one hundred and forty feet throughout, and the bridge shall be at right angles to and its piers parallel with the current of the river. No bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the navigation of the said river, and if any bridge erected under such authority, shall in the opinion of the Minister of Railways and Canals obstruct such navigation, he may cause such change or alteration of the said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and such obstructions removed at the expense of the owners of the said bridge, and during the original construction or in carrying out any authorized changes or repairs of the said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the main channel shall not be obstructed to a greater extent than is absolutely necessary in the opinion of the said minister, and such lights and buoys shall be kept in all coffer dams and such like places as may be necessary for the security of navigation; provided that nothing in this Act shall be construed to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt the said bridge from the operation of the same. 15 20 25 30 35 40

Equal rights  
of passage.

5. All railway companies in Canada or the United States, desiring the use of said bridge shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, and the rates charged for the use of the said bridge shall be the same for all companies alike, and without discrimination of any kind in favour of or against any company, over the whole length of the bridge and approaches; provided that if any question of difference arises at any time between the Company and any railway company using the said bridge, or desiring its use, in respect of the rate of compensation to be paid for such use or in respect of any other matter pertaining to such use, and the parties cannot agree in regard to the same, such question shall be determined by the said minister, on application to him by either 45 50 55

party to such matter of difference, and due notice thereof shall be given to the other party. The parties shall be heard by the said minister and they shall have the opportunity of producing testimony. The determination of any such question by the  
 5 said minister shall be conclusive on the parties, provided that his decision may from time to time, as becomes necessary, be revised and modified by him.

6. Any bridge authorized to be constructed under this Act shall be built and located under, and subject to, such regula-  
 10 tions for the security of navigation of the said river as the Governor in Council shall prescribe, and to secure that object the Company shall submit to the Governor in Council for his examination and approval a design and drawing of the bridge,  
 15 and a map of the location giving, for the space of two miles above and two miles below the proposed location, the topography of the banks of the river, the shore lines at high and low water, and at least one medium stage, the location of any existing railways, and showing the lands occupied or owned  
 20 by such companies, the soundings, accurately showing the bed of the stream and the location of other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced, and should any  
 25 change be made in the plans of the said bridge during the process of construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until the same is approved; and the Company shall cause to be displayed on the said bridge from the hours of  
 30 sunset to sunrise, or such lights or other signals at other times, as may be prescribed by the Governor in Council.

Design, etc.,  
to be approved  
by Governor  
in Council.

7. The Minister of Railways and Canals shall, on satisfactory proof that a necessity exists therefor, require the Company to  
 35 cause such aids to the passage of the said bridge to be constructed, placed and maintained at its own cost and expense in the form of booms, dikes, piers, or other suitable or proper structures for the guidance of rafts, tows, steamboats and other water craft safely through the passage way as he may specify,  
 40 and on failure of the Company to make, establish and maintain such additional structures within a reasonable time, the said minister may cause them to be made at the expense of the Company, and in that case shall refer the matter without delay to the Attorney General of Canada, whose duty it shall be to  
 45 institute, in the name of the Dominion of Canada, proceedings in any court of competent jurisdiction for the recovery of the amount so expended by the government, and all cost of such proceedings and all moneys accruing from such proceedings shall be paid into the Department of Finance of Canada.

Booms, piers,  
etc., to be  
erected.

8. If the construction of the said bridge be not commenced  
 50 within three years and completed within six years from the date the said plans are approved by the Governor in Council as aforesaid, then all rights conferred by this Act shall cease and determine, and the said construction shall not be commenced until the proper authorities of the United States have

Time for  
construction  
limited.

authorized the construction and maintenance of that part of the said bridge which shall occupy that portion of the said Detroit River which is under the jurisdiction of the United States Government.

Right reserved to rescind powers.

**9.** The right to alter, amend or repeal this Act is hereby expressly reserved, and the rights to require any changes in the said structure or its entire removal at the expense of the Company, whenever the said minister decides that the public interests require it, is also expressly reserved. 5

Capital stock.

**10.** The capital stock of the Company shall be two million dollars. 10

Provisional directors.

**11.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Opening of stock books.

**12.** The provisional directors may open stock books at such places and for such periods as to them shall seem proper, of which notice shall be given in at least one newspaper published in the city of Windsor in the province of Ontario and in the city of Detroit in the state of Michigan, stating the time and place when and where the said books shall be opened, and the period for which the same shall remain open for the subscriptions for the stock of the Company. 15 20

When subscriptions to be valid.

**13.** No subscription for stock shall be valid until the person subscribing shall have paid to the credit of the Company into some bank in the city of Detroit, or in the city of Toronto, to be named in the said notice so to be given by the provisional directors, ten per cent on the amount of such subscription, nor until the provisional directors shall have considered and allotted the said stock in the manner hereinafter mentioned. 25

Allotment of stock.

**14.** Within one week after the said stock books have been closed, the provisional directors shall meet and examine the subscriptions made for stock and the sums paid to the credit of the Company into the banks named in the said notice, and shall then proceed to allot the said stock to such of the persons so subscribing, and in such proportions as they may think best to secure the speedy construction of the work, and the management thereof as an independent undertaking in order to secure to all companies the use of the said bridge on equal terms in all respects as regards the use and compensation therefor; and upon the making of such allotments the persons to whom the said stock is so allotted, and to the extent so allotted, shall be the shareholders in the Company, and shall be the only subscribers to the said stock entitled to act as such in organizing the Company, as in this Act provided. 30 35 40

Return of excess subscribed.

**15.** The provisional directors shall, as soon as they can do so, return to all persons who shall have paid in the said ten per cent, any sum so paid in excess of the ten per cent on the shares so allotted to them, if any; and to those, if any, to whom no stock shall be allotted, the full amount so paid in shall be returned without delay. From the said ten per cent so paid in upon the stock so allotted, or from other the funds of the Com- 45 50

pany, the provisional directors may pay and discharge the costs of this Act, and the expenses of obtaining the same, and all costs incidental to the said incorporation.

16. So soon as five thousand shares in the said stock has  
5 been subscribed and allotted as aforesaid, the provisional directors shall call a meeting of the said subscribers, for the election of directors of the Company; notice of such meeting shall be given by publication in the *Canada Gazette* and one or more newspapers published in the said city of Detroit, and in the  
10 city of Toronto, in the province of Ontario, for two consecutive weeks, and such notice shall state the time and place of holding the said meeting; and at the said meeting the shareholders present or represented by proxy shall elect from the shareholders seven persons to be directors of the Company.
17. Every shareholder who has paid all calls on stock held  
15 by him at the time of the election shall be qualified for the office of director; and each such shareholder shall have one vote for every share of the capital stock held by him, upon which all calls have been paid up.
18. The directors of the Company from time to time, shall  
20 have the control and management of the stock, property and affairs of the Company, and shall have power to locate, construct and equip the said bridge and its approaches, and to fix and from time to time, regulate, increase or reduce the tolls  
25 and rates to be charged to all persons and companies using the said bridge; provided, however, that such tolls, charges and rates shall be equal to all parties, persons and companies using the said bridge, its machinery, approaches and appurtenances; the tolls from time to time, charged by the Company shall  
30 first be approved by the Governor in Council, but so long as all companies and parties are charged equal rates and are given equal terms and facilities, the directors may, as they think proper, charge less than the said rate so fixed.
19. The Company may unite with any other company in-  
35 corporated under the laws of the state of Michigan, or of the United States, in building the said bridge and approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the  
40 said bridge and its appurtenances.
20. The directors may, from time to time, by by-law, fix the  
time and place of the annual meeting, and also special general meetings, and the place where the head office of the Company shall for the time being be located, but no change of the head  
45 office shall be made until one month's notice of the said change has been given in the *Canada Gazette*.
21. The directors may enter into an agreement for the con-  
solidation of the capital stock, franchise and powers of the Company hereby incorporated, with any bridge company incor-  
50 porated in the United States, under the laws of the state of Michigan, or under the laws of the United States, on such

Election of directors.

Qualification of directors.

Powers of directors.

Equal rates of toll.

Approval of Governor in Council.

Union with United States company.

General meetings.

Consolidation with another company.

Approval of shareholders. terms and conditions, and in such manner, under such name, with such capital, and with such powers not inconsistent with the laws of Canada, and with such board of directors as shall be provided in the agreement for such consolidation or amalgamation; provided however that no such deed or agreement shall be valid and binding unless and until the same has been submitted to and approved of by a majority of the shareholders of the Company hereby incorporated, present or represented by proxy and voting at a special general meeting called for the purpose of considering the said agreement, and of which meeting and the purpose for which it is called one month's notice shall be given in the *Canada Gazette*, and in a newspaper published in the city of Toronto, and in at least one newspaper published in the city of Detroit in the state of Michigan.

Copies of agreement to be filed.

22. Upon the said meeting being held, if the said agreement is approved, a copy thereof, under the seal of the said companies respectively, shall be deposited in the office of the Minister of the Interior, and another copy so sealed shall be deposited in the office of the Secretary of State for the state of Michigan; and notice of the said deposit shall be given by the secretary of the Company in the *Canada Gazette*, and the said consolidation shall thereupon be complete; and the production of the *Canada Gazette* with the said notice therein contained shall be prima facie evidence that the said consolidation is complete and regular in all respects, and of the existence of the said consolidated company. The company formed by the said consolidation shall be called by such name as shall be given to it in the said agreement for consolidation.

Rights of consolidated company.

23. The said company when so consolidated shall have, possess and enjoy all the powers, rights and franchises before the said consolidation held, possessed and enjoyed by the Company hereby incorporated, and also all those possessed and enjoyed by the company consolidated therewith, subject to the provisions of this Act.

Borrowing powers.

24. The Company hereby incorporated, as also the said consolidated company, may borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for building, completing maintaining and working the said bridge, its machinery and approaches, with the buildings and fixtures required therewith at a rate of interest authorized by the laws of Canada, but not exceeding six per cent per annum, and make the bonds, debentures and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places as may be deemed advisable, and sell the same at such prices or discount as may be deemed expedient or necessary, and hypothecate, mortgage or pledge the lands, rights, tolls, revenue and other property real and personal of the Company for the due payment of the said sums, and the interest thereon; but no such debentures or bonds shall be for a less sum than one hundred dollars; and upon such mortgage being filed in the office of the Secretary of State of Canada, the same without any other

filing or registration shall, until discharged, be a valid and binding charge upon all the property of the Company real and personal.

25. *The Railway Act*, so far as applicable, shall apply to 1888, c. 29.  
5 the Company hereby incorporated and to the consolidated company, and their undertakings, in the same manner as if in the said Act the word "bridge" was substituted for the word "railway."

26. The Company hereby incorporated and the consolidated  
10 company may construct as part of the said bridge, and in connection with the said railway bridge and other works, a passage floor or way for horses, carriages, street cars and foot passengers, and may construct the same either during the construction of the said railway bridge or at any time after the  
15 completion thereof; and in the event of their electing to construct either or both of the said carriage and foot ways, may make such by-laws, rules and regulations as shall seem to them necessary and proper for the management, control and use thereof, and in respect of the tolls and fares to be received and  
20 charged for passing over the same, subject to the provisions of this Act; and all such tolls and fares shall, before being put into force, be approved of by the Governor in Council.

Passage way for horses, vehicles and pedestrians.  
Tolls to be approved by Governor in Council.

27. The tolls for the use of the bridge fixed from time to time as in this Act provided, shall be paid to such persons  
25 and at such places at or near the bridge, in such manner and under such regulations as the directors of the Company direct; and in case of refusal or neglect of payment on demand of any such tolls, to such persons, the same may be sued for and recovered in any court of competent jurisdiction; or the  
30 agents or servants of the Company may seize the goods, cars or engines, for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the property shall be at the risk in all respects of the owner, for damages or loss thereto by any cause what-  
35 soever.

Collection of tolls.

28. The directors shall keep exhibited in the office and in all and every place where the tolls are to be collected, in some conspicuous place therein, a printed board or paper showing all the tolls payable, and particularizing the price or sum of  
40 money to be charged or taken for the passage of any matter or thing over the said bridge.

Tariff of tolls to be posted up.

29. In case the state of Michigan or the United States shall, at any time, provide for the appointment of a commis-  
45 sion for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he shall think proper, and appoint one or more persons as members of the said commission; and in the event  
50 of any such appointment the said commissioners shall have the power hereby conferred on the Governor in Council; and the decisions of the said commissioners shall be final and

Joint commis- sion with United States.

conclusive, to the extent to which the same are final and conclusive by virtue of the provisions which may be made by the state of Michigan or the United States.

Equal rights  
to railways.

**30.** Any railway company whose road now has or shall hereafter have a terminus at or shall run its trains to or from any point at or near either end of the said bridge, or shall run its trains in connection with any railway having such terminus, or upon which trains are or shall be run to or from the localities aforesaid, whether incorporated by Parliament or by any provincial legislature, or by any authority in the state of Michigan, or by the legislature of the United States, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the machinery and fixtures thereof, and of all the approaches thereto without discrimination or preference, upon the payment of equal tolls and observance of the rules and regulations of the Company, made by the directors from time to time, regulating the traffic on the said bridge. 5 10 15

Penalty for  
damages to  
bridge.

**31.** If any person shall force or attempt to force any gate or guard of the said bridge, or the approaches thereto, or if any person shall wilfully do or cause to be done any act or acts whatsoever, whereby the said bridge, its lights, stationary works, machinery fixtures, or other appurtenances thereto shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the Company treble the damages sustained by means of such offence or injury, to be recovered in the name of the Company with costs of the suit, by any proper action for that purpose, and such person shall also be guilty of a misdemeanour, and be punishable by fine or imprisonment or both, by any court of competent jurisdiction. 25 30

Bills and  
notes.

**32.** The Company may be a party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill, made, accepted or endorsed by the president or vice-president of the Company as president or vice-president thereof, and countersigned by the secretary, and under the authority of a majority of a quorum of the directors, shall be binding on the Company; and shall be presumed to have been made with proper authority until the contrary be shown; nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory note or bill of exchange has been issued otherwise than aforesaid: Provided however that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes or bills of a bank 35 40 45

Proviso.

Bridge to be  
approved by  
Congress.

**33.** The Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States has been passed consenting to or approving of the bridging of the said river, but the Company may in the meantime acquire the lands, submit its plans to the Governor in Council, and do all other the matters and things authorized by this Act, except the commencement of the actual construction or 50

erection of the bridge; and the time for the completion of the work as fixed by this Act shall run from the date of the passing of the said Act of Congress.

79—2.

No. 79.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Windsor and  
Detroit Union Bridge Company.

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First reading, March 15th, 1898.

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(PRIVATE BILL.)

Mr. GIBSON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

No. 80.]

**BILL.**

[1898 .

An Act respecting the Ottawa and New York Railway Company.

**W**HEREAS the Ottawa and New York Railway Company Preamble.  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
said petition: Therefore Her Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
enacts as follows:—

1. Sections 18 and 21 of chapter 78 of the statutes of 1882 1882, c. 78,  
ss. 18 and 21  
repealed.  
are hereby repealed.

2. The head office of the Company shall be in the city of Head office.  
10 Ottawa, or in such other place in Canada as the directors from  
time to time determine by by-law.

3. The annual meeting of the shareholders shall be held on Annual  
meeting.  
the third Tuesday in September in each year.

4. Notwithstanding anything contained in any Act relating Special  
meetings.  
15 to the Company, or in *The Railway Act*, special meetings  
of the shareholders may be called by the directors to meet  
at such time and place as is named in the notice calling such  
meeting, provided that the approval in writing of all the  
shareholders of the Company has first been obtained for such  
20 date and place of meeting.

5. Section 1 of chapter 57 of the statutes of 1897 is hereby 1897, c. 57, s. 1  
amended.  
amended by striking out the word "The" from the name of  
the Company.

No. 80.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Ottawa and New  
York Railway Company.

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First reading, March 15th, 1898.

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(PRIVATE BILL).

Mr. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Montreal and Southern Counties  
Railway Company.

**W**HEREAS the Montreal and Southern Counties Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

**1.** Section 4 of chapter 56 of the statutes of 1897 is hereby amended by adding after the word "Laprairie" in line six thereof the following words "Beauharnois, Chateauguay,  
10 Huntingdon, Napierville"; also by adding to the said section the following subsection:

"2. The Company may connect its railway with the railways of the Montreal Street Railway Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway  
15 Company, the Montreal Park and Island Railway Company and the Montreal Island Belt Line Railway Company on the Island of Montreal, subject however, as regards the Montreal Street Railway Company, to the conditions of the arrangement entered into between the Montreal Street Railway Company  
20 and the city of Montreal; and for the purpose of crossing the River St. Lawrence, the Company may enter into arrangements with the Grand Trunk Railway Company of Canada or the Montreal Bridge Company."

**2.** Section 9 of the said chapter 56 is hereby amended by adding in the second line thereof the word "five" after the word "twenty," and the words "of single track" after the word "mile."

**3.** Section 10 of the said chapter 56 is hereby amended by striking out the words "or the Eastern Richelieu Valley Railway Company" in the tenth and eleventh lines thereof, and substituting the following words: "The East Richelieu Valley Railway Company, the South Shore Suburban Railway Company, the Atlantic and Lake Superior Railway Company, the Great Eastern Railway Company, the Montreal Street  
35 Railway Company, or the Napierville Junction Railway Company," and further by adding after the words "seen fit" in line eighteen thereof, the following words: "and also for the purchasing and leasing in whole or in part of the railway and bridges of any or all of the above mentioned  
40 companies."

Issue of paid up stock.	<p><b>4.</b> [The directors of the Montreal and Southern Counties Railway Company hereafter called "the Company," may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment of franchises, privileges and rights obtained by the Company or for services rendered in promoting its interests, or in any other manner deemed advisable by the directors, and such issue and allotment of stock shall be binding upon the Company and shall not be assessable for calls.]</p>	5
Powers of Company.	<p><b>5.</b> The Company may, for the purpose of its railway and in connection with its business,—</p>	10
Vessels, docks, etc.	<p>(a.) build, charter, lease, purchase and operate steam, electric or other boats or vessels on any navigable waters reached by its lines of railway, and construct and maintain docks, wharfs and other buildings necessary for the use of the Company;</p>	15
Pleasure grounds.	<p>(b.) lay out and maintain pleasure grounds, lease the same, contract with any person for their occupation and use and permit entertainments and exhibitions therein to induce and stimulate travel;</p>	
Land.	<p>(c.) acquire lands, erect, use and manage works, and manufacture, erect and use machinery, cars and plant for the generation, transmission and distribution of electric power and energy;</p>	20
Electricity.	<p>(d.) build and maintain power-houses and stations for the development of electrical force and energy;</p>	25
Power houses.	<p>(e.) acquire any exclusive rights in letters patent, franchises or patent rights for the purposes of its works and undertakings and again dispose of such rights;</p>	
Patent rights.	<p>(f.) sell or lease any surplus power which the Company may develop or require either as water-power or by converting the same into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used.</p>	30
Surplus power.	<p><b>6.</b> The Company may construct or arrange the bridges required for its railway in such a way as to make them suitable for the passage of horses, vehicles and foot passengers, and in such case shall have the right to charge for the passage of such horses, carriages and foot passengers such tolls as shall be approved of by the Governor in Council and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place.</p>	35
Bridges.	<p><b>7.</b> The directors, under the authority of the shareholders to them given at a general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may issue preference stock to an amount not exceeding one hundred shares of one hundred dollars each, per mile, that is to say, ten thousand dollars per mile for every mile of railway or branches to be constructed, entitling the holder thereof, in priority to all other shareholders, to an accumulative dividend payable thereon, at such rate not exceeding six per cent per annum as the directors see fit, out of the net earnings of the Company, after the interest on the first mortgage bonds is paid.</p>	40
Tolls.		
Preference stock.		

2. The Company may at any time redeem and cancel such preference stock or any portion thereof, upon the terms and conditions stipulated and set forth in the resolution authorizing its issue. <sup>Cancellation of,</sup>

5 3. The holders of such preference stock shall have the rights, privileges and qualifications of holders of capital stock for voting at meetings of the Company, or for being directors, or for any other purpose. <sup>Rights of holders of,</sup>

4. The directors may issue and sell or pledge all or any of the said preference shares at the best price, and on the best terms and conditions at the time obtainable, to raise money for the undertaking. <sup>Directors may sell.</sup>

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No. 81.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Montreal and  
Southern Counties Railway Company.

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First reading, March 15th, 1898.

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(PRIVATE BILL.)

Mr. PREFONTAINE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to prohibit improper Speculation in the Sale  
of Butter or Cheese.

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

1. This Act may be cited as *Butter and Cheese Sales Act*, Short title.  
5 1898.

2. This Act shall come into operation on the first day of Commence-  
January, 1899. ment of Act.

3. Every one who, by himself or through the agency of Selling cheese  
another person, (a) sells, or (b) offers to sell, or (c) agrees to or butter not  
10 sell, or (d) agrees to offer to sell, any butter or cheese which in existence or  
at the time such sale, offer or agreement is made, has not been owned by  
manufactured and is not his property or the property of some seller.  
person for whom he is duly authorized to act, is guilty of an  
offence, and liable, on summary conviction, to the following  
15 penalties :

(a.) For a first offence, to a fine not exceeding five hundred Penalty for  
dollars or imprisonment, with or without hard labour, for not first offence.  
more than three months, or to both such fine and imprison-  
ment ;

20 b. For a second, and any subsequent offence, to a fine not For subse-  
exceeding one thousand dollars, or to imprisonment, with or quent offence  
without hard labour, for not more than six months, or to both  
such fine and imprisonment.

4. Any pecuniary penalty hereby imposed shall, when re- Application  
25 covered, be payable one-half to the informant, and the other of penalties.  
half to Her Majesty.

5. The Governor in Council may make such regulations and Governor in  
appoint such officers as he considers necessary in order to Council may  
secure the efficient operation of this Act ; and the regulations make regula-  
30 so made shall be in force from the date of their publication in tions and  
the *Canada Gazette* or from such other date as is specified in appoint  
the proclamation in that behalf. officers.

6. Nothing herein shall be deemed to prohibit any person Exception.  
who is duly authorized to act for the person or persons who  
35 supply milk to any dairy or butter or cheese factory, from  
selling, or offering to sell or agreeing to sell, any butter or  
cheese to be manufactured at such dairy or cheese factory  
or butter factory.

BILL.

An Act to prohibit improper Speculation  
in the Sale of Butter and Cheese.

First reading, March 17th, 1898.

Mr. PARMALEE

OTTAWA

Printed by S. E. DAWSON  
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1898

No. 83.]

BILL.

[1898.

## An Act respecting Insolvency.

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

## PRELIMINARY.

1. This Act may be cited as *The Insolvency Act, 1898.* Short title.
- 5 2. In this Act, unless the context otherwise requires, or it is otherwise specially provided,— Interpretation.
- (a.) "Insolvent" means a person in reference to whom or to whose estate a receiving order has been made under this Act;
- 10 (b.) "Creditor" means any person, co-partnership or company to whom the debtor is indebted, whether primarily or otherwise, and whether as principal or surety, and whether such indebtedness is wholly or in part due and payable or not; but for voting purposes, or for proceeding, on a composition
- 15 and discharge shall mean a creditor for an amount of one hundred dollars and upwards;
- (c.) "Court" means the County Court in the provinces of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Manitoba and British Columbia, the Superior Court in the province of Quebec, and the Supreme Court in the North-west Territories, having jurisdiction in the district wherein proceedings are instituted under this Act, or if there is no such court having jurisdiction in a district in which proceedings may be instituted under this Act, then it means the court having
- 20 jurisdiction in the nearest district in which there is such court. "Court" respecting proceedings.
- Any action or proceeding to be taken or application or order made before, to or by any court having jurisdiction under this Act may be taken or made before, to or by a judge thereof, or before, to or by a junior or deputy judge when such is
- 30 appointed, at chambers, or at any circuit, or session or sittings of the court, wherever held; Judge.
- (d.) "District" means a county or district as defined for judicial purposes by the legislature of the province in which it is situated, or by the Governor in Council in regard to the
- 35 North-west Territories of Canada, and includes territorial, provisional or temporary districts; "District."
- (e.) "Clerk of the court" means the prothonotary, clerk or registrar of the court or any division thereof; "Clerk of the court."
- (f.) "Official Gazette" means the Official Gazette published
- 40 under the authority of the Government of the province or territory wherein the proceedings under this Act are carried on; "Official Gazette."

- “Date of insolvency.” (g.) “Date of insolvency” means the date of the making of a receiving order under this Act ;
- “Secured creditor.” (h.) “Secured creditor” means a creditor holding a mortgage, hypothec, charge or lien on the property of the debtor, or any part thereof, as security for a debt due to him from the debtor, and any creditor specially declared to hold security within the meaning of this Act ; 5
- “Guardian.” (i.) “Guardian” means the person who for the time being has been placed in charge of the assets of the estate under this Act. 10

## PART I.

## APPLICATION OF ACT.

- To whom Act applies. 3. This Act applies only to persons who as a means of livelihood, manufacture, buy, or otherwise acquire goods, wares, merchandise or commodities, ordinarily the subject of trade and commerce, and sell or otherwise dispose of the same to others, including commission merchants, whether they sell by auction or otherwise. 15
- Continues to apply in certain cases. 2. If a person to whom this Act applies ceases to carry on the business which makes him subject to its provisions, he shall nevertheless continue to be so subject so long as he has outstanding debts and liabilities contracted or incurred in the course of such business, which would under this Act be probable against his estate and which are not barred or prescribed by any statute of limitations or otherwise, but no proceedings shall be instituted against such person by a creditor under this Act unless founded upon a debt or liability contracted or incurred in the course of such business. 20 25
- Act does not apply to companies. 3. Nothing in this Act shall be construed to make any of its provisions apply to incorporated companies falling under the provisions of *The Winding up Act*.

## PART II.

## PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE OF DEBTOR.

## ACTS OF INSOLVENCY.

4. A person to whom this Act applies commits an act of insolvency, and becomes liable to have proceedings instituted against him under it, in any of the following cases :
- Failure to meet liabilities generally, Acknowledgment of insolvency. (a.) If he ceases to meet his liabilities generally as they come due ;
- (b.) If he calls a meeting of his creditors for the purposes of compounding with them ; or if he exhibits a statement showing his inability to meet his liabilities ; or if he gives notice to any of his creditors that he has suspended, or is about to suspend payment of his debts ; or if he otherwise acknowledges his insolvency ; 35 40
- Absconding. (c.) If he absconds or is about to abscond from any province in Canada with intent to defraud his creditors, or any of them, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process ; or if being

out of any province in Canada, he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent;

(*d.*) If he secretes or is about to secrete any part of his estate or effects with intent to defraud his creditors, or any of them, or to defeat or delay their remedies or demands;

Secrecion of property.

(*e.*) If he assigns, removes, or disposes of, or is about or attempts to assign, remove or dispose of any of his property with intent to defraud, defeat, or delay his creditors, or any of them;

Fraudulent assignment.

(*f.*) If he makes any general conveyance or assignment of his property for the benefit of his creditors; or if being unable to meet his liabilities in full he makes any sale or conveyance of the whole or of the main part of his stock in trade or assets without the consent of his creditors, or without satisfying their claims;

General assignment or sale of stock.

(*g.*) If he permits any execution issued against him under which any of his chattels, stock-in-trade, assets, land, or property is seized, levied upon, or taken in execution, to remain unsatisfied until within four days of the time fixed by the sheriff or seizing officer for the sale thereof, or to remain unsatisfied for fifteen days after such seizure;

Allowing execution to remain unsatisfied.

(*h.*) If, with intent to defeat, defraud, or delay his creditors or any of them, he procures his chattels, stock-in-trade, assets, land or property, or any portion thereof, to be seized, levied on, or taken under or by any process or execution.

Procuring seizure of goods, etc.

#### RECEIVING ORDER.

5. Subject to the conditions of this Act, if a person to whom it applies commits an act of insolvency, the court may on the application of a creditor, and upon such facts and circumstances being shown as satisfy the court that the order should be made, make a receiving order under this Act. (Form No. 1.)

Court may make receiving order.

2. Such receiving order shall be addressed to the sheriff of the county or district in which the debtor has his domicile or place of business, and who by himself or by his deputy shall take possession of the assets of the debtor, but without making any inventory thereof or incurring any expenses not absolutely necessary for the conservation thereof, and who for the purposes hereof shall be styled the "guardian."

Addressed to sheriff.

3. If, however, it is shown to the court, by affidavit or otherwise, that creditors representing a majority in amount of the unsecured claims provable against the estate have assented to the appointment as liquidator of a person eligible for such appointment, such person shall thereupon be appointed guardian under the foregoing restrictions.

Appointment of liquidator as guardian.

4. Such person may also replace the sheriff when the latter is acting as guardian under this Act.

Instead of sheriff.

6. A creditor shall not be entitled to make application for a receiving order unless—

Conditions on which creditor may apply for receiving order.

(*a.*) The act of insolvency on which the application is founded, which act shall be disclosed in the affidavits in support of such application, occurred within three months immediately preceding the date of the making of such application;

(b.) The debt owing to the creditor, or if two or more creditors join in the application the aggregate amount of debts owing to such creditors, amounts to not less than two hundred dollars;

(c.) The debt is a liquidated sum payable either immediately 5 or at some certain future time;

(d.) The debt had not been in whole or in part procured by the creditor to enable him to take proceedings under this Act and the applicant is not acting in collusion with the debtor, or to procure him any undue advantage against his creditors or 10 any of them;

(e.) The debtor had at the time of the committing of the act of insolvency, or one of the acts of insolvency, upon which the application is founded, his residence, or his place of business, or his chief place of business, or one of his principal 15 places of business, within the jurisdiction of the court.

"Secured creditor" making application, shall value security held by him.

**7.** A secured creditor making application for a receiving order shall either—

(a.) Set a value upon the security held by him, and in such case he shall be considered as a creditor for the purposes of 20 the application for the amount of the debt owing to him over and above the value so set; or

Or state willingness to assign security for benefit of creditor generally.

(b.) State that he is willing to assign the security so held by him for the benefit of the creditors generally in the event of a receiving order being made, in which case he shall be con- 25 sidered a creditor for the full amount of the debt owing to him.

Verification of facts by affidavit.

**8.** All facts and circumstances relied upon by the creditor or creditors applying for a receiving order shall be verified by affidavit, and the court may require such further and other 30 proof, by affidavit or otherwise, as it deems necessary.

Service of copy of order, etc.

**9.** A copy of the receiving order of the affidavit or affidavits on which the order was made, shall immediately upon the making of the order be served upon the insolvent, and if the application is made without previous notice to him and the 35 creditor or creditors making the application, or any of them, does not reside within the jurisdiction of the court, the insolvent shall also be served with a notice setting forth the name and place of business, residence or place of business of some person within the jurisdiction of the court, on whom or at 40 whose place of residence or business any notices or other documents may be served in case the insolvent applies to set aside the receiving order as hereinafter provided.

Application to annul order made without previous notice.

**10.** If the receiving order has been made without previous notice to the insolvent of application therefor he may, within 45 three days after service of the copy of the receiving order and of the other papers, notices and documents as provided in the last preceding section, and on one day's previous notice to the creditor or creditors, upon whose application the order was made or any of them, apply to the court to annul the receiv- 50 ing order so made, and the court may extend the time for making such application.

**11.** If on an application for a receiving order after notice to the debtor, or on an application to annul a receiving order made without previous notice to the debtor, the court is satisfied that the debtor has not committed the alleged act or acts of  
 5 insolvency, or that he is not indebted to the creditor making the application, or that he is not indebted in an amount sufficient to entitle such creditor to make application for a receiving order under this Act, or that the claim of the creditor was  
 10 under this Act, or that, if the act of insolvency or one of the acts of insolvency upon which the application is based is an act of insolvency under sub-heading (a) or (g) in section 4 of this Act, the debtor is able to pay his debts and his ceasing to meet his liabilities or failing to satisfy the execution was only  
 15 temporary and was not done by the debtor with any fraudulent intent or caused by any fraud or by the insufficiency of the assets of the debtor to meet his liabilities, the court may refuse the application or may annul the receiving order and may make such order as the costs of the proceedings as it  
 20 thinks just.

Cases in which court may refuse application or annul order.

Costs.

2. If it appears to the court on an application for a receiving order that the proceedings were taken by the creditor without reasonable grounds and merely as a means of enforcing payment of the debt due to him under colour of proceeding under this Act, the court may refuse the application and may order the creditor, in addition to the payment of costs of the proceedings, to pay to the debtor a sum of money not exceeding treble the amount of such costs, saving and reserving to the debtor any remedy or right of action he may have  
 25 against the creditor for damages in consequence of the proceedings so instituted or taken.

Court may refuse order when application if made merely to enforce payment of debt.

3. The court may at any time annul a receiving order if it is satisfied that the debts of the insolvent are paid in full, and a debt which is disputed by the insolvent is to be considered  
 35 as paid in full if the insolvent gives security to the satisfaction of the court to pay the amount to be recovered in any proceeding for the recovery of or concerning such debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified, is to be considered as paid in full if paid into  
 40 court.

Court may annul order of debts paid in full.

**12.** When a receiving order is annulled under this Act, all sales and dispositions of property, payments made and acts theretofore lawfully done under and by virtue of this Act by the guardian, liquidator, or any person acting under the  
 45 authority of either of them, or by the court, are valid, but the estate and property of the insolvent shall upon such order being annulled vest in such person, as the court may appoint or in default of such appointment, in the insolvent on such terms and subject to such conditions, if any, as the court may  
 50 determine.

Sales, etc., made valid where order is annulled.

How estate and property may be vested.

**13.** If applications are made in different districts and a receiving order is made in more than one district, the receiving order made by the court having jurisdiction in the district within which was the chief place of business of the insolvent,  
 55 or, if there is no recognized chief place of business, the

What order shall be acted on if receiving orders made in different districts.

receiving order made on the application presented by creditors to the largest amount, shall first be acted upon, and the proceedings on the other receiving orders shall on application of any interested party be stayed; but the court may, in any of the other districts, make any order it thinks necessary in the interests of the creditors for the proper protection of the estate of the insolvent within its jurisdiction. 5

Effect of receiving order.

**14.** Such receiving order shall vest in the liquidator all rights, power, title and interest which the insolvent has in and to any real or personal property of whatever kind or nature and whether same has been mentioned or not in any statement furnished by the insolvent, and the guardian and liquidator shall take possession and hold same subject to the instructions of the creditors or the inspectors and the guardian may on the order of the judge, sell and dispose of any assets of a perishable nature. 15

2. This section, however, shall not apply to such assets as are exempt from seizure and sale under the laws of the several provinces.

Effects of receiving order as to remedies of creditors.

**15.** After the making of a receiving order no creditor shall have any remedy against the estate of the insolvent in respect of any debt provable under this Act except as in this Act provided, and no action shall be begun or instituted, nor shall actions then pending against the insolvent be continued, except with the leave of the court in which the same are instituted or pending, or a judge thereof, and on such terms as to such court or judge seem just; but, except as in this Act otherwise provided, nothing herein shall be construed to prevent a creditor having security for his debt or any part thereof from realizing upon or otherwise dealing with such security or any part thereof in the same manner and to the same extent as if the receiving order had not been made. 20 25 30

Secured debts may be realized.

#### PROCEEDINGS CONSEQUENT ON ORDER.

Statement of liabilities and assets to be furnished by insolvent.

**16.** The insolvent shall immediately after the service of the receiving order unless he makes an application to set the same aside, and, in such case, immediately after the refusal of such application, prepare for and furnish to the guardian or liquidator a statement of all his liabilities direct and indirect, contingent and otherwise, showing the nature and amount thereof, together with the names and addresses of his creditors and the securities held by them so far as may be known to him, and also a statement of all his property and assets, and such statements shall be verified by the insolvent under oath in form No. 2; and any statements or affidavits so made as in this section provided may be inspected without charge by any creditor, his clerk or agent, who may make copies thereof or extracts therefrom. 35 40 45

In case of neglect court may order statements to be made, etc.

2. If the insolvent neglects or refuses to prepare and furnish such statements, or to verify the same under oath, or if he unduly delays the preparation thereof, the court may, on the application of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, or of the liquidator, make an order directing such statements to be prepared, veri- 50

fied and furnished within the time named in such order, and in default of obedience by the insolvent to the order so made, the court may direct him to be imprisoned for a period of not more than six months, but in no case shall the holding of the  
 5 first meeting of the creditors be delayed by the court or otherwise by reason of non-compliance with the requirements of this section.

Penalty for disobedience to order of court

17. The guardian shall, immediately after the expiry of the time reserved to the insolvent to move to set aside the receiving  
 10 order if no such motion is made, or immediately after such motion is refused if made, or immediately after the making of the receiving order with the consent in writing of the insolvent or without such consent where no right to move against the order is reserved to the insolvent by this Act, call a meeting  
 15 of the creditors of the insolvent, to be held at the court house within the district.

First meeting of creditors.

2. Such meeting shall be held within ten days from the date after which the same may be called as aforesaid, and notice thereof (Form No. 3), shall be mailed, postpaid and  
 20 registered, six days before the day named for holding such meeting, to each creditor of whose name and address the official receiver is cognizant, which notice shall be accompanied by a list of creditors having claims against the estate of one hundred dollars or upwards, with their addresses and the  
 25 amount of their respective claims, and the aggregate amount of the claims of creditors under one hundred dollars, so far as known to the guardian.

Time for holding and notice thereof.

3. If the guardian omits to call the meeting as in this section provided, the court shall, on the application or any person  
 30 interested, order the meeting to be called at the earliest practicable day thereafter, and if the omission has arisen through the neglect of the guardian, the court shall order him to pay the costs of the application, otherwise the court may make such order as to the costs of the application as to it seems just.

Calling meeting when guardian omits to do so.

4. The court may, on the application of a creditor having  
 35 an unsecured claim against the estate of one hundred dollars or upwards, and on being satisfied that there are creditors whose claims amount to at least one-third of the insolvent's direct liabilities, resident in any place or places whence their  
 40 claims cannot with due diligence be received at or before the day appointed for the meeting, order the meeting to be adjourned to some day not later than two weeks from the day named in the notices calling the meeting, and such order shall be served on the official receiver, who shall forthwith mail to  
 45 each creditor notice of such adjournment, and if such adjournment is ordered no business shall be transacted at the meeting first called, but the first meeting of the creditors shall be held on the day named in the order.

Costs of application.

Adjournment of meeting in certain cases.

Notice.

5. The first or any meeting of creditors may be adjourned  
 50 from time to time and no notice or advertisement of such adjournment shall be necessary.

Adjournments

6. The insolvent shall attend the first meeting of his creditors and any adjournment thereof.

Insolvent to attend first meeting.

## APPOINTMENT OF LIQUIDATOR.

Appointment,  
etc., of liqui-  
dator.

**18.** The creditors at their first meeting appoint a liquidator of the estate of the insolvent and they may at a meeting especially called for the purpose, remove such liquidator and appoint another in his stead, or they may at any meeting appoint a liquidator in the stead of a liquidator who has died, 5 resigned, or refused to act.

Liquidator  
may be ap-  
pointed by  
inspectors in  
certain cases.

2. If the liquidator so appointed is required to give security for the due performance of his duties, and if he fails to give the same within the time limited therefor as in this Act provided, or if he refused to Act, or if he dies before the 10 transfer of the estate to him, the inspectors may, within two days after the expiration of the time limited for the giving of security, or within two days after such refusal to act or death, appoint a liquidator subject to confirmation at the next meeting of the creditors. 15

Court to make  
appointment  
in certain  
cases.

3. In the following cases the guardian shall report the facts to the court:—

(a.) If the inspectors fail to appoint a liquidator within the delay limited in the next preceding sub-section;

(b.) If no inspectors are appointed; in each of which two 20 cases the said report shall be made upon the expiration of the time limited for giving security;

(c.) If the liquidator refuses to act;

(d.) If the liquidator dies;

(e.) If the liquidator is appointed by the creditors at their 25 first meeting, in which case the report shall be made as soon as possible after the close of such meeting. And thereupon in every case the court shall appoint the liquidator.

Liquidator to  
give notice of  
his appoint-  
ment.

4. The liquidator shall without delay give notice of his appointment as such (Form No. 4) by advertisement to be in- 30 sserted once in the Official Gazette and once in one newspaper (if any) published in the district in which the proceedings are pending, and by notice mailed, post-paid, to each creditor.

Guardian to  
account for  
and transfer  
estate to  
liquidator.

**19.** The guardian shall, upon the appointment of the liqui- 35 dator and without any delay from any cause or upon any pre- tense whatsoever, account to the liquidator for all the estate and property of the insolvent which has come into his possession, and pay over and deliver to the liquidator all such estate and property, including all sums of money, books, bills, notes, statements, accounts, proofs of claims, minutes of proceedings 40 at meetings, papers and documents whatsoever, in his hands belonging to the estate.

Costs and  
expenses of  
guardian how  
defrayed.

**20.** All necessary costs, charges, expenses and disburse- 45 ments, including travelling expenses, paid or incurred by the guardian in connection with the performance of the duties imposed upon him by this Act, shall be defrayed by him out of the moneys which come into his hands as guardian; but if the insolvent has no available assets, the guardian shall not be required to incur any expense in relation to his estate.

Lien on estate  
for expenses  
and disburse-  
ments.

2. The guardian shall have a first lien and charge upon 50 the estate of the insolvent in the hands of the liquidator for his expenses and disbursements, until the same are paid; and if

any dispute arises as to any amount claimed, charged, incurred or disbursed by the guardian, the dispute shall be referred to and decided by the court. Court to decide disputes.

3. The costs of all proceedings under this section shall be in the discretion of the court. Costs.

#### INSPECTORS.

**21.** The creditors may at any meeting appoint one or more inspectors, not exceeding five in all, who shall superintend and direct the proceedings of the liquidator in the management and winding up of the estate, and they may also, at any subsequent meeting held for that purpose, revoke the appointment of any or all of the said inspectors, and upon such revocation, or in case of death, resignation or absence from the province of an inspector, may appoint another in his stead; and anything to be done by the inspectors may be done by the majority, or by the sole inspector, if there is only one; but no inspector shall be paid any remuneration for his services unless the amount thereof is voted by the creditors at a general meeting, or at a meeting specially called for the purpose. Creditors to appoint inspectors.

Remuneration of inspectors voted by creditors.

#### CONTROL OVER PERSON AND PROPERTY OF INSOLVENT.

**22.** The insolvent shall, until he has obtained his discharge, give such information to the guardian, liquidator or inspectors, respecting his estate and affairs, attend at such times on the liquidator or inspectors, and at such meetings of his creditors, execute at the expense of the estate such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and to the distribution of the proceeds thereof amongst his creditors, as are reasonably required by the liquidator or inspectors, or as are prescribed by general rules made by virtue of this Act, or as are directed by the court by any special order made in reference to any particular case, or made on the occasion of any special application by the liquidator, or any creditor or person interested; and he shall aid to the utmost of his power in the realization of his property and the distribution of the proceeds thereof among his creditors. Duty of insolvent until discharge.

2. The liquidator may, from time to time, with the consent of the creditors or of the inspectors, make such allowance as he thinks just to the insolvent out of the estate as compensation for his services in connection with the winding up of his estate, but any such allowance may be reduced by the court. Compensation to insolvent for services.

**23.** The creditors or the inspectors may direct the insolvent to be examined upon oath before the liquidator, or before the judge as they may name, touching his estate and effects, assets and liabilities, the conduct and management of his business, the causes of his insolvency and his affairs generally, and such liquidator may administer any necessary oath. Examination of insolvent on oath.

2. Such examination shall take place at such time and place as is appointed by the creditors, or by the inspectors, and it may be adjourned from time to time, but the court, may, on the application of any person interested, and on being satisfied that the affairs of the insolvent have been sufficiently investi-

gated, make an order directing that the examination be concluded by such time as is named in the order.

Conduct of examination.

3. Such examination may be conducted by counsel or by such persons as are appointed by the creditors or inspectors, and notes of the evidence given at such examination, which may be taken in shorthand, shall be deposited with the liquidator and shall be open to inspection, without charge, by any creditor or by the duly authorized representative of any creditor. 5

Penalty for non-compliance by insolvent.

4. In case the insolvent neglects or refuses to appear, or to be sworn, or to answer any proper questions, the court may, on the application of the examiner, or of any person interested, order that the insolvent be committed as for a contempt of court; and the court may make such order as to the payment of the costs of any application under this section as to it seems right. 15

Summoning persons to give information as to the insolvent or his estate.

24. The court may on the application of the liquidator, or of a creditor having an unsecured claim of one hundred dollars or upwards, summon before it any person, including the husband or wife of the insolvent, known or suspected to have in his possession any of the estate or effects of the insolvent, or any person who is represented to the court as capable of giving information concerning the insolvent, his dealings or property, and the court may require any such person to produce any documents in his custody or power or under his control, relating to the insolvent, his dealings or property. 20 25

Warrant may be issued to compel attendance.

2. If the person so summoned, after having been tendered the ordinary witness fees allowed in suits before the court and conduct money, without reasonable excuse, refuses to come before the court at the time appointed, the court may by warrant cause him to be apprehended and brought before it. 30

Examination may be on oath.

3. Such person may be examined upon oath concerning the insolvent, his dealings or property, by or before the court or by or before such person and in such manner as the court directs, and such court or person may administer any necessary oath, and notes of the evidence given at any such examination, which may be taken in shorthand, shall be deposited with the clerk of the court, and a copy thereof shall be deposited with the liquidator and shall be open to inspection, without charge, by any creditor, or the duly authorized representative of any creditor, and the court may make such order as to the payment of the costs of any such examination as to it seems right. 35 40

Notes thereof to be filed.

Costs of examination.

Order to deliver property.

4. If on such examination such person admits that he has in his possession any property belonging to the insolvent, and to which the liquidator is legally entitled, the court may order him to deliver to the liquidator, such property, or any part thereof, at such time, in such manner and on such terms as to the court seems just. 45

Penalty for non-compliance with above provisions.

5. In case of refusal to appear, or to be sworn, or to answer any questions that may lawfully be asked touching the insolvent, his dealings or property, or to produce any document which he is required to produce, or to obey any order of the court made under and by virtue of this section, the person so refusing may be committed as for a contempt of court. 50 55

**25.** The court may, at the time of making a receiving order or at any time thereafter, on the application of the guardian or of the liquidator, by warrant to the sheriff of the district, or other proper officer, cause the insolvent to be arrested, and any books, papers, moneys and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court orders, if such facts and circumstances are shown by affidavit as satisfy the court.

When warrant for arrest of insolvent may be issued.

(a.) That there is good and probable cause for believing that the insolvent is about to abscond and conceal himself to avoid service of papers, notices or documents required by this Act to be served on him, or to avoid appearance at any meeting of his creditors at which he is required to appear, or to avoid examination in respect of his affairs, or otherwise to avoid, delay, or embarrass any proceedings against him under this Act; or,

If he is about to abscond or conceal himself.

(b.) That there is good and probable cause for believing that he is about to remove his goods with intent to prevent or delay possession being taken of them by the guardian or liquidator, or that he has concealed or destroyed or is about to conceal or destroy, any of his goods, or any books, documents, or writings, which might be of use to his creditors in the course of the proceedings under this Act; or,

If he is about to remove, conceal or destroy goods or documents.

(c.) That without good cause shown he has failed to attend any meeting which he was required to attend under the provisions of this Act.

If he fails to attend meeting.

**26.** The court may, on the application of the guardian or liquidator, and on special cause shown therefor, from time to time order that for such time, not exceeding three months, as the court thinks fit, the postmaster at the place of residence or at any place where the insolvent carried on business shall deliver, redirect, or send to the guardian or liquidator of the estate of the insolvent, all letters and other mailable matter received by such postmaster addressed to the insolvent.

Postmaster may be ordered to send insolvent's letters to receiver or liquidator.

**2.** All such letters or mailable matter so received by the guardian or liquidator shall be opened and read by him in the presence of the insolvent, or after notice given him by letter through the post, and if they relate to the business of the insolvent or his estate they shall be retained by the guardian or liquidator, otherwise they shall be resealed and endorsed as having been opened as aforesaid and shall be delivered or mailed to the insolvent.

How letters so sent are to be dealt with

**3.** It shall be the duty of the insolvent at all times to deliver or transmit by post to the guardian or liquidator all letters or other mailable matter received by him and appertaining to the business of the estate.

Insolvent's duty as to letters about estate business.

#### DISCHARGE OF INSOLVENT WITH CONSENT OF CREDITORS.

**27.** If the insolvent, at or any time after the first meeting of creditors, files with the liquidator a deed of composition and discharge executed by creditors entitled to vote who represent at least three-fourths in value of the claims of all the creditors then entitled to vote and a majority in number of such creditors having claims of one hundred dollars and upwards, the liquidator shall call a meeting of the creditors of

Meeting to consider composition and discharge, how and when called.

- the estate to take such deed of composition and discharge into consideration (Form No. 5), which meeting shall, unless the time for holding the same is extended by the court on the application of a creditor having an unsecured claim of one hundred dollars or upwards, be held within fourteen days from the date of the filing of the deed with the liquidator, and such meeting shall be attended by the insolvent, who shall be subject to examination thereat touching his property, conduct, dealings and affairs generally. 5
- 2.** Such meeting shall be called by advertisement published once in the Official Gazette and once in one newspaper (if any) published in the district in which the proceedings are pending, stating the time, place and object of the meeting, and also by notices, postpaid, mailed at least ten days before the meeting to the insolvent and to each of the creditors known to the liquidator or to the insolvent; and such notices to the creditors, in addition to stating the time, place and object of the meeting, shall state generally the terms of the deed of composition and discharge. 10 15
- 3.** In case of neglect or refusal on the part of the liquidator to call such meeting so that it may be held within the time above provided, the court may, on the application of the insolvent, or of any creditor having an unsecured claim of one hundred dollars or upwards, direct such meeting to be held at such date and on such notice as to it seem proper; and the court shall, unless reasonable excuse for such neglect or refusal the part of the liquidator is shown, order him personally to on pay the costs of the application. 20 25
- 28.** In no case shall a meeting be called to consider a deed of composition and discharge, nor shall the same be confirmed or any discharge thereunder effected, unless such deed provides for the immediate payment in full of all costs, charges and disbursements in connection with proceedings under this Act then remaining unpaid and of all claims declared by this Act to be privileged claims, and for the payment within one year from the date of such confirmation of at least one-half of the amount of claims provable against the estate, and no deed of composition and discharge, nor any discharge of the insolvent thereby effected, shall be binding on the creditors until such deed is confirmed by the court as hereinafter provided. 30 35 40
- 29.** Any creditor may at any time before such meeting file with the liquidator a letter or document expressing his approval of or objection to such deed of composition and discharge, and such creditor shall thereupon be considered as having voted for or against the discharge of the insolvent as indicated by the tenor of such letter or document, and the deed may be executed by any creditor entitled to execute it at any time before it is filed by the liquidator with the clerk of the court. 45
- 30.** The liquidator shall, after the holding of the meeting to take the deed of composition and discharge into consideration, annex to such deed a certificate in which he shall set forth— 50
- (a.) The total amount of claims then proved against the estate in respect of which the creditors proving the same are
- Notice of meeting.
- Provision for neglect or refusal to call meeting.
- What deed must provide.
- Deed not binding till confirmed by court.
- Creditor may file letters of approval or disapproval of deed.
- Execution of deed.
- Liquidator's certificate and what it shall contain.

entitled to vote, and the total amount of such claims represented by creditors who had executed the deed of composition and discharge;

(b.) The total number of creditors who had then proved 5 claims, in respect of which they were entitled to vote, of one hundred dollars and upwards, and the total number of such creditors who had executed the deed of composition and discharge;

(c.) The number of creditors, who had proved claims on 10 which they were entitled to vote, present or represented at the meeting to consider the deed, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and the respective amount of their claims;

(d.) The terms of any resolution relating to the discharge of 15 the insolvent passed at such meeting, and the number of creditors voting for and against the same, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and 20 the respective amount of their claims;

(e.) The ratio of dividend likely to be realized from the estate for the unsecured creditors, and the dividend or dividends declared (if any).

2. The liquidator shall annex to such certificate copies of 25 all documents filed with him, approving of or objecting to the confirmation of the deed or to the discharge of the insolvent thereunder, indicating the amount of claims represented by the several creditors who filed such documents, and he shall annex copies of the minutes of any examination of the insolvent and of any statements of the assets and liabilities of the 30 insolvent.

Documents to be annexed to certificate.

3. If there are creditors, who voted or offered to vote for 35 or against any resolution or filed any letters or documents as aforesaid, or who executed such deed, and if such creditors have not proved their claims as required by this Act, or if 40 their claims are of such a nature that in the opinion of the liquidator they are not affected by the discharge, or if such creditors are not entitled to vote in respect of such claims, the liquidator shall not include such creditors among those voting 45 for or against the resolution, or as having executed such deed, but he shall in his certificate indicate, the number of such claims and the amount and nature thereof, distinguishing the number of such creditors in favour, of and the number opposed to the confirmation of the deed, or to the discharge of the insolvent thereunder.

How unproved or unaffected claims are to be treated.

4. The liquidator shall, within one week after the holding 50 of the said meeting to take the deed of composition and discharge into consideration, file the deed, together with his certificate and all annexed papers, and documents as above provided, with the clerk of the court, and shall keep a copy thereof on file in his own office, and the copy on file at the office of the liquidator shall be open at all reasonable hours to inspection, without charge, by the insolvent, or by any creditor, and the insolvent or any creditor may copy the same or make extracts 55 therefrom.

Liquidator to file deed, certificate, etc., with clerk of court.

Notice of insolvent's application for confirmation.

**31.** So soon as the deed of composition and discharge is filed by the insolvent with the liquidator, as hereinbefore provided, the insolvent may give notice (Form No. 6) of his intention to apply to the court for confirmation thereof, which notice shall be published once in the official gazette and once in one newspaper (if any) published in the place in which the proceedings are pending, and shall be mailed, postpaid, to the liquidator and to each of the creditors, at least ten days before the day therein named for the hearing of the application. 5

Confirmation may be opposed.

**32.** The confirmation of such deed of composition and discharge may be opposed by the liquidator under the authority of the creditors or of the inspectors, or by any creditor, notwithstanding such creditor has executed such deed of composition and discharge. 10

Hearing of application to confirm,

**33.** On the day named in notice given by the insolvent in manner hereinbefore provided, or so soon thereafter as the court appoints, the court shall hear the application of the insolvent to confirm the deed of composition and discharge, and any person in objection or opposition thereto, and may thereupon make an order confirming the same; but no such order shall be made, nor shall the deed be confirmed unless it is shown to the satisfaction of the court, by affidavit or in such other way as the court directs, that all the notices, formalities and requirements of this Act in connection with the application of the insolvent to confirm the deed and the holding of the meeting of the creditors to consider the same and the filing of the deed and certificate of the liquidator and other documents, have been given, observed and complied with and that the deed has been executed by creditors entitled to vote, representing at least three-fourths in value of the claims of all creditors entitled to vote at the time of the filing of the deed by the liquidator with the clerk of the court and a majority in number of such creditors having claims of one hundred dollars or upwards, and that the deed in all respects conforms to the provisions of this Act, and the examination under oath as provided by section twenty-four of this Act has been concluded; and the insolvent shall as a condition precedent to the confirmation of such deed make affidavit hereto. 15  
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Requisites for order of confirmation.

Affidavit to be made.

Cases in which deed shall not be confirmed.

**34.** The deed of composition and discharge shall not be confirmed if it appears to the satisfaction of the court that the insolvent is guilty of an indictable offence under this Act or has committed any act or made or entered into any contract, conveyance, mortgage, hypothec, sale, deposit, pledge, transfer, assignment, or payment, with intent to defraud his creditors or any of them or to give any creditor a fraudulent preference over other creditors, or is guilty of fraud or fraudulent practice in procuring the execution by his creditors, or any of them, of such deed, or is guilty of fraudulent retention, concealment or disposal of some portion of his estate and effects, or of evasion, prevarication, or false swearing upon examination, as to his estate and effects or of any fraud or fraudulent breach of trust. 40  
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## RECONVEYANCE OF ESTATE TO INSOLVENT.

**35.** The reconveyance of the estate of the insolvent by the liquidator to the insolvent, when such estate is to be reconveyed under the terms of a deed of composition and discharge confirmed by the court, may be by deed of transfer in form No. 7 to this Act, duly executed according to the requirements of the law of the place where the same is executed or is to be registered, and such reconveyance shall vest in the insolvent the estate so conveyed subject to all terms and conditions contained in the deed of composition and discharge and in the order of the court confirming the same and subject to the provisions of this Act.

Form and effect of deed of reconveyance.

**36.** If the estate of the insolvent is reconveyed subject to the terms of a deed whereby his discharge is made conditional upon the composition or any portion thereof being paid, and default is made in any payment according to the terms of such deed, and such deed and the discharge therein contained cease to have effect, the liquidator may thereupon immediately resume and take possession of the estate and effects of the insolvent in the state and condition in which they then are, and he shall have the same powers and duties in reference thereto as if he had been appointed the liquidator thereof at the time he resumed and took possession thereof; but the title of any *bona fide* purchaser of any of the assets of the estate shall not be impaired or affected by such resumption of possession.

Revesting of estate in liquidator when conditions of composition are not fulfilled.

**2.** In case the liquidator resumes possession of the estate and effects of the insolvent in manner in this section provided, the creditors whose claims were provable against the estate prior to the confirmation of the deed of composition shall have claims against the estate so resumed and be entitled to vote only for and in respect of the balance of the composition remaining unpaid, and all creditors whose claims were incurred subsequent to such confirmation shall have claims against the estate so resumed and be entitled to vote for and in respect of the full amount of their claims, but the claims of creditors for the balance of composition and for the full amount as aforesaid shall be concurrent claims and shall be paid and discharged in equal proportions, and upon their being paid and discharged in full, the creditors whose claims were provable before the confirmation of the deed shall become creditors of the estate for the amount unpaid of their original claims against the estate of the insolvent.

Powers and duties.

Proviso, as to purchasers.

Ranking of creditors in case of resumption of possession of estate by liquidator.

## EFFECT OF DISCHARGE.

**37.** The confirmation of a deed of composition and discharges or the order for the discharge of the insolvent as hereinbefore provided shall, subject to the terms and conditions of such deed or to any conditions contained in such order of discharge, free and discharge the insolvent from all debts and liabilities whatsoever (except such as are herein otherwise specially excepted) provable against his estate, by any creditor to whom he sent notice of his intention to apply for the confirmation of such deed or for such discharge, and whose name is set forth in any state-

Debts from which discharge frees insolvent.

ment of liabilities or list of creditors furnished by him to the liquidator prior to the giving by him of notice of his intention to apply for the confirmation of the deed or for his discharge, or by any creditor who at any time files a proof or claim under this Act; provided always that if the holder of any negotiable paper is unknown, the insertion of the particulars of such paper in any statement of affairs or list of creditors, with the declaration that the holder thereof is unknown, shall bring the debt represented by such paper and the holder thereof within the operation of this section. 5 10

Provision for negotiable paper.

**38.** A discharge under this Act shall not apply without the express consent of the creditor to (any claim of a non-commercial nature due to a non-trader) nor to any privileged claim under this Act, nor to any judgment debt due by the insolvent as damages for assault, seduction, libel, slander or malicious arrest, nor to any debt due for the maintenance of a parent, wife or child, or as a penalty for any offence of which he had been convicted, nor to any debt due by him as assignee, tutor, curator, trustee, executor, or administrator, or under any order of court, or as a public officer, nor to debts or liabilities incurred by means of any fraud or fraudulent breach of trust to which he has been a party, nor to any debt or liability whereof he has obtained forbearance by any fraud to which he has been a party; and the creditor of any such debt may claim and accept a dividend thereon from the estate, or from the insolvent, without being by reason thereof in any respect affected by the discharge obtained by the insolvent. 15 20 25

Debts which are unaffected by discharge except with consent of creditors.

**39.** A discharge, confirmed under this Act, shall not affect the liability of any person secondarily liable to such creditor for the debts of the insolvent, as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, or in the liability of a partner or other person liable jointly with the insolvent to such creditor for any debt, nor shall it, without the consent of the creditor, affect any mortgage, hypothec, lien or collateral security held by such creditor as security for a debt thereby discharged. 30 35

Effect of discharge upon persons secondarily liable.

Upon mortgages, etc.

**40.** Every discharge, or confirmation of discharge, obtained by fraud or fraudulent preference or practice, or by means of the consent of a creditor being procured by the payment, or promise of payment to such creditor, or to any one on behalf of such creditor or of any creditor, of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever, shall be null and void. 40

Fraudulent and collusive discharges null.

### PART III.

#### LIQUIDATION OF PROPERTY.

##### DEBTS PROVABLE AGAINST THE ESTATE.

**41.** Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, are not provable under this Act against the estate of the insolvent; but, save as aforesaid, all debts and liabilities, 44

All debts provable against estate except certain unliquidated demands.

- present or future, certain or contingent, direct or indirect, secured or unsecured, in whole or in part, to which the insolvent is subject at the date of insolvency, or to which he may become subject before his discharge by reason of any obligation incurred before the date of insolvency, are debts provable under this Act against his estate, all debts owing but not actually payable at such date being subject to rebate of interest.
2. No costs incurred after the date of insolvency, in suits against the insolvent shall be provable against the estate, but all the taxable costs incurred in proceedings against him up to that time shall be added to the debt or demand for the recovery of which such proceedings were instituted, and shall be provable against the estate as if they formed part of the original debt.
3. In the province of Quebec, the rights of the unpaid vendor shall cease from the delivery into the store of the insolvent of the goods sold and all claims for provisions shall be considered as ordinary claims.
42. All debts provable against the estate shall be proved by affidavit (Form No. 8) filed with the guardian or with the liquidator. Such affidavit shall set forth the nature and particulars of the debt and the amount due or owing, and whether or not security is held for the whole or any part of the debt, and the nature and particulars of such security, and whether such security has been assigned for the benefit of the estate or is retained by the creditor, and, if retained, the amount at which it is valued; and the affidavit shall be accompanied with the address of the creditor proving the debt, or an address, to which may be sent all notices required by this Act. If the claim is based in whole or in part on negotiable instruments, a list of such instruments shall be annexed to the proof of claim, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity and in what order liable.
43. The law of set-off as administered by the courts whether of law or equity, shall apply to all debts provable under this Act, and also to all suits instituted by a liquidator for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off is affected by any of the provisions of this Act; and the claim of a creditor against the estate shall, unless herein otherwise specially provided, be the amount of his unsecured claim over and above any such set-off.
44. The following shall be privileged claims and shall be paid by the liquidator out of the assets in his hands in the order named, and before any dividend is paid to the creditors as hereinafter provided:—
- (a.) The remuneration, charges and disbursements of the guardian as hereinbefore provided;
- (b.) All necessary and proper costs, charges and disbursements up to the time of the declaration of a dividend paid by the liquidator in winding up the estate or in connection there-
- Rebate of interest.
- As to ranking of costs.
- Rights of unpaid vendor and claim for provisions in Quebec.
- Claims to be proved by affidavit.
- What is to be stated in affidavit.
- Address of creditor.
- List of negotiable instruments to be annexed.
- Law of set-off to apply.
- Privileged claims and how paid.
- Guardian's remuneration, etc.
- Costs, etc., and liquidator's remuneration.

- with ; and the liquidator before declaring the final dividend shall set aside and reserve a sufficient amount to enable him to pay all necessary and proper costs, charges and disbursements in winding up the estate, including his own remuneration and costs of discharge ; 5
- Salaries and wages. (c.) Any arrears of salary or wages due or owing and unpaid to persons in the employ of the insolvent at the date of insolvency, or within one month prior thereto, not exceeding three months of such arrears, but for any further arrears such persons shall have claims against the estate provable in the same way and with the same rights as to voting or otherwise as other unsecured creditors. 10
- Claims for rent. (d.) All claims in respect of rent made privileged claims by the fifth subsection of section 59 of this Act.
- Joint and separate estates of partners, how to be treated. **45.** In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate. 15 20
- Secured creditor may assign security. **46.** A secured creditor may before proving his claim assign the security to the guardian or to the liquidator, for the benefit of the estate, in which case he shall have a claim against the estate as an unsecured creditor for the full amount of his claim. 25
- Otherwise must value security. 2. If the creditor does not assign his security as above provided, he shall in his proof of claim set a value thereon, and the difference between the value so set, or any amendment thereof, and the amount of the claim of such creditor, shall be the amount of his claim against the estate, and the creditor shall at any time within twenty days, in the case of security on personal property, or at any time within sixty days in the case of security on real or immovable property, after the appointment of the liquidator, if the claim was proved before such appointment, otherwise after the date of filing the proof of claim or amended proof of claim, at the request of the liquidator and on payment of the value or amended value then set upon such security, assign and transfer the same to the liquidator for the benefit of the estate. 30 35 40
- Liquidator may demand assignment at value set.
- Amendment of valuation. 3. The creditor may at any time amend the valuation and proof on showing to the satisfaction of the liquidator, or of the court, that the valuation and proof were made *bona fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation, but every such amendment shall be made at the cost of the creditor and upon such terms as the court orders, unless the liquidator allows the amendment without application to the court. 45
- Payment by or to creditor in respect of amended valuation. 4. When a valuation has been amended as hereinbefore provided, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid, out of any money for the time being available for dividend, any dividend 50 59

or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

5. Upon a claim or amended claim being filed with a valuation of the securities as aforesaid, it shall be the duty of the liquidator to procure the authority of the inspectors, or of the creditors, at their first meeting thereafter, to consent to the retention of such security by the creditor, or to require from him an assignment and delivery thereof as aforesaid, and if at such meeting of inspectors or creditors no decision is arrived at as to the course to be adopted, or if such meeting is not held within two weeks from the time of the appointment of the liquidator, if the proof of the claim is then filed, or, if not then filed, within two weeks from the time of filing such claim or amended claim, the liquidator shall act in the premises according to his discretion.

6. If a secured creditor sells or disposes of or realizes upon his security within the period during which he may be required to assign the same as herein provided, unless with the consent in writing of the liquidator, the amount to be deducted from the claim as being the value of the security sold shall be the value set thereon in his proof of claim or amended claim, or the amount realized therefrom, whichever is the greater.

47. If a creditor has a claim provable under this Act which is dependent upon a condition or contingency or for any other reason does not bear a certain value, such creditor shall in his proof of claim make an estimate of the value of such claim, or if such claim is not proved at the time of the declaration of the first dividend and the condition or contingency has not then happened or the debt become certain, the liquidator under the instructions of the inspectors shall make an estimate of the value thereof, and any estimate so made by the claimant or by the liquidator may be amended and the claim revalued upon the happening of the condition or contingency, or upon the debt becoming certain at any time prior to the declaration of the last dividend. If any estimate so made is not agreed to between the claimant and the liquidator and no agreement can be reached by them as to the value of the claim, the matter shall be referred to the court, which shall direct the value to be assessed in such a way as to it seems most expedient and just in the interests of all concerned, and the value when so assessed and approved by the court, over and above any set-off or the value of any security held by the creditor, shall be the amount of the claim of such creditor against the estate. All costs in connection with the assessment of the value of such claim shall be in the discretion of the court.

48. If a creditor holds a claim based upon a negotiable instrument upon which the insolvent is only indirectly or secondarily liable, and which is not mature or exigible such creditor shall be deemed to hold security within the meaning of this Act, and shall put a value on the liability of the party or

Liquidator's duty as to valued securities.

How amount of claims is to be settled when creditor realizes security.

Conditional and contingent claims how valued.

Court to direct assessment of value when claimant and liquidator disagree.

Costs.

Valuation of negotiable instrument which insolvent is only secondarily liable.

parties primarily liable thereon as being his security for the payment thereof, but after the maturity of such liability, and its non-payment he shall be entitled to amend and revalue his security.

Sureties who pay debts to have a claim against estate.

**49.** A person who, being a surety or otherwise liable for a debt of the insolvent, pays such debt, may prove a claim against the estate, and shall have the same rights as the person to whom he made such payment would have had on proving a claim in respect of such debt, or, if a claim has been proved against the estate, in respect of such debt, he shall be substituted for the creditor so proving such claim, and the amount of such last mentioned creditor against the estate shall be reduced by the amount of the claim so substituted.

Amount of claim to be calculated from separate items of claim.

**50.** The amount due to a creditor upon each separate item of his claim at the date of insolvency, which remains due at the time of proving such claim, shall form part of the claim of such creditor against the estate until such item of claim is paid in full, except in cases of the deduction of the proceeds or of the value of his security as in this Act provided; but, except as herein otherwise specially provided, no claim, or part of a claim, shall be permitted to be proved against the estate more than once, whether the claim to prove is made by the same person or by different persons; and the liquidator may at any time require from any creditor a supplementary affidavit declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and until the creditor makes and files such affidavit with the liquidator, he shall not be collocated in any subsequent dividend sheet, and no dividend then declared shall be paid to such creditor.

Supplementary affidavits may be required.

#### EFFECT OF INSOLVENCY ON ANTECEDENT TRANSACTIONS.

Liens under writs or seizures not to avail against order if sheriff has notice.

**51.** No creditor shall be entitled, except as herein otherwise provided, to retain as against the guardian or liquidator any lien or privilege upon either the real or personal property of the insolvent given or created by the law of the province in which such property is situate for the amount of any debt, or of any interest thereon, by the issue or delivery to the sheriff or other proper officer of any writ of attachment or execution, or any other writ, or by levying upon or seizing under such writ the effects or estate of the insolvent, if a receiving order is made and notice thereof published or served on the sheriff before payment over to the creditor or creditors of the moneys actually levied under such writ; and the sheriff shall, upon demand and on payment of his costs in connection with such attachment, execution, levy or seizure, deliver the property so levied, seized or attached, or the proceeds thereof, to the guardian or liquidator; provided, however, that in case real or immovable property has been advertised by him for sale, it may be sold by him in manner hereinafter provided; and provided also that nothing herein shall affect any lien or privilege for costs which the plaintiff possesses under the law of the province in which such writ was issued.

Sheriff to deliver property.

But may sell real property if sale advertised.

Lien for costs not affected.

2 Nothing herein shall affect any lien or privilege of a creditor on or against the real or immovable property of the insolvent acquired under the law of the province in which such property is situate by the registration of a judgment or of an  
 5 execution, or of any memorial or notice thereof, if such lien or privilege was so acquired prior to the coming into operation of this Act, or if acquired since to coming into operation of this Act such lien or privilege was acquired at least one month prior to the date of insolvency.

Cases in which liens under registered judgments or executions are not affected.

10 **52.** The issue of a receiving order renders null and void as against the guardian or liquidator—

Effect of receiving order as to acts of insolvent before its issue.

(a.) Every gratuitous contract or conveyance, or contract without consideration, or with a merely nominal consideration respecting either real or personal estate, or immovable or  
 15 movable property, or any sale conveyance, or assignment of his property constituting an act of insolvency under this Act, made by the insolvent with or to any person whomsoever, whether a creditor or not, within three months next preceding the date of insolvency ;

Gratuitous contracts and conveyances.

20 (b.) Every contract, mortgage, hypothec, or conveyance made or act done by the insolvent in respect of any estate, real or personal, immovable or movable, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of  
 25 them, and so made, done and intended with the knowledge of the person contracting or acting with the insolvent, whether a creditor or not, and having the effect of impeding, obstructing or delaying the creditors in their remedies or of injuring them, or any of them, notwithstanding that such contract, mortgage,  
 30 hypothec, conveyance or act is in consideration or in contemplation of marriage ; and if made or done by a debtor unable to meet his engagements, and afterwards becoming insolvent, to or with a person knowing such inability or having probable cause for believing such inability to exist, or after such in-  
 35 ability is public and notorious, whether such person is a creditor or not, it shall be presumed *prima facie* to be made or done by such debtor with intent to defraud his creditors ;

Contracts conveyances etc., done with intent to defraud.

Presumption of intent to defraud.

(c.) Every sale, mortgage, hypothec, deposit, pledge or transfer of any property, real or personal, immovable or mov-  
 40, able, or of any securities, rights or effects, made by the insolvent in contemplation of insolvency by way of payment or as security for payment to any creditor, whereby such creditor obtains a preference over the other creditors, and if made with-  
 in thirty days next before the date of insolvency it shall be  
 45 presumed *prima facie* to have been so made in contemplation of insolvency ;

Preference to creditors.

Presumption thereof.

(d.) Every payment made within thirty days next before the date of insolvency by the insolvent, being then unable to meet his engagements in full, to a person knowing such in-  
 50 ability or having probable cause for believing the same to exist and if any valuable security is given up in consideration of such payment, such security, or the value thereof, shall be restored to the creditor upon the repayment of the amount so paid ;

Payments within 30 days before insolvency.

55 (e.) Every transfer or assignment of a debt or claim due by the insolvent, made within thirty days next before the date of

Transfers and assignments of debts within

30 days before  
insolvency.

insolvency to a person indebted to the insolvent and knowing or having probable cause for believing that he was then unable to meet his engagements in full, or made in contemplation of such insolvency, for the purpose of enabling the person to whom the same was transferred to set up the debt or claim so transferred by way of set-off or compensation against any debt or claim owing by him to the insolvent shall be null and void. 5

Contracts and  
conveyances  
voidable in  
certain cases.

**53.** A contract or conveyance for consideration respecting either real or personal estate by which creditors are injured or obstructed, made by a debtor afterwards becoming insolvent, and who was then unable to meet his engagements, with a person ignorant of such inability, whether a creditor or not, and before such inability has become public and notorious, but within thirty days next before the date of insolvency, is voidable and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract or conveyance as the court may order. 10 20

Wife's rights  
under mar-  
riage contract  
in province of  
Quebec.

**54.** In the province of Quebec, if the insolvent has a marriage contract with his wife, by which he gives or promises to give, or pays or promises to pay, or cause to be paid, any right, property, or sum of money, and such contract is not registered within thirty days from the execution thereof, or within six months from the coming into operation of this Act, if made prior thereto and not registered, the wife shall not be permitted to avail herself of the provisions of such contract in any claim under this Act upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms, but she shall not be deprived by reason of its provisions of any advantage or right upon the estate of her husband to which in the absence of any such contract she would have been entitled by law; provided always, that in no case shall she be permitted to avail herself of any such contract registered within thirty days next preceding the date of insolvency, unless at the time of execution thereof or of entering into the same the insolvent was able to pay his debts and liabilities in full, including any liability incurred by the contract itself, irrespective of the right, property or money conveyed or referred to in such contract, and without calculating among his assets any property conveyed by the contract. 25 30 35 40 45

#### REALIZATION OF PROPERTY.

Disposal of  
estate by  
liquidator.

**55.** The creditors may at any meeting pass any resolution or order directing the liquidator how to dispose of the estate, or any part thereof, and in default of their so doing he shall be subject to the directions, orders and instructions he may from time to time receive from the inspectors with regard to the mode, terms and conditions, on which he may dispose of the whole or any part of the estate, and if there are no inspectors he shall sell and dispose of the same in such manner as seems to him most advantageous in the interests of the estate, subject always to the provisions of this Act; but the liquidator or any inspector shall not purchase, directly or indirectly, any part of the stock in trade, debts, or assets of any description of the estate. 50 55

Not to be  
purchased by  
liquidator.

56. The liquidator in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the insolvent of every kind and nature whatsoever, and for the rescinding of agreements, deeds and instruments  
 5 made in fraud of creditors, and for the recovery of moneys, securities and effects alleged to have been paid or delivered in fraud of creditors; and he may take, both in the prosecution and defence of all suits, any proceedings that the insolvent might have taken in such suit, or that any creditor might  
 10 have taken for the benefit of the creditors generally; and he may intervene and represent the insolvent in all suits or proceedings by or against him, which are pending at the date of insolvency, and on his application may have his name inserted therein in the place of that of the insolvent, and if the  
 15 insolvent after the date of insolvency and before his discharge under this Act institutes or continues any suit or proceeding he shall give to the opposite party, before such party shall be bound to appear or plead or take any further proceedings thereon, such security for the costs thereof as is ordered by  
 20 the court before which such suit or proceeding is pending.

Suits and proceedings to be taken in liquidator's name.

57. If a receiving order is issued in regard to the estate of a partner in a company or co-partnership, such partnership shall thereby be dissolved, and the liquidator of the estate of the insolvent partner shall have all the rights of action and  
 25 remedies against the other partners in such company or co-partnership that the insolvent partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired  
 30 ed by efflux of time.

Partnership dissolved by receiving order against a partner.

Rights of liquidator against the other partners

58. The liquidator may, with the sanction of the inspectors or creditors, sell by public auction, on such terms and after such advertisement thereof as they think best, any of all debts due the estate, and pending such sale the liquidator shall keep  
 35 a list of the debts to be sold open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts.

Sale of debts.

2. The person who purchases a debt from the liquidator may sue for it in his own name as effectually as the liquidator  
 40 might do; and a bill of sale (Form No. 9) signed and delivered to him by the liquidator, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the liquidator, and the debt sold shall vest in the purchaser without signification or notice to the person owing the debt, but no warranty  
 45 of any kind whatever shall be created by such sale and conveyance.

Rights of purchasers of debts.

59. If the insolvent, at the date of insolvency, is a tenant of property, the liquidator shall, notwithstanding any condition, covenant, or agreement that such tenancy should determine in case of the bankruptcy or insolvency of the tenant,  
 50 have the right to hold and retain such property for a period not exceeding three months from the date of insolvency, or until the expiration of the tenancy, whichever shall first

Liquidator's rights under tenancy of insolvent, notwithstanding determination of lease by insolvency.

happen, on the same terms and conditions as the insolvent might have held such property had no receiving order been made.

Determination of tenancy in other cases.

2. If the insolvent at the date of insolvency is a tenant of property, the tenancy of which is not determined by his insolvency, the guardian under the authority of the court, or the liquidator under the authority of the creditors or of the inspectors, may give notice in writing to the lessor of his wish to determine the same at the expiration of three months from the giving of such notice and such tenancy shall terminate at the expiration of such three months; but nothing herein shall prevent the liquidator under the authority of the creditors, or of the inspectors, from selling, transferring, subletting or otherwise disposing of any lease, or leasehold premises, or any interest of the insolvent therein, for the unexpired term thereof or any part thereof, to as full an extent as could have been done by the insolvent had a receiving order not been made; and if there is any covenant, condition or agreement that the lessee or his assigns should not assign or sublet the property without the leave or consent of the lessor, or other person, such covenant, condition or agreement shall be of no effect in case of such sale, transfer, sub-lease or disposition of the lease or leasehold property as aforesaid, if the court, on the application of the liquidator and after notice of such application to the lessor or other person, whose leave or consent is required, approves of the sale, transfer, sub-lease or disposition so made of the lease or leasehold property.

Sale, etc., of lease.

Provisions in case lease contains a covenant against subletting.

Lessor may claim for damages, rank as an ordinary creditor.

3. The lessor may, in the event of the tenancy being determined by the guardian or liquidator by notice in manner herein above provided, file a claim against the insolvent's estate for the damages (if any) sustained in consequence of such termination, which claim shall be proved in a similar manner to ordinary claims against the estate; and in his proof of claim he shall set forth the amount of damages claimed and how such amount is arrived at; and any such claim may be objected to in the same manner as hereinafter provided in regard to claims made against the estate; and the lessor on his claim being established or allowed shall have all the rights of voting and otherwise enjoyed by ordinary unsecured creditors who have proved claims against the estate.

Estimation of lessor's damages.

4. In estimating such damages regard shall be had to the rental payable under the tenancy so determined and to the yearly value of the property at the time of such termination, and regard shall also be had to the additional value given to the property by any buildings, fixtures or improvements placed thereon by the insolvent or those through whom he claims, but no regard shall be had to the chance of leasing the property at a greater or less rent than that payable by the insolvent or his estate at the time of the termination of the tenancy.

Lessor's privileged claims for arrears of rent.

5. The lessor shall have a privileged claim against the estate of the insolvent for arrears of rent due or accruing due in respect of the six months next preceding the date of insolvency, together with all costs of distraint properly made before the date of insolvency in respect to the rent or any part of the rent hereby made a privileged claim, but for all others arrears of rent he shall have a claim provable against the estate as an

ordinary creditor. He shall also have a privileged claim against the estate for all rent accruing due after the date of insolvency, during the period the property and premises are held by the official receiver or liquidator.

For future rent.

5 6. The lessor shall not be entitled to distrain upon the goods of the insolvent after they become vested in the guardian or liquidator, and all goods then distrain upon shall, on demand, be delivered by the person holding them to the guardian or liquidator, but the lessor shall not by reason of such  
10 delivery be deprived of any lien or rights in reference to such goods which he may have acquired by such distress, should the goods be claimed by and be delivered to any person other than the guardian or liquidator.

Distrain.

7. The lessor shall not be entitled to any further or other  
15 rent from the insolvent or from his estate, than as set forth in this section.

Lessor not entitled to rent except as herein provided.

60. In the province of Quebec no sale of real estate shall be made unless after advertisement thereof for a period of one month, and in the same manner as is required for the actual  
20 advertisement of sales of real estates by the sheriff in the district or place where such real estate is situate, and to such further extent as the liquidator deems expedient; and if the price offered for any real estate at any public sales duly advertised as aforesaid is more than ten per cent less than the value  
25 set upon it by the liquidator under the authority of the creditors or of the inspectors, the sale may be adjourned for a period not exceeding one week, when, after such notice as the liquidator deems proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when  
30 the property was put up at auction, and if no higher bid is then offered, the property shall be adjudged to the person who made such last bid: provided, that with the consent of the hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors with the approbation of the  
35 creditors or of the inspectors, the liquidator may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale has been so postponed beyond one week, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day  
40 when the property was offered for sale by auction.

Sales of real estate in province of Quebec.

61. In any province other than the province of Quebec, the liquidator, under the authority of the creditors, or of the inspectors, may sell the real estate of the insolvent at public auction or by tender, in such manner, after such advertisement  
45 and on such terms and conditions as to credit security for any unpaid portion of the purchase money, or otherwise, as the creditors or the inspectors determine. The liquidator under the authority of the creditors or inspectors, may before any such sale set a value upon such real property, and if the  
50 amount offered therefor does not reach such a value, the liquidator may, and if the amount so offered is more than ten per cent below such value, the liquidator shall postpone such sale to such time, giving such notice thereof as he thinks most advantageous in the interest of the estate, or as is directed by

Sale of real estate in other provinces.

the creditors or by the inspectors, or he may dispose of the property by private sale, with the sanction and under the direction of the creditors or inspectors.

Effect of sale by liquidator as to vesting property.

**62.** A sale of real estate or immovable property so made by the liquidator shall vest in the purchaser all the legal and equitable estate of the insolvent therein, subject to any mortgage, hypothec or lien thereon, and the conveyance or transfer thereof (Form No. 10) shall be executed in the manner prescribed by, and in accordance with the requirements of the law of the province wherein the real estate so sold is situate. The liquidator may in such conveyance or transfer reserve a special hypothec or mortgage on the property sold for the payment of the unpaid portion of the purchase money, or any part thereof, which special hypothec or mortgage on being satisfied may be released and discharged by the liquidator of the estate by instrument in Form No. 11 to this Act, duly executed in the same manner as is required by the law of the province wherein such real estate is situate for the release or discharge of hypothecs or mortgages in respect of real estate; provided always that in the province of Quebec such sale shall in all respects have the same effect as to mortgages, hypothecs or privileges then existing thereon as if the sale had been made by a sheriff under writ of execution issued in the ordinary course, but shall have no other, greater, or less effect than such sheriff's sale, and the title created thereby shall have equal validity with a title created by a sheriff's sale, and the deed so executed shall have the same effect as the sheriff's deed, and no credit shall be given for any part of the purchase money coming to any hypothecary or privileged creditor without the consent of such creditor.

Effect as to hypothecs, etc., in Quebec.

Further provisions as to sales of immovables in Quebec.

**63.** In the province of Quebec sales of immovable property may be subject to all such charges and hypothecs as are permitted by the law of the province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon as are not due at the time of the sale, the time of payment whereof shall not, however, be extended by the conditions of such sale; and also subject to such other charges and hypothecs as may be consented to in writing by the holder or creditor thereof; and an order of resale for false bidding may be obtained from the court by the liquidator upon summary petition, and such resale may be proceeded with, after the same notices and advertisements, and with the same effect and consequence as to the false bidder and all others, and by means of proceedings similar to those provided in ordinary cases for such resales, in all essential particulars and as nearly as may be without being inconsistent with this Act. As soon as immovables are sold by the liquidator he shall procure from the registrar of the registration division in which each immovable is situate a certificate of the hypothecs charged upon such immovable and registered up to the date of insolvency. Such certificate shall contain all the facts and circumstances required in the registrar's certificate obtained by the sheriff subsequent to the adjudication of an immovable in conformity with the law of the province of Quebec, and shall be made and charged for by the registrar in like manner, and the provisions

of the said law as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will admit; 0 and the collocation and distribution of the moneys arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon after the collocation of such costs and expenses as were necessary to effect such sale, or were incident thereto, including the com- 10 mission of the liquidator, which shall not exceed the poundage of the sheriff in the province of Quebec, in the same manner as to all essential parts thereof as the collocation and distribution of moneys arising from the sale of immovables are made in the appropriate court in ordinary cases, except in so far as the 15 same may be inconsistent with the provisions of this Act; but no portion of the general expenses incurred in the winding up of the estate shall be chargeable to or payable out of the said moneys, except on such balance as may remain after the payment of all privileged and hypothecary claims. Any balance 20 remaining after the collocation of the said necessary costs and expenses and of the privileged and hypothecary claims shall be added to and form part of the general assets of the estate.

**64.** In the province of Quebec any privileged or hypothecary creditor, whose claim is actually due and payable, shall have 25 the right to obtain from the court an order that the liquidator proceed without delay to the sale, in the mode in this Act prescribed, of any immovable or movable property which is subject to his privileged or hypothecary claim, and such creditor may, at the expiration of one month after the sale has taken place, 30 or of one month after the liquidator has received the price thereof, if not paid at the time of sale, obtain an order from the court to compel the liquidator to make a dividend of the proceeds of such sale.

Order in Quebec for sale without delay.

Order for dividend.

**65.** If at the date of insolvency any real estate or im- 35 movable property of the insolvent seized by the sheriff or other proper officer under any writ of execution or other order of a competent court is advertised for sale by such sheriff or officer, such sale shall be proceeded with by him unless stayed by order of the court upon the application of the liquidator, 40 upon special cause shown and after notice to the plaintiff, reserving to the party prosecuting the sale his privileged claims on the proceeds of any subsequent sale for such costs as he would have been entitled to cut of the proceeds of the sale of such property, if made under such writ or order; but if such 45 sale is proceeded with, the moneys levied there from shall be returned into the court on whose order the sale was made to be distributed and paid over to the creditors who have any privileged mortgage or hypothecary claims the rein, according to the rank and priority of such claims; and the balance of 50 such moneys after the payment of such claims shall be ordered to be paid to the liquidator to be distributed with the other assets of the estate.

As to sales advertised before date of insolvency.

**66.** When any part of the property of the insolvent consists of shares or stock in companies or unprofitable contracts, or of any other property that is not saleable or readily saleable by Disclaimer of property by liquidator in certain cases.

reason of its binding the possessor thereof to the performance of any onerous act or to the payment of a sum of money, the liquidator may, with the authority of the creditors or of inspectors, by writing under his hand disclaim such property at any time within six months from the date of his appointment, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto; provided that when any such property has not come to the knowledge of any creditor within six months after his appointment he may disclaim such property at any time within six months after he first became aware thereof.

Operation of disclaimer.

2. Such disclaimer shall operate to determine as from the date thereof the rights, interests and liabilities of the insolvent and his property in or in respect of the property disclaimed, and shall also discharge the liquidator from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the insolvent and his property and the liquidator from liability, affect the rights or liabilities of any other person.

Disclaimer not allowed in certain case.

3. The liquidator shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the liquidator by any person interested in the property, requiring him to decide whether he will disclaim or not, and the liquidator has for a period of one month after the receipt of application, or such extended period as may be allowed by the court, declined or neglected to give notice whether he disclaims the property or not; and in the case of a contract, if the liquidator, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

Court may rescind contracts.

4. The court may, on the application of any person who is, as against the liquidator, entitled to the benefit or subject to the burden of a contract made with the insolvent make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract, or otherwise, as to the court may seem equitable and any damages payable under the order to any such person may be proved by him as a debt provable under this Act against the estate of the insolvent.

Damages provable as debts.

Further powers of court as to disclaim property etc.

5. The court may, on application by any person either claiming an interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit make an order for the vesting of the property in or delivery thereof to any person entitled there to, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him and on such terms as the court thinks just; and on any such vesting order being made the property comprised therein shall vest accordingly in the person named therein in that behalf without any conveyance for assignment for the purpose.

Vesting order.

Injury provable as claim.

6. Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the in-

solvent to the extent of the injury and may prove the same as a debt provable under this Act against the estate of the insolvent.

7. The provisions of this section shall not extend to leases or leasehold property. Exception as to leases.

#### DISTRIBUTION OF PROPERTY.

67. The liquidator shall prepare dividend sheets of the estate of the insolvent whenever the amount of money realized will justify a division thereof, and also whenever he is required by the inspectors or ordered so to do; and so soon as the dividend sheet is prepared notice thereof shall be mailed, post-paid and registered, to each creditor, with which shall be inclosed a copy of the dividend sheet and such notice shall name a date, being not less than ten days from the date of the mailing of such notice, before which date objection may be made to such dividend sheets, or to any item therein, and after the date so named all dividends which have not been objected to within that period shall be paid. (Form No. 12). Preparation of dividend sheets. Notice.

2. Every dividend sheet so prepared shall be filed in the office of the liquidator and shall be open to inspection at all reasonable hours by the insolvent, or any creditor or the duly authorized representative of a creditor. Filing and inspection.

68. No dividend shall be allowed or paid to any creditor until the amount of his claim against the estate has been proved, determined and established, as in this Act provided, but the liquidator shall reserve a sufficient amount to pay such dividends in all claims provable against the estate of which he has knowledge which have not been so proved, determined or established. Dividends not to be paid till claims proved.

69. No dividend shall be paid on any claim based upon a negotiable instrument, unless a creditor claiming such dividend produces to the liquidator the original instrument and the liquidator may endorse on such instruments a memorandum of the amount paid by him thereon, or unless it is established to the satisfaction of the liquidator that such instrument has been lost and consequently cannot be produced, in which case the dividend may be paid on the claimant making the affidavit as aforesaid and giving security to the satisfaction of the liquidator, or of the court indemnifying the estate against loss in the case of the production of such instrument and the dividend thereon being claimed by any other person. On claims based on negotiable instruments.

70. The creditor may allot to the insolvent, by way of gift or allowance any sum of money or any property they think proper, and the allotment so made shall be inserted in the then next dividend sheet; and such allotment shall be subject to contestation like any other item collocated in the dividend sheet. Allowance to insolvent, how made.

71. It shall be the duty of the inspectors, from time to time, to examine with the liquidator each claim made against the estate and each dividend sheet prepared and to instruct the liquidator as to what claims, or what portions of such claims, Examination and contestation of claims, when there are inspectors.

shall be contested (if any), and in case the liquidator is instructed by the inspectors or by the creditors to contest a claim, or a portion of a claim he shall forthwith serve the claimant with a notice that his claim, or the portion thereof objected to, is contested and the grounds of such contestation, 5 and a claim may be contested, notwithstanding a dividend has been paid thereon.

When no inspectors.

2. If there are no inspectors, the liquidator may, with the consent in writing and under the authority of three creditors having each claims of one hundred dollars and upwards, con- 10 test such claims as he thinks should be contested, and it shall be his duty in any case to report to the creditors at each meeting what claims have been or should in his opinion be contested and the reasons therefor.

Costs.

3. The costs of any contestation made by the liquidator in 15 accordance with this section shall, if not recovered from the opposite party, be paid out of the estate, and the liquidator shall set aside and reserve pending the contestation proceedings an amount sufficient to pay any dividends that may be declared in respect of a claim so contested, and all costs con- 20 nected with the contestation of such claims.

Notice of contestation and service.

4. The notice of contestation by the liquidator shall contain the name and place of business of an attorney or solicitor duly authorized to practice in the courts of the province wherein the estate is being wound up, upon whom service of the 25 writ may be made; and service upon such attorney or solicitor shall be deemed sufficient service of the writ or any other papers or documents in connection with the contestation.

Proceedings on contestation by liquidator.

71. If notice of contestation of a claim is served by the liquidator upon a claimant as provided in the next preceding 30 section and no agreement as to such claim can be reached between the parties, the claimant may within ten days after the receipt of the notice, or such further time as the court may on application allow, bring an action against the liquidator to establish the claim, or the portion thereof contested, in the 35 court having jurisdiction to entertain an action against the insolvent in respect thereof and in default of such action being brought within the time aforesaid the claim so contested shall cease to be provable against the estate.

Payment of dividend when contested by insolvent or creditor.

72. If before a dividend is paid the liquidator is served 40 with notice in writing by the insolvent, or by any creditor, that he contests the payment of all or any of the dividends or the claim of any creditor, or the amount thereof or the ranking or privilege of any creditor, and the liquidator is also served with an order of the court allowing such contestation which 45 order may be granted by the court on the application of the insolvent or of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, the liquidator shall not make any payment in respect of the dividend or dividends or claim contested until such contestation is deter- 50 mine as in this section provided, but no such order shall be given unless it is shown to the satisfaction of the court that otherwise substantial injustice would result.

Procedure on such contestation.

2. The grounds of contestation shall be distinctly stated in the notice so served as aforesaid, and the contestant shall file 55

at the same time the evidence of previous service of a copy thereof on the claimant, and the claimant shall have three days thereafter to answer the same, which time may be enlarged by the court, with a like delay to the contestant to reply; and upon the completion of an issue upon such contestation, the liquidator shall transmit to the clerk of the court the dividend sheet, or a copy thereof, with all the papers and documents relating to such contestation and shall notify the contesting party thereof, who shall within one week thereafter make application to the court to name a day, of which two days' notice shall be given to the adverse party, or such further notice as the court may direct, for proceeding to take evidence thereon before the court and proceedings thereon shall continue from day to day until the evidence has been closed, the case heard and the judgment rendered, which judgment may be appealed from in the manner hereinafter provided.

3. The court may at any stage of the proceedings on the application of any person interested, order the contestant to give security for the costs of the proceedings, or it may dismiss the proceedings with or without costs, in case of delay, or it may make any order in reference to or in connection with such proceedings as it deems just.

**73.** If the liquidator becomes aware that the insolvent has creditors to whose claims a discharge under this Act would apply who have not proved such claims, it shall be his duty to reserve dividends for such creditors according to the nature of their claims and to notify them of such reservation, and if such creditors do not prove their claims and apply for such dividends before the declaration of the last dividend, the dividends reserved for them shall be distributed to other creditors.

**74.** All dividends remaining unclaimed at the time of the discharge of the liquidator shall be paid over to the Minister of Finance and Receiver General of Canada; and if afterwards claimed shall be paid over to the person entitled thereto, with interest from the time of the reception thereof by the Minister of Finance and Receiver General of Canada at the rate from time to time paid to depositors in the Post Office Savings Banks.

**75.** If any balance remains of the estate of the insolvent or of the proceeds thereof, after the payment in full of all his debts and liabilities and the costs of winding up his estate, such balance shall be paid or transferred to the insolvent.

**76.** One per centum upon all moneys proceeding from the sale by a liquidator under the provision of this Act of any immovable property in the province of Quebec shall be retained by the liquidator out of such moneys, and shall by such liquidator be paid over to the sheriff of the district, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold is situate to form part of the building or jury fund of such district or county.

2. This Act shall not interfere with the powers with respect to imposing a tax or duty upon proceedings hereunder, which

Hearing.

Security for costs.

Creditors not claiming how treated.

Unclaimed dividends.

Balance of estate to go to insolvent.

Percentage retained for building and jury fund in Quebec.

Authority to impose taxes for court.

houses and jails in Quebec not interfered with.

are conferred upon the Lieutenant Governor in Council by the Revised Statutes of the province of Quebec for the purpose of making provision for the erection and repair of court-houses and jails.

#### BENEFIT OF PROCEEDINGS.

Creditor may obtain order to take proceedings in name of liquidator.

**77.** If at any time any creditor desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the liquidator, under the authority of the creditors or of the inspectors, refuses or neglects to take such proceedings, after being duly required so to do, such creditor shall, on satisfying the court that he is acting *bona fide* and not in collusion with the liquidator, has the right to obtain an order of the court, authorizing him to take such proceedings in the name of the liquidator, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator as the court prescribes, and thereupon any moneys resulting from such proceedings shall be applied first in payment of the costs of and expenses connected with the proceedings, and then in payment to the creditors taking such proceedings of the full amount of his claim against the insolvent or his estate, and the remainder shall form a part of the estate of the insolvent; provided always, that if before such order is granted the liquidator signifies to the court his readiness to institute such proceedings for the benefit of the creditors, an order shall be made prescribing the time within which it shall do so, and in that case the advent derived from such proceedings, if instituted within such time, shall appertain to the estate.

Distribution of moneys resulting from such proceedings.

#### PART IV.

##### SMALL ESTATES.

Estates under \$5,000 may be administered summarily.

**78.** The court may, at the time or at any time after the making of the receiving order, on being satisfied by affidavit or otherwise that the assets of the insolvent are not likely to realize in value the sum of five thousand dollars, make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

Modifications of Act.

(a). The court shall thereupon, if no liquidator has been appointed, and upon his being shown to its satisfaction that creditors representing a majority in amount of the unsecured claims provable against the estate have assented to the appointment as liquidator of a person eligible for such appointment, appoint such person liquidator and on such appointment being made and security (if any) given the estate of the insolvent shall be transferred to and vested in the liquidator so appointed, and he shall without delay proceed to make an inventory and statement of the assets and liabilities of the estate, and to wind up the estate, in accordance with the provisions of this Act in the same manner as if he had been appointed by the creditors at the first meeting;

Appointment of liquidator, etc.

Powers of creditors.

(b). The creditors at any meeting called for that purpose may appoint a person to be liquidator of the estate in the place

of the liquidator appointed by the court and may do any act or pass any resolution which they might have done or passed, had the order for summary administration of the estate not been made.

## PART V.

## LIQUIDATORS.

- 5 **79.** The creditors may, at the first or at any subsequent meeting, require the liquidator to give security for the due performance of his duties as such, such security to be to such an amount and of such a character, personal or otherwise, as the creditors determine, and they may at any meeting increase  
10 the amount of such security so required, or may direct any change in the securities given, or in the character thereof.
2. In any such case the liquidator shall not be deemed to be appointed under this Act, or if appointed shall cease to act as such, until he has provided the necessary security to the  
15 satisfaction of the inspectors of the estate, or, if there are no inspectors, to the satisfaction of the court, or to the satisfaction of such person or persons as may be indicated in the resolution passed in reference thereto.
3. If not otherwise specified in the resolution, the security  
20 or increase, or change of security shall be given or made within one week from the close of the meeting at which such resolution was passed, and if not given or made within such time the resolution appointing the liquidator shall be deemed to be cancelled, or if a liquidator has been appointed he shall be con-  
25 sidered as removed from office.
4. Any security given under this section shall be deposited with the clerk of the court, who shall be responsible for its safe keeping and it shall be by him kept as part of the record of the court subject to the right of any person entitled to sue  
30 thereon to such production and delivery thereof as may be necessary in order to exercise such right.
5. Any creditor may inspect such security, and the court may, on the application of any creditor having an unsecured claim of one hundred dollars or upwards, and on being satisfied  
35 that the security given is insufficient, make such order with reference thereto and to the costs of such application as it deems right.
- 80.** The liquidator shall keep a register showing the name of the insolvent, his residence, place of business and the nature  
40 of his trade or business, the date of the issue of the receiving order, the date of each meeting of creditors and of the appointment of the liquidator, a summarized statement of the liabilities and assets of the estate, the claims proved dividing them according to their nature, the ratio of each dividend declared  
45 and the amount paid on each claim, and if a discharge is granted to the insolvent under a deed of composition and discharge the terms and conditions thereof, and any conditions imposed on the insolvent by the court in connection with the confirmation of a deed of composition and discharge, and such  
50 other information as the liquidator deems of general interest with reference to the estate; and he shall also keep regular

Security may be required from liquidator.

Liquidator not to act or to cease to act till security given.

Time for giving security.

Deposit for security.

Inspection and provision for insufficiency of security.

Register to be kept by liquidator.

Particulars to be entered therein.

- Accounts. accounts of the affairs of the estate, which register and accounts shall be open to the inspection of the inspectors and of the creditors, or their duly authorized agents, during business hours at the office of the liquidator.
- Disposal of books in case of death, or removal of liquidator. 2. Such register and all books, papers and documents in any way relating to the estate shall on the death or removal from office of the liquidator before the final winding up of the estate be transferred to the clerk of the court to be by him transferred to the liquidator thereafter appointed, and on the final winding up of the estate shall be deposited with the clerk of the court.
- Moneys to be deposited in bank. **81.** The liquidator shall from time to time deposit the moneys of the estate in his hands in some chartered bank to be indicated by the creditors or by the inspectors, and whenever such moneys amount to over two hundred dollars in addition to such sum as the inspectors may direct to be kept by the liquidator to meet ordinary current expenses connected with the winding up of the estate, they shall be deposited at interest in such bank or in some other chartered bank to be indicated as aforesaid, and the interest accruing on any such deposit shall be part of the estate and shall be accounted for and distributed by the liquidator in the same manner and subject to the same rights and privileges as the capital from which such interest accrued.
- Interest. **82.** No liquidator shall employ in or about the business of the estate any council or attorney-at-law or solicitor without the consent of the inspectors, or of the creditors, but expenses incurred by employing such counsel or attorney or solicitor with such consent shall be paid out of the estate, if not otherwise paid, and in no case shall any liquidator employ any inspector, nor shall any inspector employ any person being his partner or being the partner of any liquidator, or the partner of any inspector, as counsel, advocate, attorney, solicitor or agent in respect of such estate.
- Employment of counsel. **83.** The liquidator shall receive such remuneration as may be voted him by the creditors, or in default thereof fixed by the inspectors; but if such remuneration is not voted by the creditors or fixed by the inspectors, before the declaration of the final dividend or the preparation of the final account of the liquidator, if there is no dividend, if so voted or fixed, the liquidator is dissatisfied with the amount so voted or fixed he may apply to the court, giving notice to the inspectors of such application, and the court shall thereupon determine the amount of such remuneration, having regard to the nature and value of the estate, the work done and services performed by the liquidator and the responsibility involved.
- Remuneration of liquidator. **84.** Upon the death of a liquidator, or upon his removal from office the estate shall remain under the control of the court until the appointment of another liquidator, and the court may, upon the application of the inspectors or of any creditor, order the holding of a meeting, at such time and on
- Court to determine remuneration in certain cases.
- Costs. 2. The costs of all proceedings under this section shall be in the discretion of the court.
- Provision in case of death or removal of liquidator.

such short notice as the court may order, for the appointment of a liquidator, and upon such appointment being made, the estate and all papers and records relating thereto shall become vested in the liquidator so appointed.

- 5 **85.** After the declaration of the final dividend he shall prepare his final account and make application to the court for his discharge, giving at least ten days' previous notice of such application to the insolvent, and to the inspectors, if any have been appointed, and to the creditors by circular; and he  
10 shall produce and file on such application a bank certificate of the deposit of any dividends remaining unclaimed and of any balance in his hands and also a statement under oath showing the nominal and realized value of the assets of the insolvent, the amount of claims proved, dividing them into classes  
15 according to the nature thereof, the amount and rate upon the dollar of dividends paid to the creditors, and the entire expense of winding up the estate. The court may, after causing the accounts of the liquidator to be audited by the inspectors, or by such creditor or creditors, or by such competent person  
20 or persons as the court may name, and after hearing all parties interested, grant conditionally and unconditionally the application for discharge or refuse it.
- Discharge of liquidator when and how obtained.

## PART VI.

### OFFENCES AND PENALTIES.

- 86.** Any person who for himself or for any firm, partnership or company of which he is a member, or as the manager,  
25 trustee, agent, or employee of any person, firm, co-partnership, or company subject to the provisions of this Act purchasing goods on credit, or procures an advance in money, or procures endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for  
30 him or for the person, firm, co-partnership, or company for which he is acting, knowing or having cause for believing himself or such person, firm, co-partnership, or company to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming such creditor or surety,  
35 with the intent to defraud such person which intent shall be presumed from such knowledge or from such concealment, or to, by any false pretense or by exhibiting a false balance sheet, or by any other fraudulent method, obtains a term of credit for the payment of any advance or loan of money, or of the price  
40 or any part of the price, of any goods, wares or merchandise, or the discount of any negotiable paper purporting to be for a certain value when no such value or no value whatever has been given, with the intent to defraud the person thereby becoming his creditor or the creditor of such person, firm,  
45 co-partnership, or company and who has not afterwards paid or cause to be paid the debt or debts so incurred, is guilty of an indictable offence and liable to two years' imprisonment, or to any greater punishment attached to the offence by any other statutes.
- Persons being insolvents purchasing goods on credit, etc., with intent to defraud.
- Or obtaining credit by false pretenses, etc.
- Guilty of indictable offence.
- 50 **87.** The insolvent or his partner or any person in any way connected with the business of the insolvent who does, or
- Indictable offences by insolvent

- or persons connected with business of insolvent or insolvent company. neglects, or refuses to do any of the acts or things following with intent to defraud or to defeat the rights of his or its creditors, or to conceal the state of his or its affairs, or to defeat the object of this Act or any part thereof, is guilty of an indictable offence, and is liable, at the discretion of the court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any other statute :— 5
- Penalty. (a.) If he does not fully and truly disclose to the best of his knowledge and belief all the property, real and personal debts and credits, belonging to the insolvent or to the insolvent company, and how and to whom, and for what consideration, and when the same or any part thereof were disposed of, assigned or transferred, and fully, clearly and truly state the causes to which the insolvency is owing ; 15
- Not making full discovery of property and causes of insolvency. (b.) If he does not deliver to the guardian or liquidator all such property as is in or may come into his possession, custody or under his control, (except such part thereof as does not vest in the liquidator as hereinbefore provided), and all money and securities for money, books, letters, or other documents, papers and writings in his possession, custody or under his control relating to the property or affairs of the insolvent or of the insolvent company ; 20
- Not delivering up all property, books, etc. (c.) If within thirty days prior to the date of insolvency he removes, conceals, or secretes any part of such property to the value of fifty dollars or upwards ; 25
- Concealing or secreting property. (d.) If in case of any person having to his knowledge or in his belief proved a false claim against the insolvent estate he fails to disclose the same to the liquidator within one month after coming to the knowledge or belief thereof ; 30
- Not disclosing false claims. (e.) If he wilfully and fraudently omits from any statement any of the effects or property whatsoever of the insolvent ; 30
- Wilful omission from statements. (f.) If he conceals or prevents or withholds the production of any book, deed, paper or writing relating to such property, dealings or affairs ; 35
- Concealment of books, etc. (g.) If he parts with, assigns, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified any book, paper, writing, security or document relating to the property, trade, dealings or affairs of the insolvent ; or makes or is privy to the making of any false or fraudulent entry or omission from any book, paper, document, or writing relating thereto ; 40
- Mutilation or falsification of books. (h.) If at any examination or at any meeting of creditors held under this Act, he attempts to account for the non-production or absence of any such property by a representation of fictitious losses or expenses ; 45
- False entries. (i.) If within the three months next preceding the date of insolvency he pawns, pledges, or disposes of, otherwise than in the ordinary way of trade, any of such property, goods or effects, the price of which remains unpaid by him at the date of insolvency. 50
- False representation of losses, etc.
- Disposing of property unpaid for.

**88.** If after the date of insolvency the insolvent retains or receives any portion of his estate or effects, or of any moneys, securities for money, business papers, documents, books of account, or evidences of debt, belonging or appertaining to his business or estate, and retains and withholds the same from the 55

Court may cause insolvent to deliver books, etc., to guardian or liquidator.

guardian or from the liquidator, without lawful right, the guardian or liquidator may apply to the court for an order for the delivery thereof to him, and in default of delivery in conformity with such order of the court the insolvent may be  
 5 imprisoned in the common jail until the same are delivered, or for such time, not exceeding one year, as the court may order; but nothing herein shall interfere with or diminish any other penalty to which under this Act he may be subject in consequence of the non-delivery of such property, effects, documents  
 10 or money.

**89.** If any creditor, directly or indirectly, takes or receives from the insolvent any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity, or preference, as a consideration or inducement to consent to the discharge of such  
 15 insolvent, or to execute a deed of composition and discharge; or if any person proves, or causes, or permits to be proved, a claim on the insolvent's estate for a sum of money not owing by the insolvent or by his estate to the person so proving the claim, or on whose behalf the claim is proved, such person  
 20 knowing the same to be not so owing to him by the insolvent or by his estate, or if he votes or offers to vote at any meeting of creditors upon any such claim, or upon any such claim being collocated in a dividend sheet he does not disclaim the same previous to the date on which the dividend becomes  
 25 payable; such creditor or person shall pay to the liquidator of the estate for the benefit of the estate twice the amount or value of the payment, gift, gratuity, or preference so taken, received or promised, or of the claim so proved or permitted to be proved, and the amount so payable shall be recoverable by  
 30 the liquidator in any court of competent jurisdiction, and such creditor or person is also guilty of an indictable offence and liable to three years imprisonment or to any greater punishment attached to the offence by any other statute.

Indictable offences by creditor.

Penalty.

**90.** The liquidator is guilty of an indictable offence and  
 35 liable to three years imprisonment if in any certificate required by this Act he wilfully misstates or falsely represents any material fact, or if he makes any false entry in any pass book, book of account, register or other book, paper or document related to or connected with the estate.

Indictable offences by liquidator.

2. If the guardian or liquidator takes or receives directly  
 40 or indirectly for his own use, whether by permission, discount or otherwise, any part of the moneys charged against the estate of the insolvent as disbursements, or if he charges in his accounts against the estate as a disbursement any sum not actual-  
 45 ly and *bonâ fide* paid by him, or if he enters into any arrangement or agreement whereby he receives or is to receive, directly or indirectly for his own use, any commission, discount, payment or consideration in respect of any sum charged against the estate as a disbursement, he shall pay to the estate  
 50 twice the amount so taken or received, and the same shall be recoverable for the benefit of the estate, by suit in any court of competent jurisdiction by the liquidator in case the amount is payable by the guardian, or by the inspectors, or by any creditor in case the amount is payable by the liquidator, and  
 55 such guardian or liquidator is also guilty of an indictable offence and liable to three years' imprisonment.

Further indictable offences by guardian or liquidator.

Penalty.

Penalty  
for voting on  
unauthorized  
telegrams.

**91.** Any person who votes at any meeting of creditors, or does any other act as agent of or as representing a creditor, under the authority of a telegraphic message which he knows to be unauthorized, is guilty of an indictable offence and liable to three years' imprisonment.

5

## PART VII.

### PROCEDURE GENERALLY.

#### MEETING OF CREDITORS.

Calling  
of meetings.

**92.** The liquidator shall call meetings of creditors whenever required in writing so to do by the inspectors, or by five creditors for over one hundred dollars each if there are five or more, or by all the creditors for over one hundred dollars each if there are less than five; and every notice of a meeting of creditors shall state in general terms the object of such meetings.

How notices  
may be given.

2. Notices of meetings of creditors and all other notices required to be given to creditors, where not otherwise provided by this Act, shall be given by registered letter mailed to the creditors or to the representatives within Canada of foreign creditors, or to the address given by any creditor at least five clear days before the date on which the meeting or other proceedings is to take place.

Place  
of meeting.

**93.** The creditors may at any meeting determine where subsequent meetings shall be held, but in default of their doing so, all such meetings after the first meeting shall be held at the office or place of business of the liquidator.

Chairman.

**94.** At all meetings the creditors may appoint the chairman, and in default of such appointment the liquidator shall be chairman.

Powers as  
to decision  
of disputes.

2. The chairman shall decide all disputes or questions that may be raised at such meetings as to the eligibility of a creditor to vote or as to the amount on which he should vote, on any other question of procedure at such meetings.

Minutes.

3. The chairman shall cause to be kept full minutes for all proceedings, resolutions and decisions at such meetings, and shall include therein an accurate list of the creditors present or represented, which minutes shall be signed by him and shall be filed with and kept by the liquidator and on the final discharge of the liquidator shall be deposited with the clerk of the court.

When and to  
what extent  
creditors  
may vote.

**95.** A creditor shall be entitled to vote at any meeting of creditors in respect of and to the extent of his claim against the estate as determined by this Act, but such creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim in manner hereinbefore provided, and, if his claim is dependent upon a condition or contingency, or for other reason does not bear a certain value, not until the value of such claim has been ascertained in manner hereinbefore provided.

2. In the case of contested claims the creditor shall until such contestation is decided, or an agreement between such creditors and the liquidator is arrived at, be considered as a creditor for the amount decided or agreed to. Status of creditors whose claim is contested.
- 5 3. Persons purchasing claims against the estate after the date of insolvency and creditors to whom a discharge under this Act does not apply, shall not be entitled to vote in respect of such claims, but shall, in all other respects unless otherwise specially provided have the same rights as other creditors. Certain persons not entitled to vote.
- 10 4. The guardian, his partner, agent, clerk or employee, or any other person in the employ of a partnership, or company, of which he is a member, shall not in any case be entitled to vote at a meeting of creditors. Guardian not entitled to vote.
- 15 5. The liquidator, his partner, agent, clerk or employee or any person in the employ of a partnership or company of which he is a member, shall not be entitled to vote upon any resolution affecting the remuneration, or removal from office, or the conduct of the liquidator, or the security to be given by him, but on all other questions, if creditors, they may vote as such creditors. Rights of liquidator as to voting.

25 **96.** Except as herein otherwise provided, no creditor shall vote at any meeting, unless present personally or represented by some person having written authority, which may be by power of attorney, letter, post-card, or telegraphic message, such authority to be filed with the guardian or liquidator. Such authority may be either general or limited, but in no case shall the guardian or liquidator, his partner, or any one in his employ, or in the employ of a partnership, or company of which he is a member, act for or represent any creditor of the estate. Vote to be personal or by written proxy. Who may not act for creditors.

30 **97.** All questions at meetings of creditors shall be decided by a resolution passed by creditors present or represented at the meeting and entitled to vote and representing a majority in value of the claims of one hundred dollars and over all creditors present or represented at such meeting in respect of which they are entitled to vote; and whenever in this Act anything is to be done or proceeding to be taken under or on the authority or by the direction of the creditors, such authority or direction shall be evidenced and given by a resolution of the creditors passed as in this section provided. Resolutions how decided.

#### POWERS AND JURISDICTION OF COURT.

35 **98.** Every guardian and every liquidator shall be subject to the summary jurisdiction of the court in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction, and the court may compel them to perform their duties, or may restrain them from taking or continuing proceedings which are not in the interest of the estate, or of the creditors generally, and obedience by the guardian or liquidator, to any order of the court may be enforced by the court under the penalty of imprisonment as for contempt of court, or in the case of a liquidator by removal from his office. Guardian and liquidators to be officers of court.

Province  
of Quebec.

Rules of  
practice and  
tariffs of fees.

Taxation  
of costs.

Other  
provinces  
and N. W. T.

Costs  
and fees.

Temporary  
provision for  
procedure  
and costs, etc.

Absence  
of judge  
in Quebec.

Absence of  
judge in other  
provinces.

**99.** In the province of Quebec rules of practice for regulating the due conduct of proceedings under this Act before the court or a judge thereof, and tariffs of fees for the officers of the court and for advocates and attorneys practising in relation to such proceedings, or for any service performed, or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be so made, repealed, or amended, and shall be promulgated under and by the same authority and in the same manner as the rules of practice and tariff of fees of the superior courts of law, and shall apply in the same manner and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the superior courts apply to and affect proceedings before that court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in the like manner as bills of costs are now taxed and proceeded upon in the said superior court.

2. In the province of Ontario the judges of the Court of Appeal or any three of them, of whom the Chief Justice shall be one, and in the other provinces and in the North-west Territories the judges of the Superior Court of Judicature in such province or in the North-west Territories, or a majority of them, shall forthwith make and frame and settle the rules and regulations to be followed and observed in the said provinces respectively, or in the North-west Territories, in proceedings under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsels and officers of the court, whether for the officer, or for the Crown, as a fee for the fee fund or otherwise. or for any service performed or work done for which costs are allowed by this Act.

3. Until the rules of procedure are made, and the costs, fees and charges to be taken or paid are settled as above provided, the proceedings under this Act shall follow as nearly as may be similar proceedings in ordinary suits before the court in which the proceedings under this Act are had, and the same fees and charges shall be taxed as are taxed and allowed for similar proceedings in such ordinary suits.

**100.** In the absence of the judge from the chief place of any district in the province of Quebec, or in case of his death or inability to act, the prothonotary of the court may make any order which the judge is empowered to make, but if any objection in writing to such order is filed with such prothonotary within two days from the date thereof, such order shall not be executed, but the papers and proceedings relating thereto shall be referred to the judge, or in case of his death, absence from the province, or inability to act, to the judge of the Superior Court of the district nearest to that in which the proceedings are instituted and such judge shall adjudicate upon the same.

2. In the other provinces in the case of death, absence or inability to act from any cause of the judge of the County Court, having jurisdiction, any proceedings under this Act

may be had before the judge of the County Court of the district nearest to the place in which such proceedings are instituted.

- 101.** The court or judge shall have the same power and  
 5 authority in respect of the issuing and dealing with commis-  
 sions for the examination of witnesses as are possessed by the  
 ordinary courts of record in the province in which the pro-  
 ceedings are carried on and may order a subpoena and *testifi-*  
*candum* or subpoena *duces tecum* to issue, commanding the  
 10 attendance as a witness, or for examination under the pro-  
 visions of this Act, of any person within the limits of Canada.
- 2 In case any person so served with a writ of subpoena  
 does not appear according to the exigency of such writ the  
 court or the judge on whose order or within the limits of  
 15 whose territorial jurisdiction the same is issued may, upon  
 proof made of the service thereof and on such default, if the  
 person served therewith is domiciled within the limits of the  
 province, within which such writ issued, constrained such per-  
 son to appear and testify and punish him for non-appearance  
 20 or for not testifying in the same manner as if such person had  
 been summoned as a witness before such court or judge in an  
 ordinary suit, but subject to the same excuses, defences or  
 justifications for not appearing under such writs, as in cases  
 before the ordinary courts. And if the person so served and  
 25 making the default as has his domicile beyond the limits of  
 the province within which such writ was issued, such court or  
 judge may transmit a certificate of such default to any of Her  
 Majesty's Superior Courts of law or equity, in that part of  
 Canada in which the person so served resides; and the court  
 30 to which such certificate is sent shall thereupon proceed  
 against and punish such person so having made default in like  
 manner as it might have done if such person had neglected or  
 refused to appear to a writ of subpoena or other similar pro-  
 35 cess issued out of such last mentioned court. Such certificate  
 of default attested by the court or judge before whom default  
 was made and the copies of such writ and of the return of  
 service thereof certified by the clerk of the court in which the  
 order for transmission is made, shall be *prima facie* proof of  
 40 such writ or order, service, return, and of such default. No  
 such certificate of default shall be so transmitted, nor shall  
 any person be punished for neglect or refusal to attend for  
 examination in obedience to any subpoena or other similar pro-  
 45 cess, unless it is made to appear to the court or judge trans-  
 mitting and also to the court or judge receiving such cer-  
 tificate, that a reasonable and sufficient sum of money, accord-  
 ing to the rate per diem and mile allowed witnesses by the  
 law and practice of the court within the jurisdiction of which  
 such person was found, to defray the expenses of coming and  
 50 attending to give evidence and of returning from giving  
 evidence, had been tendered to such person at the same time  
 when the writ of subpoena or similar process was served upon  
 him.

Commissions  
for examining  
witnesses.

Writs of  
subpoena.

Compelling  
attendance  
and testimony  
of witnesses.

Procedure  
where witness  
is domiciled  
out of the  
province.

Expenses to  
be tendered.

- 102.** Unless otherwise specially provided, the court shall  
 55 have power on cause shown therefor, to enlarge or extend the  
 time named in this Act for taking any proceedings hereunder.

Enlargement,  
extensions and  
adjournments.

or to adjourn such proceedings from time to time, but such power shall not be exercised if it appears that such enlargement or extension or adjournment will be prejudicial to the interests of the creditors or of the insolvent.

What judgments are final.

**103.** All decisions, judgments, rules and orders made by the court, in respect of the appointment of a liquidator or of the performance by the official receiver or liquidator of his duties under this Act, or in respect of the security, charges, remunerations, fees or disbursements of the official receiver or liquidator, or in respect of any matter appertaining to the discipline of the court, or in respect of any matter of routine in the proceedings for winding up the estate shall be final and conclusive. 5 10

Limit of appeal in other cases.

2. In all other cases appeal may be taken from any decision, judgment, rule or order of the court; but the judgment upon such appeal of the highest court of judicature in each province and in the North-west Territories shall be final and shall not be appealed from to any other court. 15

Review and appeal in Quebec.

3. In the province of Quebec all such decisions, judgments, rules or orders may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might be inscribed for revision or appeal from the decision, judgment, rule or order of the Superior Court in ordinary cases under the law in force when such decision is rendered. In the other provinces appeal may be made in the Province of Ontario to the Court of Appeal; in the province of Manitoba to the Court of Queen's Bench of the said province; and in the other provinces to the Supreme Court of Judicature of the province; and in the North-west Territories to the Supreme Court. 20 25

Appeal in other provinces and N.W.T.

Limit of time for appeal.

4. No such appeal or proceedings in revision or on review shall be entertained unless the appellant or party appealing has, within ten days from the rendering of the order or judgment appealed from, or adopted proceedings on the said appeal, revision or review, nor unless he has, within such time, made a deposit, or given security to the satisfaction of the court, that he will prosecute such appeal or proceedings on revision or review, and pay such damages and costs as may be awarded to the respondent. 30 35

Security for appeal.

5. If the party appellant does not receive with his appeal or on review, as the case may be according to the law or rules of practice, and without delay, the court, on application of the respondent, may dismiss the appeal and may make such order as to the costs thereof as to it seems just. 40

Dismissal for non-prosecution.

Court may enforce judgments.

**104.** All judgments, orders or rules may, by any court having jurisdiction under this Act, and all costs in connection therewith, shall be enforceable and recoverable in the same manner as judgments, rules, orders and costs in ordinary suits before such court are enforceable and recoverable. 45

#### OTHER MATTERS OF PROCEDURE.

Appeal by creditors from resolutions, orders, decisions at meetings.

**105.** Any one or more creditors whose claims in the aggregate exceed ten per cent in value of all claims ranking against the estate, who are entitled to vote, and who are dissatisfied with any resolution adopted, or orders made by the creditors 50

or the inspectors, or with any action of the liquidator, for the disposal of the estate, or any part thereof, or for postponing the disposal of the estate, or any part thereof, or for the disposal of the same, or with reference to any matter connected  
 5 with the management or the winding up of an estate, or with any decision of the chairman of a meeting, may, within twenty-four hours after the adoption of the resolution, or the making of the order or decision, or the performance of the action complained of, give to the liquidator notice that he or they will  
 10 apply to the court on the day, and at the hour fixed in such notice, not being later than forty-eight hours after such notice has been given, or as soon thereafter as the parties may be heard before such court, to rescind such resolution or order or to reverse such decision, or for such order of the court as  
 15 is indicated in such notice, and the court, after hearing the inspectors, the liquidator and creditors present at the time and place so fixed, may approve of, rescind, or modify the said resolution, or order, decision or action, or make such order in the premises, as to the said court seems proper. In case of  
 20 the application not being proceeded with, or being refused, the parties shall pay all costs occasioned thereby, otherwise the costs and the expenses shall be at the discretion of the court.

Notice.

Powers of court.

Costs.

**106.** Any affidavit required in proceedings under this Act  
 25 may be made by the person interested, his agent or the other person having a personal knowledge of the matters therein stated, and may be sworn in Canada, before the liquidator, or before any judge, notary public, commissioner for taking affidavits, or justice of the peace; and, out of Canada, before  
 30 the judge of a court of record, any duly appointed commissioner for taking affidavits to be used in the province in which the proceedings are instituted, a notary public, the mayor or chief municipal officer of any town or city; or any British Consul or vice-consul, or before any person authorized  
 35 by any statute of the Dominion, or of any province thereof to take affidavits to be used in any court of justice in any part of Canada.

Affidavits, before whom made.

**107.** Except when otherwise provided by this Act, or  
 except when in the opinion of the court, further notice is  
 40 necessary, one clear juridical day's notice of any petition, application, motion, order or rule, shall be sufficient, and service of any rule, writ or subpoena, order or warrant issued by any court or judge in any matter, or proceeding under this Act, or of any notice or other paper or document required to be served  
 45 under this Act, shall be made in the manner described for service of an ordinary writ in suits before the Court, or for similar service in the province within which the service is to be made, or in such manner as is prescribed by any general or special or special rules made under this Act, or in such manner  
 50 as the court directs; and any such service may be validly made and enforced in any part of Canada upon any party affected, or to be affected thereby, and the person charged with such service shall make his return thereof, under oath, or if a sheriff or bailiff in the province of Quebec may make  
 55 such return under his oath of office.

Notices in cases not specially provided for.

Service of writs, etc.

Service may be made anywhere in Canada.

Return of service.

Amendment  
of pleadings.

**108.** The rules of procedure as to amendment of pleadings, which are in force in any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and no pleading or pleadings shall be void by reason of any irregularity or default which can and may be amended under the rules and practice of the court. 5

Provision  
in case of  
insolvent's  
death.

**109.** The death of the insolvent pending proceedings under this Act shall not affect or interrupt such proceedings, and the provisions of this Act shall apply to his heirs, executors, administrators, or other legal representatives, and without their being held to be liable for the debts of the deceased to any greater extent than they would have been if this Act had not been passed. 10

Representati-  
ves how far  
liable.

Discharge  
under form  
insolvency  
law not a  
valid defence.

**110.** No plea or exception alleging or setting up any discharge, or certificate of discharge granted under the bankruptcy law of any country whatsoever beyond the limits of Canada, shall be a valid defence or bar to any action instituted in any court of competent jurisdiction in Canada, for the recovery of any debt or obligation contracted within Canada. 15 20

Form of  
deeds, etc.,  
and effect  
as evidence.

**111.** Deed of transfer made under the provisions of this Act, or, in the province of Quebec, authentic copies thereof, or a copy of the receiving order or any order of a court under this Act, certified by the clerk of the court, making the same under the seal of the court, and copies of all resolutions, and copies of minutes of the proceedings at any meeting of creditors, signed by, or purporting to be signed by the chairman of such meeting and certified by the liquidator as deposited with him as resolutions passed at, or as the minutes of such meeting, shall be *primâ facie* evidence in all courts, whether civil or criminal, of any such deeds, orders, resolutions or proceedings, and of the regularity of all necessary proceedings in connection therewith. 25 30

Discharge of  
insolvent if  
imprisoned  
at date of  
insolvency.

**112.** If the insolvent at the date of insolvency is confined in jail or on the jail limits in any civil suit, any such insolvent makes application to the court having jurisdiction in the district in which he is confined, such court may, on such application, appoint a day for his examination for discharge from custody under this Act, which day so appointed shall be subsequent to the first meeting of his creditors, and notice thereof shall be served on the liquidator and on the plaintiff or his attorney in the suit in respect of which the insolvent is confined; and on the day appointed the insolvent shall be examined, and if it appears to the satisfaction of the court that he has submitted to examination at such meeting of creditors, and made a full disclosure of his affairs, and that he has not been guilty of any fraudulent disposal, or concealment, or retention of his estate, or of any part thereof, or of his books, or accounts, or any material portion thereof, and that he has not otherwise contravened the provisions of this Act, the court may make an order for his discharge from confinement as aforesaid, and on production of such order to the sheriff or jailer the insolvent shall forthwith be discharged. 35 40 45 50

Notice.

Examination.

Order  
of court.

2. If thereafter he is arrested in any civil suit for causes of action arising previous to the date of insolvency, he may be forthwith discharged on application to any judge and on producing the previous discharge, but nothing herein is to interfere with the imprisonment of the insolvent under provisions of this Act. Effect of such discharge.

3. In case of the confinement of the insolvent as aforesaid at the date of the first or any meeting of creditors, the court may, on application of any creditor, make an order for his attendance at such meeting in custody of the sheriff or jailer, and any costs and expenses in connection with such attendance shall be paid out of his estate. Compelling attendance of insolvent so imprisoned.

4. The sheriff or jailer, while obeying any order of the court under this section, shall not be liable for any action for the escape of the insolvent from his custody, unless the escape had happened through his default or negligence. Liability of sheriff and jailer.

## BANKS.

**113.** Nothing in the provisions of this Act shall interfere with or restrict the rights and privileges conferred on banks and banking corporations by *The Banking Act*. Banks.

## FORM No. 1.

## RECEIVING ORDER.

*Insolvency Act, 1898.*

Province of \_\_\_\_\_ in the (*name of Court*)  
in the matter of \_\_\_\_\_ an insolvent, on the appli-  
cation of \_\_\_\_\_ a creditor, it is ordered that  
be appointed guardian (*or liquidator*) to

the estate of

Dated,

By the Court,

*Clerk (or as the case may be.)*

(Seal of Court).

## FORM No. 2.

## NOTICE OF APPLICATION FOR RECEIVING ORDER.

*The Insolvency Act, 1898.*

Province of \_\_\_\_\_ in the (*name of Court*)  
to (*name, address and description of debtor*).

Take notice that on \_\_\_\_\_ the \_\_\_\_\_ day of  
instant (*or, next*) an application will be  
made by (*name, address and description of creditor*) to (*name  
of Judge*) Judge of above named Court at (*place where appli-  
cation will be made*) for a receiving order under the above  
cited Act in respect of your estate on the ground that you  
have ceased to meet your liabilities as they came due, and



## FORM No. 5.

## NOTICE OF APPOINTMENT OF LIQUIDATOR.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent.

I, the undersigned (*name and address*) have been appointed liquidator in this matter. Creditors are requested to file their claims with me without delay.

Dated at                      this                      day of  
18 .

L. M.,  
*Liquidator.*

## FORM No. 6.

## NOTICE OF MEETING TO CONSIDER DEED OF COMPOSITION AND DISCHARGE.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent.

The above named insolvent has filed with me a deed of composition and discharge executed by his creditors as required by the above named Act, and notice is hereby given that a meeting of the creditors of the above named A.B. will be held at my office on                      street, in the  
of                      on                      the                      day  
of                      at                      o'clock in the  
noon, to take such deed into consideration and to transact such business as may lawfully be transacted at such meeting.

*In the notice sent to creditors shall be added the following:—*

The terms of such deed are:—(*Here set out briefly the terms thereof.*)

L. M.,  
*Liquidator.*

## FORM No. 7.

## NOTICE BY INSOLVENT OF INTENTION TO APPLY FOR CONFIRMATION OF DEED OF COMPOSITION AND DISCHARGE.

*The Insolvency Act, 1898.*

Province of

In the (*name of court*)

In the matter of A. B., an insolvent.

The above named insolvent, having filed a deed of composition and discharge, duly approved by his creditors, with the liquidator of his estate under the above cited Act, hereby gives notice that he will on                      the  
day                      at                      o'clock in the  
noon, apply to the Honourable                      Judge of

the said court, at (*place where application will be heard*) for a confirmation of such deed of composition and discharge.

*In the notices sent to creditors the following shall be added:—*

The terms of such deed are :—(*here set out briefly the terms thereof.*)

Dated, &c.

(Signature of insolvent or his attorney.)

#### FORM No. 8.

##### RECONVEYANCE TO INSOLVENT.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent.

This deed of transfer made under the provisions of the above named Act between L. M., liquidator of the estate of A. B., of the above named insolvent, of the first part, and the said A. B., of the second part:—

Whereas a deed of composition and discharge made by the said A. B. and duly executed by his creditors has been confirmed by order of the Honourable Judge of the (*name of court*) dated the day of

Now, therefore, these presents witness that the said L. M., in his capacity as liquidator of the estate of the said A. B., hereby transfers to the said A. B., the estate and effects vested in the said L. M., as liquidator of the estate of the said A. B. : To have and to hold the same unto the said A. B., his heirs, executors, administrators and assigns for ever, subject to the provisions of the said deed of composition and discharge, and of the order of the court aforesaid, and the provisions of the above cited Act.

In witness whereof, etc.

NOTE.—This form may be adapted in the province of Quebec to the notarial form of documents prevailing in that province.

#### FORM No. 9.

##### PROOF OF DEBTS.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent, and claimant.

I, of , being duly sworn in this matter, depose and say :—

1. I am the claimant (*or, a member of the firm of the claimants herein, and the said firm is composed of myself and or, the duly authorized agent of the claimant in this behalf*), and I have a personal knowledge of the matters herein deposed to.

2. The insolvent is indebted to me (*or, to the claimant, as the case may be*) in the sum of \$ , for (*here state nature and particulars of debt for which purpose reference may be had to documents annexed.*)

3. Annexed hereto, marked is a list of

negotiable instruments on which my claim (*or, the claim of the claimant*) is based in whole (or in part, *as the case may be*) and the particulars of such negotiable instruments, and a list of such instruments must be annexed, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity, and in what order liable.

4. I (*or the claimant, as the case may be*), hold no security for the said claim or any part thereof.

*Or*, I hold the following and no other security for the said claim, that is to say (*state fully the particulars of such security*) and the said security is hereby valued at the sum of \$

*Or*, I hold security for my claim, which I have assigned to the official receiver (*or, liquidator*) for the benefit of the estate, and I now hold no security for my said claim or any part thereof.

Sworn, &c.

#### FORM No. 10.

##### TRANSFER OF DEBTS.

*The Insolvency Act, 1898.*

In consideration of the sum of \$ \_\_\_\_\_, whereof quit, L. M., of \_\_\_\_\_, liquidator of the estate and effects of the above named insolvent, and acting in that capacity, hereby sells and assigns to \_\_\_\_\_, accepting thereof all claim by the insolvent against \_\_\_\_\_, with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

In witness whereof, &c.

#### FORM No. 11.

##### TRANSFER OF REAL ESTATE.

*The Insolvency Act, 1893.*

In the matter of A. B., an insolvent.

This deed made under the provisions of the above cited Act this \_\_\_\_\_ day of \_\_\_\_\_ A.D., between L.M., of \_\_\_\_\_, in his capacity of liquidator of the estate and effects of the above named A.B., of the one part, and P.Q., of \_\_\_\_\_ (*the purchaser*) of the latter part, witnesseth:—

The said liquidator in his said capacity, having taken the steps necessary for the sale of the real estate hereinbefore referred to, doth hereby grant, bargain, sell and assign unto the the said P.Q., his heirs and assigns, for ever, all the rights and interests of the said insolvent in that certain parcel or tract of land, &c., (*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*): To have and to hold the same, with the appurtenances thereof, unto the said P.Q., his heirs and assigns for ever, subject to all mortgages, hypothecs

or liens thereon. The said sale is made for and in consideration of the sum of \$                    in hand paid by the said P.Q. to the said liquidator, the receipt whereof is hereby acknowledged.

(Or,

Of which the said P.Q., hath paid to the said liquidator the sum of \$                   , the receipt whereof is hereby acknowledged, and the balance of such sum of \$                   , the receipt whereof is hereby acknowledged, and the balance of such sum of \$                    the said P. Q. hereby promises to pay to the said liquidator in his said capacity as follows: To wit: (*here state terms of payment*), the whole with interest at the rate of                    per centum per annum, payable                    and as security for the payment so to be made the said P.Q. hereby mortgages and hypothecates to and in favour of the said liquidator in his said capacity the lot of land and premises hereby sold.

In witness whereof, &c.

Signed, sealed and delivered, &c.

NOTE.—This form shall in the province of Quebec be adapted to the notarial form of execution, of documents prevailing there.

#### FORM No. 12.

#### DISCHARGE OF MORTGAGE CONTAINED IN DEED OF TRANSFER OF REAL ESTATE BY LIQUIDATOR.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent.

To all whom it may concern, I (*name of liquidator*) the liquidator of the estate and effects of the abover named A. B. send greeting.

Whereas, under and by virtue of a certain deed made under the provisions of the above cited Act on the day of                    A. B.,                    between me, in my capacity of liquidator of the estate and effect of the above named A. B., of the one part, and P.Q., of (*the purchaser*) of the other part, I, the said liquidator in my said capacity, having taken the steps necessary for the sale of the real estate hereinafter referred to, did thereby grant, bargain, sell and assign unto the said P. Q., his heirs and assigns, for ever, all the rights and interests of the said insolvent in that certain parcel or tract of land, &c., (*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*): To have and to hold the same, with the appurtenances thereof, unto the said P. Q., his heir and assigns for ever, subject to all mortgages, hypothecs or liens thereon, and the said P. Q. did by such deed as security for certain payments to be made by him as therein set forth mortgage and hypothecate to and in favour of the said liquidator in his capacity the lot of land and premises thereby sold:—

Now therefore know ye that all moneys payable under and by virtue of the said deed to the liquidator of the said estate have been fully paid and satisfied, and I do hereby, in my said

capacity of liquidator of the said estate and under the provisions of the above cited Act, release and discharge the said land and premises of and from any mortgage or hypothecation or charge therein, under and by virtue of the deed hereinbefore referred to in respect any moneys payable thereunder to the estate of the said insolvent.

In witness whereof, &c., &c.

(NOTE.—This form shall, in the province of Quebec, be adapted to the notarial form of execution of documents prevailing there).

FORM No. 13.

NOTICE OF DIVIDEND.

*The Insolvency Act, 1898.*

In the matter of A. B., an insolvent.

A dividend sheet has been prepared, open to objection until  
the day of after  
which dividends not objected to will be paid.

Dated at this day of

L. M.,  
Liquidator.

No. 84.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting Insolvency.

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First reading, March 17th, 1898.

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Mr. FORTIN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act in further amendment of the General Inspection Act.

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

1. Subsection 1 of section 2 of *The General Inspection Act*, R.S.C., c. 99, 5 chapter 99 of the Revised Statutes, as amended by section 1 of chapter 23 of the statutes of 1892, is hereby further amended, s. 2 amended. by adding thereto the following paragraph :—

“(j.) Fruit.”

2. The said Act, as amended by section 7 of chapter 23 of 10 the statutes of 1892, is hereby further amended by adding at the end thereof the following section :— Section added.

“FRUIT.

“112. No inspector of fruit shall brand, mark or certify any fruit as inspected, unless it is packed in the manner hereinafter required; but any fruit not so packed, submitted for 15 inspection, shall, by the inspector to whom it is submitted, be repacked in the manner hereinafter required, and the inspector shall receive the actual cost of such new packages as are required for such repacking, and the further sum of five cents 20 for each package so repacked as compensation for his time and labour. Fruit not to be inspected unless packed. Packing by inspector. Fees.

“2. Fruits of any kind shall be packed in a substantial manner by the grower or the purchaser thereof and shall be put up in barrels, boxes, baskets or crates, with the name of each kind of fruit marked on each package, the grade and the 25 name of the grower, or if packed by a shipper, then his name on each package. Mode of packing.

“3. The branding of different qualities of fruits shall be as follows: The best quality shall be branded No. 1; the second quality shall be branded No. 2; the third quality shall be 30 branded No. 3; the fourth quality shall be branded No. 4; and the fifth quality shall be branded Culls. Brands.

“4. The duty of an inspector shall be to inspect five packages representing No. 1, 2, 3, 4 and culls, and if all five are found according to the marks, it shall be his duty to consider 35 the lots represented duly inspected, without opening every package: Provided that, if the purchaser or any one interested requires it, the inspector shall open five other packages bearing the same marks, and if he finds them in the same good condition, then the whole shall be considered in the same good condition; Mode of inspection.

and if the person interested or purchasing persists in having all packages opened, the inspector shall open the remainder, but the cost of inspection shall be borne by such person, if such remainder is found in the same good condition.

Confiscation  
of wrongly-  
marked fruit.

“5. In case the fruit found in any of the packages opened 5  
does not correspond with the marks thereon, the inspector  
shall confiscate it and shall immediately notify the Minister of  
Inland Revenue, who shall instruct the inspector as to its dis-  
posal.

Destruction of  
fruit unfit for  
use.

“6. The inspector shall confiscate and cause to be destroyed 10  
any fruit which he finds unfit for human use.

Report by  
inspector.

“7. Every inspector shall, at the end of every month, make  
a return to the Minister of Inland Revenue of the quantity of  
each quality of fruits inspected.”

No. 85.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act in further amendment of the  
General Inspection Act.

First reading, March 17th, 1898.

Mr. PENNY.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Brockville and St. Lawrence  
Bridge Company.

**W**HEREAS the Brockville and New York Bridge Company Preamble.  
 was incorporated by chapter 91 of the statutes of 1886, 1886, c. 91.  
 with power to construct and manage a railway bridge across  
 the St. Lawrence River from some point at or in the vicinity  
 5 of Brockville, or the township of Elizabethtown in the county  
 of Leeds, in the province of Ontario, towards the village of  
 Morristown or other point near thereto in St. Lawrence coun-  
 ty in the state of New York, and with other powers in the  
 said Act mentioned: And whereas the said bridge not having  
 10 been commenced within the time limited by the said Act, the  
 said Act was, by chapter 64 of the statutes of 1892, revived 1892, c. 64.  
 and declared to be in force, and by the said last mentioned Act,  
 and by chapter 89 of the statutes of 1894, the times for the 1894, c. 89.  
 commencement and completion of the said bridge were from  
 15 time to time extended until the twenty-third day of July, one  
 thousand eight hundred and eighty-five, and the twenty-third  
 day of July, one thousand eight hundred and eighty-eight,  
 respectively: And whereas by the said Act of incorporation  
 the Brockville and New York Bridge Company was autho-  
 20 rized to unite, amalgamate and consolidate (in the manner  
 mentioned in the said Act and under such name as should  
 be agreed upon between the said amalgamating companies)  
 its stock, properties and franchises with those of any other  
 company incorporated under the laws of the state of New  
 25 York or of the United States, with a purpose similar to  
 that of the Brockville and New York Bridge Company, and  
 with power under the said laws so to unite and amalgama-  
 te: And whereas the Brockville and St. Lawrence Bridge  
 Company has, by its petition, represented that in pursuance  
 30 of the powers in the said Act of incorporation mentioned,  
 the Brockville and New York Bridge Company did, in the  
 manner provided for in the said Act of incorporation, unite,  
 amalgamate and consolidate its stock, property and franchises  
 with those of a company incorporated under the laws of the  
 35 state of New York and of the United States, and having a  
 purpose similar to that of the Brockville and New York Bridge  
 Company, that is to say, the construction maintenance and  
 management of a railway bridge at the place aforesaid: That  
 the petitioner is the company formed under the name of the  
 40 Brockville and St. Lawrence Bridge Company by such union,  
 amalgamation and consolidation, and that the said union, amal-  
 gamation and consolidation were duly submitted to, and ap-  
 proved of, by the Governor in Council on the twenty-fifth  
 day of October, one thousand eight hundred and ninety-four,

as provided for in the said Act of incorporation first mentioned: And whereas the Company did before the twenty-third day of July, one thousand eight hundred and ninety-five, duly commence said bridge, but has been unable to complete the same, and will not be able to complete the same before the 5  
twenty-third day of July next: And whereas the said Brockville and St. Lawrence Bridge Company has prayed that the time be extended for completing the said bridge, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate 10  
and House of Commons of Canada, enacts as follows:—

Time  
extended.  
1886, c. 91.

1. The time limited for the completion of the bridge authorized to be built under the authority of chapter 91 of the statutes of 1886, as extended by the Acts mentioned in the preamble, is hereby further extended for five years from the 15  
passing of this Act, and if the said bridge is not completed within the said five years then the powers granted by Parliament shall cease and be null and void.

No. 86.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Brockville and St.  
Lawrence Bridge Company.

First reading, March 18th, 1898.

(PRIVATE BILL.)

Mr. WOOD,  
(Brockville.)

OTTAWA

Printed by S. Dawson

Printer to the Queen's most Excellent Majesty  
1898



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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

87  
~~7A~~

An Act for the relief of Robert Augustus  
Baldwin Hart.

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First reading, 18th February, 1898.

Second reading, 8th March, 1898.

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HONOURABLE MR. CLEMOW.

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OTTAWA  
Printed by S. F. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

88

B] **SENATE BILL.** [1898.

An Act incorporating The Central Canada Loan and Savings Company.

WHEREAS The Central Canada Loan and Savings Com- Preamble.  
pany of Ontario was incorporated by Letters Patent under  
the Great Seal of the Province of Ontario dated 7th March,  
1884, issued under the Act of The Revised Statutes of Ontario,  
5 intituled "*An Act respecting the incorporation of Joint Stock R.S.O., 1877,  
Companies by Letters Patent*"; and whereas Supplementary c. 150.  
Letters Patent were issued to said Company, dated respectively  
8th June, 1893, and 6th May, 1897; and whereas the said  
Company has by its petition represented that it is desirous of  
10 having its shareholders incorporated by an Act of the Parlia-  
ment of Canada as a Company for the purposes of carrying on  
business anywhere in the Dominion of Canada, and has prayed  
for such incorporation, and it is expedient to grant the prayer  
of said petition: Therefore Her Majesty, by and with the  
15 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The shareholders of the said "The Central Canada Loan and Savings Company of Ontario" (hereinafter referred to as the old Company), and such others as may hereafter become  
20 shareholders in the Company hereby incorporated (hereinafter referred to as the new Company), are hereby constituted a body corporate, with the rights and powers conferred by law upon corporations, under the name of "The Central Canada  
Loan and Savings Company", for the purposes, and with the  
25 rights and powers, and subject to the obligations and restrictions hereinafter declared. New company incorporated.  
Corporate name.

2. The capital stock of the new Company shall be \$5,000,000, divided into fifty thousand shares of \$100 each. Capital and shares.

3. The shareholders of the old Company are hereby declared  
30 to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company. Shares in old company converted.

4. The President, Vice-Presidents and Directors of the old Company shall respectively be the President, Vice-Presidents  
35 and Directors of the new Company until their successors are appointed. Officers.

5. The by-laws, rules and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other  
40 change lawfully made. By-laws.

- Liability for obligations of old company. **6.** The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company ; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders. 5 10
- Existing rights preserved. **7.** Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty. 15
- Acquisition of old company's assets. **8.** The new Company may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient. 20
- Form of conveyance.
- Powers. **9.** The new Company shall have power to carry on in Canada the business heretofore carried on by the old Company, and to lend money on the security of, or purchase or invest in,— 25
- Securities for investments. (a.) Mortgages or hypothecs upon freehold or leasehold real estate, or other immovables ;
- Securities for investments. (b.) The debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by the parliament of Canada or by the legislature of any former or present or future province of Canada. 30
- Borrowing powers. **10.** The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed ; provided always that the total of the new company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock. 35 40
- Limitation.
- Liabilities of old company included. **11.** The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of said section. 45
- Limitation to holding real estate. **12.** So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets. 50

**13.** The affairs of the new Company shall be managed by Directors.  
a board of not less than three directors.

**14.** The head office of the new Company shall be at the Head office.  
Town of Peterborough, Province of Ontario, or in such other  
5 place in Canada as the directors may from time to time deter-  
mine by a by-law confirmed at a special general meeting of  
the new Company duly called for the purpose of considering  
the same.

**15.** The directors of the new Company may, with the con- Debenture  
10 sent of the shareholders at a special general meeting duly stock.  
called for the purpose, create and issue debenture stock in such  
amounts and manner, on such terms, and bearing such rate of  
interest, as the directors from time to time think proper, but  
such debenture stock shall be treated and considered as part Limitation.  
15 of the ordinary debenture debt of the new Company and shall  
be included in estimating the new Company's liabilities to  
the public under section 10 of this Act, and such debenture  
stock shall rank equally with such ordinary debenture debt, Ranking.  
and no greater rights or privileges shall be conferred upon  
20 holders of debenture stock in respect thereof than are held or  
enjoyed by holders of ordinary debentures of the new Com-  
pany.

**16.** The debenture stock aforesaid shall be entered by the Registration  
new Company in a register to be kept for that purpose in the of debenture  
25 head office of the new Company, wherein shall be set forth stock.  
the names and addresses of those from time to time entitled  
thereto, with the respective amounts of the said stock to  
which they are respectively entitled, and such stock shall be  
transferable in such amounts and in such manner as the  
30 directors may determine.

**17.** All transfers of debenture stock of the new Company Transfer of  
shall be registered at the head office of the new Company, and debenture  
not elsewhere, but the said transfers may be left with such stock.  
agent or agents in the United Kingdom of Great Britain and  
35 Ireland as the new Company appoints for that purpose, for  
transmission to the new Company's head office for registration.

**18.** The holders of the ordinary debentures of the new Exchange of  
Company may with the consent of the directors at any time ordinary  
exchange such debentures for debenture stock. debentures.

40 **19.** The new Company having issued debenture stock may Cancellation  
from time to time, as they think fit, and for the interest of the of debenture  
new Company, but only with the consent of the holders stock.  
thereof, buy up and cancel the said debenture stock or any  
portion thereof.

45 **20.** The new Company may have an agency or agencies Agencies.  
in any city or cities in England, Scotland or Ireland, and any  
by-law passed for such purpose shall not be altered or repealed  
excepting by a vote of two-thirds of the shareholders present,  
or represented by proxy, at a special meeting to be called  
50 for that purpose; nor unless the notice calling such meeting

be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability  
on trusts.

**21.** The said new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other monies payable by or in the hands of the new Company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or monies stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or monies, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt. 5 10 15

Real estate to  
be sold within  
seven years.

**22.** No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the new Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisos. 20 25 30 35 40

Forfeiture.

Proviso for  
extension.

Notice.

Statement.

Financial  
returns.

**23.** The new Company shall transmit, on or before the 1st March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the 31st December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and 45 50

with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

5 **24.** Sections 7, 18, 38, 39 and 41 of *The Companies Clauses Act*, Chapter 118 of The Revised Statutes of Canada, shall not apply to the new Company. R.S.C., c. 118.

10 **25.** This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting and holding not less than seventy-five per cent of the subscribed  
15 capital stock of the Company represented at such meeting; but upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution: Provided always that, prior to the time or event so  
20 fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act.

Proviso for bringing this Act into effect.

Proviso for organization, etc.

#### SCHEDULE.

THIS INDENTURE, made the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_ between THE CENTRAL CANADA LOAN AND SAVINGS COMPANY OF ONTARIO, of the first part, hereinafter called the old Company, and THE CENTRAL CANADA LOAN AND SAVINGS COMPANY, of the second part, hereinafter called the new Company.

WHEREAS the shareholders of the old Company have accepted and approved of the new Company's Act of Incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled "An Act incorporating The Central Canada Loan and Savings Company", and by the resolution of shareholders duly passed in that behalf the \_\_\_\_\_ day of \_\_\_\_\_

(or the execution hereof, or as the case may be) was fixed as the date (or event) from which the said Act should take effect and speak;

AND WHEREAS by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

AND WHEREAS the old Company has agreed to convey and assign the same to the new Company;

NOW THIS INDENTURE WITNESSETH that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal

and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

AND, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

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3rd Session, 8th Parliament, 61 Victoria, 1898

SENATE BILL.

*SS*  
*BB*

An Act incorporating The Central Canada  
Loan and Savings Company.

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First reading, 18th February, 1898.

Second reading, 8th March, 1898.

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Honourable Mr. MACINNIS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 89.]

**BILL.**

[1898.

An Act to amend the Criminal Code, 1892, with respect  
to Combinations in restraint of Trade.

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

1. Section 520 of *The Criminal Code*, 1892, is hereby amend- 1892, c. 29,  
5 ed by striking out the word “unduly” in paragraphs (a), (c) <sup>s. 520</sup> amended.  
and (d), and by striking out the word “unreasonably” in  
paragraph (c).

No. 89.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Criminal Code, 1892,  
with respect to Combinations in re-  
straint of Trade.

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First reading, March 22nd, 1898.

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MR. SPROULE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting Detective Corporations and Mercantile Agencies.

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

DETECTIVE ASSOCIATIONS.

1. Whenever any number of persons associate themselves together for the purpose of carrying on the detective or secret service business for pay, they shall make a certificate in writing subscribed and verified by the oaths or affirmations of all the members thereof, showing the full name and place of residence of each, the name and style by which such association shall be called, and the name of the place where their principal office shall be located, which certificate shall be filed in the office of the Secretary of State of Canada, to be by him preserved and recorded in his office in the manner hereinafter provided.
2. Within thirty days from the date of filing the certificate as provided in the first section of this Act, the members of such association shall execute and deliver to the Secretary of State a bond in his favour in the penal sum of ten thousand dollars, signed by all the members of such association with a number of sureties equal to two for each member of said association, which sureties shall severally justify in sums aggregating the sum of ten thousand dollars as hereinafter provided, conditioned for the faithful performance by such association of all the duties of their employment as prescribed in this Act ; and each member of such association shall make an oath or affirmation to be endorsed on such bond and subscribed by him before some officer authorized to administer oaths and by him certified thereon, that he will faithfully and impartially discharge the duties of a detective as prescribed in this Act.
- Upon the receipt of such bond by the Secretary of State he shall file the same to be preserved in his office, and shall certify in writing to the Governor in Council that such association has complied with the law authorizing the incorporation of detective associations. Thereupon the Governor in Council may by letters patent under the Great Seal grant a charter to the association, notice of the granting of the same being given in the *Canada Gazette* in the manner set forth in *The Companies Act*.
3. The justification of sureties in the bond required by section 2 of this Act shall be an oath or affirmation endorsed
- Certificate of association.
- Filed with the Secretary of State.
- Bond by members.
- Sureties.
- Oath as detective.
- Letters patent.
- Justification of sureties.

on such bond to the effect that each of said sureties is a citizen of the Dominion of Canada, and is worth at least the sum in which he justifies, over and above all debts and liabilities by him owing, which oaths or affirmations shall be subscribed by the sureties and taken before and certified to by some officer 5 authorized to administer oaths.

Powers of association.

4. When any detective association shall be incorporated under the provisions of the three preceding sections of this Act, the members of such association are authorized to engage in the secret service or detective business through and in the name of such association, and shall be deemed a body corporate limited, and they may sue and be sued, plead and be impleaded in all courts of law and equity in and by their corporate name and may have a corporate seal, and may acquire and hold such property as they may deem expedient 10 or necessary for the uses and purposes of their employment as defined in this Act, and may employ any number of persons to assist them, but it shall be the duty of such association to deliver to every person employed by them a certificate showing the date of their employment, the name of the association, and the time for which such person is employed, which certificate shall be signed by the president and attested by the secretary of such association; Provided however, that whenever any person shall be admitted to such association as a member and not as an employee, such association shall file a 15 new certificate and bond in the office of the Secretary of State, and at the expiration of every five years from the date of the last certificate issued by such association they shall make and and file in the office of the Secretary of State a new bond and certificate, and in either case such new certificate and bond 20 shall be in all respects the same as that required by the first three sections of this Act and shall be verified and recorded in the same manner.

Certificate to employees.

Proviso as to new members.

New bond and certificate every five years.

Duty of members and employees.

5. It shall be the duty of the members and employees of every detective association incorporated under the provisions 35 of this Act, to preserve inviolate all secrets of state which may come to their knowledge, and all secrets confided to them or learned by them in the course of their employment, unless required in the interests of justice to divulge the same, to aid in preventing crime, in the pursuit, identification, arrest and conviction of offenders and fugitives from justice, and to report 40 to the president any information of threatened treason or rebellion against the State which may come to their knowledge, which president shall convey such information to the Governor General of Canada. 45

Liability of members and employees.

6. The members of every detective association incorporated under the provisions of this Act and their sureties, shall be liable on the bond of the association in damages to the party injured for information which is damaging if incorrect, for loss of or damages to any money, property or thing of value which 50 may come into their possession, or the possession of their employees, in the course of their employment, if such loss or damage is caused by the negligence or misconduct of any member or employee of such association, which damages may

be recovered in any court of competent jurisdiction; Provided that such association may have a lien on any stolen money or property recovered by them, for the amount of the reward publicly offered or agreed in writing to be paid, and may refuse to deliver such money or property to the person offering such reward until payment of the same be made.

Proviso as to lien on property, etc., recovered.

7. Any detective association incorporated under the provisions of this Act may be dissolved by two-thirds of the living members thereof making and filing in the office of the Secretary of State a certificate declaring it their intention to dissolve such corporation at a time to be named in such certificate, which time shall not be less than forty days after the publication of such certificate in the manner hereinafter provided; such certificate shall be subscribed and verified by the oaths or affirmations of two-thirds of the living members of such association, and published for four consecutive weeks in the *Canada Gazette*;—provided however that a failure for more than thirty days after the association of a new member or the expiration of five years to file a new certificate and bond as provided in section four of this Act, shall work a dissolution of such corporation, and upon the dissolution by operation of law or action of the members of the association, all the property and effects of every nature belonging to the association shall descend to and be vested in the members thereof jointly.

Dissolution of association.

Voluntary.

By operation of law.

8. Any person who shall in the name of or by virtue of association with, or employment by any detective association incorporated under the provisions of this Act, engage in the secret service for pay, or offer to any other person his services as a detective, without having first complied with the requirements of the first three sections, or having received a certificate of employment as provided by section four of this Act, shall be deemed guilty of an offence, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars or imprisoned in the common jail for a term not exceeding thirty days; and any person who shall by means of such false and fraudulent pretended association with or employment by any detective association, incorporated under the provisions of this Act, obtain from any other person any goods, merchandise, money, property, effects, or other thing of value,—if the property or money so fraudulently obtained be of the value of twenty-five dollars or upwards, such person so offending shall be imprisoned in the penitentiary for not more than five years, —but if the value of the property be less than twenty five dollars, then the person so offending shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the common jail for a term not exceeding sixty days and be liable to the party injured for the damages sustained.

Penalties.

False statement as to being employees of association.

Obtaining goods, etc.

#### MERCANTILE AGENCIES.

9. Mercantile or commercial agencies are for the purposes of this Act to be held to mean establishments which make a business of collecting information relating to the credit, character, responsibility and reputation of merchants, for the purpose of furnishing the information to subscribers.

Definition.

Letters  
Patent of  
incorporation.

**10.** No mercantile agency formed in Canada or in any other state or country shall directly or indirectly carry on the business of a mercantile agency in Canada without first receiving letters patent of incorporation from the Governor General in Council through the Secretary of State of Canada.

5

Sections  
applicable to  
Mercantile  
agencies.

**11.** The provisions contained in sections 1, 2, 3, 4, 5, 7 and 8 of this Act respecting the incorporation, bond, justification of sureties, powers of association, duty of members, dissolution and penalties in the case of detective associations, shall, *mutatis mutandis*, be applicable and shall govern mercantile agencies carrying on business as such in the Dominion of Canada, or seeking powers enabling them to commence business therein.

Reports to be  
privileged  
communica-  
tions.

**12.** The reports of mercantile agencies incorporated under the provisions of this Act shall be privileged communications exempting them from liability for statements otherwise libellous, when, and only when, such reports are made to subscribers having an interest, which the law will recognize, in the information given.

Individual  
liability.

**13.** Any member, employee or informant of a mercantile agency shall be held to be individually liable to an action for deceit for false representations made to the agency (1) of his own solvency,—and (2) for false representations as to the solvency of third persons, that is persons not subscribers to the agency.

25

No. 90.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act respecting Detective Corporations  
and Mercantile Agencies.

First reading, March 22nd, 1898.

Mr. SPROULE.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Klondike and Peace River  
Gold Mining, Land and Transportation Company  
(Limited).

**W**HEREAS a petition has been presented praying that it  
be enacted as hereinafter set forth, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate and  
House of Commons of Canada, enacts as follows:—

- 1.** George T. Marsh, of the town of Regina in the North-  
West Territories, Charles N. Skinner, Alfred C. Blair, and  
Arthur I. Trueman, all of the city of Saint John, in the pro-  
vince of New Brunswick, together with such persons as  
become shareholders in the company, are hereby incorporated  
under the name of "The Klondike and Peace River Gold  
Mining, Land and Transportation Company (Limited)," hereinafter called "the Company."
- 2.** The Company may—
- (a.) locate, buy, sell, develop and operate mines in the  
Klondyke and other districts in the North-West Territories  
and in British Columbia; also acquire lands in the Peace River  
and other districts in the said territories and province, and  
improve and dispose of the same, and operate farms and  
ranches, and buy, sell, own and raise cattle, horses and sheep;
- (b.) acquire, operate and dispose of steam and other vessels,  
and carry on a transportation and trading business.
- 3.** The capital stock of the Company shall be one million  
dollars, divided into shares of one hundred dollars each, and  
such capital stock may be issued as the directors determine,  
and may be called up by the directors from time to time as  
they deem necessary, but no call subsequent to the allotment  
of shares shall exceed ten per cent, nor be made at less inter-  
vals than two months.
- 2.** Every share in the Company shall, except if issued under  
section 5 of this Act, be deemed to have been issued and be  
held subject to the whole amount thereof in cash, unless it has  
been otherwise agreed upon or determined by a contract duly  
made in writing and filed with the Secretary of State at  
Ottawa at the time of or before the issue of such shares.
- 4.** The directors may, by by-law, create and issue any part  
of the capital stock as preference stock, giving the same such  
preference and priority as respects dividends and otherwise  
over ordinary stock as may be declared by the by-law, but to  
an extent of dividend not greater than six per cent per annum.

Preamble.

Incorporation.

Corporate name.

Powers of Company.

Mining lands.

Vessels.

Transportation.

Capital stock and calls thereon.

Issue of shares.

Preference stock.

- Approval by shareholders. 2. Such by-law shall have no force or effect unless it has been first approved by a majority of the votes at a general meeting of the Company, at which meeting shareholders representing at least two-thirds in value of the whole issued stock of the Company are present or represented by proxy. 5
- Right of control by preference shareholders. 3. Such by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the Company as may be considered expedient. 10
- Preference shareholders to have rights of shareholders. 4. Holders of such preference stock shall be shareholders, and shall in all respects possess the rights and be subject to the liability of shareholders; provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary shareholders, be entitled to the preference 15 given by any by-law as aforesaid.
- Rights of creditors. 5. Nothing in this section shall affect or impair the rights of creditors of the Company.
- Deferred shares. 5. The directors may, of the first issue of shares of the Company, set aside a certain proportion, not being more than 20 twenty-five per cent of the issue, which shall be called deferred shares, and which shares shall be entitled to share in the earnings of the Company only to such extent and in such manner as the directors at the time of issue determine.
- Provisional directors. 6. The persons named in section 1 of this Act are hereby 25 constituted the first or provisional directors of the Company, four of whom shall be a quorum.
- First meeting. 2. The first meeting of the provisional directors may be held at such time and place as they, or any four of them, determine. 30
- First general meeting. 7. At any time after the passing of this Act the provisional directors, or any four of them, may call a general meeting of the shareholders of the Company, to be held at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, electing directors, and 35 considering and determining upon any other business specified in the notice calling such meeting, and a notice in writing signed by any four of the provisional directors, stating the date and place of holding such meeting and mailed by registered letter to the address of each shareholder not less than 40 thirty days previous to such meeting, shall be deemed sufficient notice thereof.
- Annual meeting. 8. The annual meeting of the shareholders shall be held on the first Tuesday in November in each year at the head office of the Company. 45
- Borrowing powers. 9. The directors, if authorized by resolution passed at the first general meeting of the shareholders, or at any special general meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of Company are present or 50 represented by proxy, may from time to time, at their discretion, borrow moneys for the purposes of the Company and

secure the repayment thereof in such manner and upon such terms and conditions as they see fit, and may for such purpose mortgage, hypothecate or charge any of the assets and property of the Company.

- 5 **10.** The directors under the authority of the shareholders given at any general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company, which shall not be less than two hundred and fifty thousand dollars, are present  
 10 or represented by proxy, may from time to time issue debentures bearing such rate of interest as is agreed upon, for sums not less than one hundred dollars each, signed by the president or other presiding officer under the seal of the Company, and countersigned by the secretary, and payable to bearer  
 15 or order; and the directors may deliver the said debentures for any of the purposes set forth in section 2 of this Act; and the directors may sell or pledge the said debentures for the purpose of borrowing money, or paying or securing the indebtedness of the Company; provided that the total amount of  
 20 debentures at any time outstanding shall not exceed the amount of the paid-up stock of the Company; and the said debentures and interest may be secured by mortgage upon the property and assets of the Company, and such mortgage deed may give to the holders of the said debentures (or trustee  
 25 or trustees for such holders named in such mortgage deed) such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

- 11.** Section 18 of *The Companies Clauses Act* shall not apply to the Company, but the Company may commence business  
 30 as soon as one-half of the first issue of the capital stock, which shall not be less than one hundred thousand dollars, has been subscribed, and ten per cent paid thereon.

Issue of debentures.

Proviso.

R.S.C., c. 118.

When business may commence.

No. 91.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Klondike and  
Peace River Gold Mining, Land and  
Transportation Company (Limited).

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. DAVIS.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Canada Atlantic Transit Company.

WHEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

1. John Rudolphus Booth, Charles Jackson Booth, Edson Incorporation.  
Joseph Chamberlin, William Anderson and John Frederick  
Booth, together with such persons as become shareholders in  
the company are hereby incorporated under the name of  
10 “Canada Atlantic Transit Company,” hereinafter called “the Corporate  
Company.” name.

2. The head office of the Company shall be at the city of Head office.  
Ottawa, in the province of Ontario, or such other place in  
Canada as the Company shall determine by by-law.

15 3. The Company may:— Powers of  
Company.  
(a.) construct, acquire and navigate steam and other vessels, Vessels.  
for the conveyance of passengers, goods and merchandise,  
between the ports of Canada, and to and from any port of  
Canada and any port of any other country; and may carry on  
20 the business of common carriers of passengers and goods, and Carriers.  
of forwarders, wharfingers and warehousemen; and may sell  
and dispose of the said vessels, or grant or consent to bottomry  
or other bonds on the same; mortgage the property of the  
Company when deemed expedient, and make contracts with  
25 any person whatsoever for the purpose of carrying out any of  
the objects of the Company or any of the purposes aforesaid;  
(b.) purchase, rent, erect, hold and enjoy, so far as is neces- Property.  
sary for any of the purposes aforesaid, such lands, wharfs,  
piers, docks, warehouses, offices, elevators, and other terminal  
30 facilities or buildings, and may sell, lease, mortgage or dispose  
of the same;  
(c.) construct, or aid in and subscribe towards the construc- Buildings.  
tion, maintenance and improvement of wharfs, elevators,  
warehouses, roads, docks, dock-yards and other buildings and  
35 works necessary or convenient for the purposes of the Com-  
pany;  
(d.) acquire the good-will of any business within the objects Good-will.  
of the Company;  
(e.) acquire franchises, privileges and patent rights for any Franchises.  
40 invention relating to the business of the Company, and sell the  
same;

- Other businesses. (f.) acquire the business and property of any other company having objects wholly or in part similar to those of the Company, and pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company, and also undertake, assume, pay or guarantee any of the obligations or liabilities connected therewith ; 5
- Stock in other companies. (g.) acquire and hold shares in the stock of any other Company incorporated or chartered for all or any purposes similar to those of the Company, and may sell or otherwise deal with the same. 10
- Charges. 4. The Company may charge on all property placed with them, or in their custody, such fair remuneration as may be fixed upon by the directors for storage, warehousing, wharfage, dockage, cooperage, or any other care or labour in and about any such property on the part of the Company, over and above the regular freight and primage upon the said property which shall have been carried or may be carried by them. 15
- Collection of charges. 5. The Company may recover all charges and moneys paid or assumed by them, subject to which goods come into their possession, and, without any formal transfer, shall have the same lien for the amount thereof upon such goods as the persons to whom such charges were originally due had upon such goods while in their possession ; and the Company shall be subrogated by such payment to the rights and remedies of such persons for such charges. 20 25
- Sale of unclaimed property. 6. The Company, in the event of non-payment of freight, advances and other charges, when due upon goods or property in their possession or under their control, may sell at public auction the goods whereon such advances and other charges have been made, and may retain the proceeds or so much thereof as is due to the Company, together with the costs and expenses incurred in and about such sale, returning the surplus, if any, to the owner of such goods or property ; but before any such sale takes place, thirty days' notice of the time and place of such sale, and of the amount of the charges or moneys payable to the Company in respect of such goods or property, shall be given by registered letter, transmitted through the post office to the last known address of the owner of any such goods or property, except in the case of perishable goods or effects, which may be sold after the expiration of one week, or sooner if necessary, unless otherwise provided in the contract between the parties. 30 35 40
- Notice of sale.
- Power to make negotiable instruments. 7. The Company may make, accept and endorse or execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments ; provided however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money, or as the note or bill of a bank. 45 50
- Provisional directors. 8. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, and shall have

and possess all the powers which are conferred upon directors elected by the Company.

2. Four of such provisional directors shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise, on account of the Company, and shall withdraw the same for the purposes of the Company only.

Quorum.  
Powers of  
provisional  
directors.

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

Capital stock.  
Increase of  
capital.

10. Within three months of the time when two hundred thousand dollars of the capital stock of the Company have been subscribed, and twenty per cent paid thereon, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situated, at such day and hour as they think proper, at which meeting the shareholders who have paid the said twenty per cent on the amount of stock subscribed for by them shall elect the directors; and no person shall be elected or continue a director unless he is a shareholder owning at least ten shares of stock and has paid all calls due thereon.

Election of  
directors.

Qualification  
of directors.

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

Annual  
general  
meeting.

Increase in  
number of  
directors.

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

Executive  
committee of  
directors.

12. For all or any of the purposes of the Company, the Company may from time to time under the authority of a vote of the shareholders representing at least two-thirds in value of the subscribed stock of the Company, at a meeting called for that purpose, or at any annual meeting of the Company, issue at one or more times, or in one or more series, bonds or debentures under the seal of the Company and signed by its president, or other authorized officer, and countersigned by its secretary; and such bonds and debentures may be made payable at such time, in such places in Canada or elsewhere, and bear interest at such rate per annum as the

Issue of bonds.

Proviso. Company may at such meeting decide; provided that the total amount so issued for all the purposes above mentioned shall not exceed seventy-five per cent of the actual paid-up capital of the Company: Provided that the limitations and restrictions on the borrowing powers of the Company contained in this section shall not apply to, or include moneys borrowed by the Company on bills of exchange or promissory notes drawn, made, accepted, or endorsed by the Company. 5

Bonds, how secured. **13.** The Company may from time to time secure any of the bonds or debentures of the Company by a mortgage or deed of trust in favour of a trustee for the bondholders or debenture holders, covering all or any of its property, whether real, personal or mixed, and including any ships or shares therein, or securities, powers, rights and franchises owned or enjoyed by it at the date of such mortgage or deed of trust. 10 15

Bonds to aid acquisition of vessels. **14.** The Company, being first authorized by a resolution passed at a special general meeting of its shareholders duly called for the purpose, may, also, from time to time, issue bonds or debentures of the Company in aid of the acquisition of any such steam or other vessels as it is authorized to acquire, not exceeding in amount the cost thereof; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such steam or other vessels, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessels, or the class of vessels, in respect of which it authorizes bonds to be so issued as aforesaid, and whether the same are then acquired, or are to be thereafter acquired, by the Company. 20 25

Mortgage to secure bonds. **15.** For the purpose of securing such issue of such bonds the Company shall execute a mortgage not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution of the special general meeting of shareholders mentioned in the next preceding section, each of which mortgages shall be made to trustees, to be appointed at such special general meeting for that purpose, and may contain provisions establishing the amount secured upon the vessels or class of vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them, and the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holder of such bonds; and the Company may charge and bind the tolls and revenues of the vessels or class of vessels which it relates, in the manner and to the extent therein specified; and each such mortgage shall create absolutely a first lien and encumbrance on the vessels or class of vessels 30 35 40 45 50

Mortgage to be a first lien on vessels, etc.

therein described, as well as on their tolls, revenues and subsidy therein hypothecated, the whole for the benefit of the holders of the bonds in respect of which it is made.

**16.** Each issue of bonds intended to be secured by any of the mortgages referred to in the next preceding section, shall entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of each such mortgage shall be filed with the Secretary of State of Canada.

Each issue of bonds to rank *pari passu*.  
Mortgage to be filed.

**17.** Aliens may be shareholders, bondholders, directors, trustees or officers of the Company; but a majority of the directors shall at all times be British subjects.

Aliens.

**18.** Sections 7, 9, 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the Company.

No. 92.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Canada Atlantic  
Transit Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL).

Mr. BELCOURT.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Canada Atlantic Railway  
Company.

WHEREAS the Canada Atlantic Railway Company has, by Preamble.  
its petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said peti-  
tion: Therefore Her Majesty, by and with the advice and con-  
5 sent of the Senate and House of Commons of Canada, enacts as  
follows:—

1. The Canada Atlantic Railway Company, hereinafter  
called "the Company," may extend its railway from some point  
on the railway of the Company on or near the River Richelieu,  
10 in the county of Missisquoi, thence in an easterly direction to  
some point on the international boundary line, in the county  
of Missisquoi, or in the county of Brome, so as to connect with  
the railway systems of the United States. Power to  
extend line  
of railway.  
To inter-  
national  
boundary.
2. The Company may also construct and extend its railway To Montreal.  
15 from some point on the present line of railway of the Company  
near the intersection of the said railway with the St. Lawrence  
River, or at a point on the said railway north-westerly from the  
St. Lawrence River; thence in an easterly direction through  
the counties of Soulanges and Vaudreuil, crossing the Ottawa  
20 River near the village of St. Anne, and thence to some point in  
the city of Montreal; and may also construct a branch or exten-  
sion of the last mentioned railway upon the Island of Montreal  
to the St. Lawrence River at some point in or below the said  
city.
- 25 2. The Company may issue bonds, debentures or other  
securities upon the security of the railways hereby authorized  
to an amount not exceeding twenty-five thousand dollars per  
mile of the said railways, and such bonds, debentures or other  
securities shall, subject to the provisions contained in section  
30 94 of *The Railway Act*, form a first charge upon, and be  
limited to, the said railways, and upon the rents and revenues  
thereof, and upon all the property of the Company appertain-  
ing or belonging to the said railways. Amount of  
bonds, etc.,  
limited.
3. The Company may divide the railways hereby autho- Undertaking  
divided into  
sections.  
35 rized, into two sections, (which shall be in addition to, and  
apart from sections one and two of the railway of the Com-  
pany as defined and authorized by section 1 of chapter 67 of  
the statutes of 1887,) as follows:— 1887, c. 67,  
s. 1.
- (a.) A railway from some point on the railway of the Com- "Section  
three."  
40 pany on or near the River Richelieu, in the county of Missis-  
quoi; thence in an easterly direction to some point on the

international boundary line in the county of Missisquoi, or in the county of Brome, so as to connect with the railway systems of the United States, which shall be designated and known as "section three."

"Section four."

(b.) A railway from some point on the present railway of the Company near the intersection of the said railway with the St. Lawrence River; thence in an easterly direction through the counties of Soulanges and Vaudreuil, crossing the Ottawa River near the village of St. Anne, and thence to some point in the city of Montreal; and also a branch or extension of the last-mentioned railway upon the Island of Montreal to the St. Lawrence River at some point in or below the said city, which shall be designated and known as "section four."

1897, c. 37, s. 2

4. The Company may also include as part of section three of its railway the extension of the railway of the Company heretofore constructed under the authority of section 2 of chapter 37 of the statutes of 1897 from Lacolle Junction to a point on the northern boundary of the state of Vermont, connecting there with the Vermont and Province Line Railway, including the bridge constructed over the River Richelieu.

Bonds may be apportioned to different sections.

5. The Company may issue the bonds, debentures and other securities authorized to be issued by this Act and by the said chapter 37 of the statutes of 1897, separately as to each of the said sections three and four, or upon both sections combined; and such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the said sections three and four, or either of them, in respect to which they are issued, and upon the rents and revenues thereof, and upon all the property of the Company belonging to such section.

Powers of Company. Vessels.

6. The Company may, for the purpose of its business,—  
(a.) construct, acquire, navigate and dispose of steam and other vessels upon the St. Lawrence River and Richelieu River, and upon the lakes and streams forming part thereof or tributary thereto, and may contract for and undertake the transport by water of passengers and freight, and may construct, acquire, and sell wharfs, docks, elevators, warehouses and other works for facilitating transportation for passengers or freight upon or across the said rivers, lakes and streams;

Transportation.

Motor power.

(b.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes, and may dispose of power generated by the Company's works and not required for the undertaking of the Company;

Patent rights, etc.

(c.) acquire exclusive rights in letters patent, franchises or patent rights, and again dispose of the same.

Agreement with another Company.

7. The Company may enter into an agreement with the Montreal Bridge Company, the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Montreal Park and Island Railway Company, the Montreal Island Belt Line Railway Company, the Phillipsburg Junction

Railway Company, the United Counties Railway Company, the Central Vermont Railway Company, the Missisquoi and Black River Valley Railway Company, or the Eastern Richelieu Valley Railway Company, for conveying or leasing to  
 5 such company the railway of the Company, in whole or in part, or any rights or powers acquired under any Act relating to the Company as also the franchises, surveys, plans, works, plant, material, machinery and property to it belonging, or for an amalgamation with such company, on such terms and  
 10 conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special  
 general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders repre-  
 15 senting at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the  
 20 manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper, in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

8. The time for the completion of the railway of the Company  
 25 is hereby extended for five years from the passing of this Act, and, if the railway is not then completed, the powers granted for the construction thereof shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time extended.

No. 93.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Canada Atlantic  
Railway Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to authorize the Canada Eastern Railway Company to convey its railway to the Alexander Gibson Railway and Manufacturing Company.

**W**HEREAS the Canada Eastern Railway Company has, by Preamble.  
its petition, represented that the Alexander Gibson  
Railway and Manufacturing Company was incorporated by an  
Act of the legislature of the province of New Brunswick, N.B., 1897,  
5 being chapter 57 of the statutes of 1897, for the purpose, c. 57.  
among others, of acquiring and operating the railway of the  
said the Canada Eastern Railway Company; and whereas the  
said last named company has prayed that it be enacted as  
hereinafter set forth, and it is expedient to grant the prayer of  
10 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 Act mentioned in the preamble, incorporating the Provincial  
Alexander Gibson Railway and Manufacturing Company, Act  
15 hereinafter called “the Company,” is hereby confirmed: Pro confirmed.  
vided that nothing herein contained shall be construed in any  
way to affect or render inoperative any of the provisions of the  
said Act, or affect anything done, any right or privilege acquired, Existing  
or to be acquired, or any liability incurred, or to be incurred, rights and  
20 under the said Act, to all of which rights and privileges the liabilities.  
Company shall continue to be entitled, and to all of which  
liabilities the Company shall continue to be subject.

**2.** The Canada Eastern Railway Company may sell, trans- Sale to  
fer and assign to the Company, on the terms mentioned in the Company  
25 said Act, its railway and branches, together with its rights, of Canada  
franchises, powers, privileges, and property; and the Company Eastern  
may thereupon hold, exercise and operate the same under the Railway.  
powers granted by the said Act, and by this Act; provided  
that such sale has been first sanctioned by the consent in  
30 writing of every shareholder of the Company, or, failing such  
consent, then by two thirds of the votes of the shareholders  
present or represented by proxy at a special general meeting  
duly called for the purpose, and by the approval of the Govern- Approval of  
nor in Council, after notice of the proposed application there- shareholders.  
85 for has been published in the *Canada Gazette*, and also in a  
newspaper published at St John, New Brunswick, for at  
least two weeks previous to the hearing of such application. Notice of  
application  
for sanction  
by Governor  
in Council.

**3.** Any Act hereafter passed for the purpose of controlling Power of  
railway companies incorporated by or subject to Parliament as Parliament  
to the issuing of stock or bonds, and as to rates or tolls and as to future  
legislation.

the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall, from the time such Act goes into effect, apply to the railway acquired under this Act; but this section shall not be construed to imply that any Act hereafter passed as aforesaid would not apply to the Company without the enactment of this section. 5

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No. 94.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to authorize the Canada Eastern Railway Company to convey its railway to the Alexander Gibson Railway and Manufacturing Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

MR. TUCKER.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Great Commonwealth Development and Mining Company, Limited Liability, and to change its name to the Alberta and Yukon Railway Company.

**W**HEREAS the Great Commonwealth Development and Mining Company, Limited Liability, has, by its petition, represented that it is incorporated under *The Companies Act*, 1890, of the province of British Columbia, and has prayed  
5 that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** The railway undertaking of the Great Commonwealth Development and Mining Company, Limited Liability, is hereby  
10 declared to be a work for the general advantage of Canada.

**2.** The name of the said company is hereby changed to the "Alberta and Yukon Railway Company," hereinafter  
15 called "the Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by, or in favour of, or  
20 against the Company, which, notwithstanding such change in the name of the Company may be prosecuted or continued, completed and enforced as if this Act had not been passed.

**3.** The Company as now organized and constituted under  
the laws of British Columbia is hereby declared to be a body  
corporate and politic within the legislative authority of the  
Parliament of Canada, and this Act and *The Railway Act*  
25 where applicable, shall apply to the Company, and to its railway undertaking, instead of the said Act of British Columbia and the British Columbia Railway Act; provided that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the above men-  
30 tioned Acts of British Columbia, up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities, including the by-laws relating to the objects of this Act, the Company shall continue to be subject.

**4.** The head office of the Company shall be in such place in  
35 Canada, or Great Britain, as the shareholders from time to time determine by by-law.

- Capital stock. **5.** The capital stock of the Company shall be five million dollars, divided into shares of one hundred dollars each, which may be increased as provided by *The Railway Act*: The capital stock of the Company as authorized by the above mentioned Act of British Columbia shall be deemed to be the same as the capital stock mentioned in this Act, and no right or claim to any share thereof shall be prejudiced by anything contained in this Act. 5
- Annual meeting. **6.** The annual meeting of the shareholders shall be held on the second Wednesday in November in each year. 10
- Election of directors. **7.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose seven persons to be directors of the Company, one or more of whom may be paid directors.
- Line of railway described. **8.** The Company may lay out, construct and operate a railway of either standard or narrow gauge from Edmonton or some other point to be determined upon in the North-West Territories, in a north-westerly direction, to the international boundary between the Yukon territory and that portion of the United States known as Alaska, at or near the point where the Yukon River crosses the said international boundary; and may improve any navigable waters, and connect the same with the railway system of the Company so as to form a system of railways and water transportation, and may build branch lines not exceeding thirty miles in length in any one case. 15 20 25
- Construction by sections. **9.** For the purpose of facilitating construction, the said railway and its branches may be constructed in sections of ten miles, and all the rights, privileges and powers of the Company under this Act and *The Railway Act* shall apply to the said sections, and the Company may issue bonds as provided for any such section. 30
- Contracts for equipment. **10.** The Company may purchase, lease, hire, or contract for such rolling stock, equipment, steamboats, barges, machinery or other supplies, surveys or works as to its directors seem conducive to the undertakings of the Company, and may pay for the same in cash, stock, bonds or lands of the Company, or partly in either. 35
- Powers of Company. Vessels. **11.** The Company may, for the purposes of its business,—  
(a.) construct, acquire, navigate and dispose of vessels upon or across any river, lake, stream or navigable waters reached in connection with any of its works or operations, and upon the streams forming parts thereof, tributary thereto, or connecting therewith, and upon other inland waters of the North-West Territories connecting with or adjacent to the proposed line of railway, and may bridge, dredge, build locks, or otherwise improve the navigation of such waters, and carry on generally the business of transportation in connection with the said railway and vessels, and may collect tolls from others for the use of such improvements, but such tolls, before being imposed, shall be submitted to and approved by the Governor in Council; 40 45 50
- Transportation. Rates of tolls.

(b.) acquire and utilize waters, rivers, or streams for water supply, steam power, air compressing, or generating electricity, or for lighting, heating and motor purposes in connection with its railways, vessels, or any of the said works, and may operate  
 5 the same by electricity, and may dispose of surplus electricity or other power generated by the Company's works and not required for its undertaking;

Water and steam power.

Electricity.

(c.) acquire and work mines, and mineral and mining rights, and crush, smelt, refine, reduce and amalgamate ore to render  
 10 marketable the produce, and may develop such mines, or the products thereof, whether belonging to the Company or not;

Mining rights.

(d.) construct, or aid in and subscribe towards the construction, maintenance and improvement of toll roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches,  
 15 quartz mills, ore-houses, and other buildings and works which are necessary or convenient for the purposes of the Company;

Construction of roads, etc.

(e.) carry on in connection with its works, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the  
 20 business of wharfingers, shippers and vessel owners, and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire lands, buildings, elevators, warehouses, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable, and  
 25 may establish shops, or stores on the said lands, and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incident or conducive to the  
 30 attainment of the above objects, and may sell any of the said properties.

Carriers.

**12.** If the Company requires land for wharfs, docks, elevators, terminals and other purposes of the railway, and cannot agree for the purchase thereof with the owner of such land,  
 35 it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation therefor.

Proceedings when additional land required.

1888, c. 29, ss. 107 to 111.

40 **13.** *The Railway Act* shall apply to the railway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

1888, c. 29.

**14.** The Company may construct and operate telegraph and  
 45 telephone lines, and may conduct a general telegraph and telephone business with the public and collect tolls therefor; and for the purpose of constructing and operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease its own or any  
 50 other line.

Telegraphs and telephones.

2. The Company may enter into arrangements with any other telegraph and telephone company for the exchange and transmission of messages, or for the working in whole or in part of the line of the Company.

Arrangements with other companies.

Rates to be approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

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R.S.C., c. 132.

4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Amount of bonds, etc., limited.

15. The Company may issue bonds, debentures, or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed, and the Company may issue such bonds, debentures or other securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgages to secure each separate series of bonds, debentures or other securities and every such limited series of such bonds, debentures or other securities, if so issued shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which shall be described in the mortgage made to secure the same.

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Land grant bonds.

16. The Company may also issue mortgage bonds (to be called land grant bonds) to the extent of one dollar per acre on any land granted in aid of the undertaking authorized by this Act, and when so issued such bonds shall constitute a first mortgage upon such lands, and any such mortgage may be evidenced by deed which may confer upon the trustee or trustees named thereunder, and upon the holders of the bonds secured thereby, such remedies or authorities, powers and privileges, and may contain such provisions and conditions not inconsistent with law or this Act as may from time to time be agreed upon between the Company and the other parties thereto.

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Power to receive aid.

17. The Company may, from time to time, receive from any government, district, municipal corporation, or person, in aid of the construction, equipment and maintenance of the said works, railway or line of steamships running in connection therewith or otherwise, grants of land, mineral rights, bonuses, loans or gifts of money, or bonds, securities for money, or as subvention for services and may dispose of or alienate such property as is not required for the purposes of the Company, and may also purchase or lease from any government, person or corporation any lands, rights and privileges, and the lands, leases and privileges so to be acquired and held by the Company for sale or otherwise for the purposes thereof, may be conveyed to trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges, and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the pur-

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poses following, that is to say, firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on and principal of bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company, provided, such dividends, interest and principal have been made a charge on such lands; and thirdly, for the general purposes of the Company.

10 **18.** All lands sold and conveyed by the Company or by  
 the said trustee after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the persons entitled to receive the purchase money, shall thereby be for ever released and discharged from all mortgages, liens  
 15 and charges, of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied in the first place in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or liens  
 20 created by the Company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

Application of proceeds of sale of lands.

**19.** Any lands acquired by the Company, whether earned or to be earned after the passing of this Act, which are not  
 25 required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted, or disposed of as the directors of the Company think necessary and advantageous for the purposes of the Company.

Sale of surplus land.

**20.** The bonds, debentures or other securities authorized  
 30 by this Act may be so issued, in whole or in part, in the denomination of dollars, pounds sterling, or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe; and the whole or any of such bonds may be pledged, negotiated, or  
 35 sold upon such conditions and at such price as the directors shall from time to time determine.

Bonds, how payable and negotiable.

**21.** The powers conferred upon the Company to carry on a navigation and transportation business shall only be exercised by the Company under the authority of the Governor in  
 40 Council and under such regulations as he imposes; the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company and fix the terms, rates and conditions on which they may be so used.

Navigation and transportation business.

**22.** If the construction of the railway is not commenced,  
 45 and fifteen per cent on the amount of the capital stock is not expended thereon within three years from the passing of this Act, or if the railway is not finished and put in operation within seven years from the passing of this Act, then the powers conferred upon the Company by Parliament as to the  
 50 railways of the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time limited for construction of railway.

- Proceeding in unorganized territories. **23.** In any unorganized province, territory or district, or in any municipality or place therein which has municipal or other governing authority, when fifty or more persons entitled to vote on the by-law hereinafter mentioned sign a petition praying that the proper authority in such province, territory, district, municipality or place submit a by-law, as set forth in the petition, to the vote of those qualified to vote thereon in such province, territory, district, municipality or place, or to several of the said provinces, territories, districts, municipalities or places, or any of them combined, as may be set out in the said petition, to grant to the Company any right, privilege, concession, security, franchise, guarantee, money or thing, the proper authority above mentioned shall immediately submit to the persons entitled to vote thereon, a by-law to the effect prayed for in the said petition. 5
- By-law. 10
- Majority of votes to determine. 2. A majority of the votes cast upon such by-law shall determine whether the said by-law has been carried or lost. 15
- Carrying out provisions of by-law. 3. The proper authority above mentioned shall, immediately after the passing of such by-law, carry out the necessary conditions and prepare the necessary bonds, debentures and securities or other rights or privileges so granted to the Company, and containing the proper provisions for payment of the same, and shall thereupon deliver the same to the Company; and upon the failure, neglect or refusal of such authority to perform or provide the same within sixty days after the passing of such by-law, the Company may apply to the Lieutenant Governor of the North-West Territories, who is hereby given all the powers conferred by this section on the proper authority above mentioned, and he is hereby authorized to, and shall thereupon, perform the duties and exercise the powers above mentioned in connection with such by-law, and shall charge to the province, territory, district, municipality or place mentioned in such by-law, the expense thereby incurred. 20 25 30
- Registration of Company. **24.** The Company may be registered in any place or country, and acquire any concessions, grants, rights, powers, authority, privileges, claims or contracts from any sovereign, ruler, state or government. 35
- R.S.C., c. 118. **25.** Subject to the provisions of this Act, *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the Company. 40
- Power of Parliament as to future legislation. **26.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to the hiring or leasing of rolling stock, running powers over, or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section. 45 50



No. 95.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Great Commonwealth Development and Mining Company, Limited Liability, and to change its name to the Alberta and Yukon Railway Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. GIBSON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Nickel Steel Company of  
Canada.

**W**HEREAS a petition has been presented praying that it Preamble.  
be enacted as hereinafter set forth, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate and  
5 House of Commons of Canada, enacts as follows:—

- 1.** John Maclaren, of the town of Brockville, in the pro- Incorporation.  
vince of Ontario; George B. Douglas, of the city of New  
York, in the state of New York; Alexander Fraser and David  
Maclaren, of the city of Ottawa, in the province of Ontario;  
F. F. Vandervoort, of the city of Pittsburg, in the state of  
Pennsylvania; the Honourable George A. Cox, of the city of  
Toronto, and Nathaniel Dymont, of the town of Barrie, in the  
province of Ontario; Alexander Maclaren, of the town of  
15 Buckingham, in the province of Quebec; Andrew Trew  
Wood, John Moodie and John Patterson, all of the city of  
Hamilton, in the province of Ontario, together with such per-  
sons as become shareholders in the company, are hereby incor-  
porated under the name of "The Nickel Steel Company of Corporate  
Canada," hereinafter called "the Company." name.
- 20** **2.** The Company may,— Powers of  
*(a.)* acquire and operate mines, mineral and mining rights; Company.  
*(b.)* smelt, reduce, refine, amalgamate, and in any other Mining.  
manner manufacture and treat metals, minerals and ores, and Ores and  
dispose of the same, and generally carry on the business of metals.  
manufacturing therefrom, and, in combination with other  
25 metals and materials, may manufacture any articles of mer-  
chandise, and sell or otherwise dispose of the same;  
*(c.)* acquire patent rights, letters patent of invention, pro- Patent rights.  
cesses, options, powers, water and other rights and privileges,  
and such real property and such other personal property as  
the Company may require, and again dispose of the same;  
*(d.)* construct, maintain and operate, and, when no longer Tramways,  
required for the purposes of the Company, dispose of, tram- telegraphs,  
ways, telegraph and telephone lines, water powers, piers, etc.  
wharves, smelting works, refineries and other factories;  
*(e.)* construct, acquire, navigate and dispose of steam and Vessels.  
other vessels;  
*(f.)* subscribe for, take and hold shares or stock in any com- Shares in  
pany incorporated for any of the purposes in this Act set forth; other  
*(g.)* acquire the stock, bonds, debentures or other securities companies.  
of any railway company, and pay therefor by the stock, bonds Railway  
or other securities of the Company; companies.

Arrangements with other companies for sharing profits. (h.) enter into any arrangement for sharing profits, union of interests or co-operation with any person or company carrying on, or about to carry on, any business or transaction which may be of benefit to the Company hereby incorporated, and assist such person or company, and acquire shares and securities of any such company, and sell or otherwise deal with the same; acquire and undertake all or any part of the assets, shares, business, property, privileges, contracts, rights, obligations and liabilities of any person or company carrying on any part of the business which the Company hereby incorporated is authorized to carry on, or possessed of property suitable for the purposes thereof; and amalgamate with any other company having objects altogether or in part similar to those of the Company hereby incorporated.

Power to carry out above objects. (i.) do all such acts, matters and things as shall be incident or necessary to the due attainment of the above objects.

Provisional directors. **3.** The said John Maclaren, Alexander Fraser, David Maclaren, Nathaniel Dymont, Andrew Trew Wood, John Moodie and John Patterson, are hereby constituted provisional directors of the Company, of whom a majority shall form a quorum

Capital stock. **4.** The capital stock of the Company shall be twenty million dollars, divided into shares of one hundred dollars each.

Annual meeting. **5.** The annual meeting of the shareholders shall be held at such time, and at such place in the province of Ontario as the provisional directors determine.

Election of directors. **6.** At the annual meeting of the Company the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose not less than five nor more than eleven persons to be directors of the Company, one or more of whom may be paid directors.

Head office. **7.** The head office of the Company shall be at the city of Hamilton in the province of Ontario, and all meetings of the provisional directors shall be held at the said city of Hamilton, or such other place as the said directors may from time to time determine.

Issue of paid up shares. **8.** The directors may make up and issue, as paid up and unassessable stock, shares of the capital stock of the Company, whether subscribed for or not, and whether paid up or not, and may pay or agree to pay in such paid up stock such sums as they deem expedient for any real or personal property (including the stock, bonds or other securities of any railway company) franchises, patent rights and other rights and privileges which may be considered by the directors in the interests of the Company to acquire, and such paid up stock shall not be assessable for calls nor shall the holders thereof be in any way liable thereon.

Railways. **9.** The Company may lay out, construct and operate railways to connect any of the mines, furnaces or works of the Company with any railway at present in existence, and *The*

*Railway Act* shall apply to the railway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

- 5 **10.** The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the
- 10 Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or
- 15 charge all or any of the assets and property of the Company.
2. The amount borrowed shall not at any time be greater than seventy-five per cent of the actual paid up stock of the Company; but this limitation shall not apply to commercial paper discounted by the Company.

- 20 **11.** The Company may receive, either by grant from any government, or from any individual or corporation, municipal or otherwise, as aid in the construction of the works provided for in this Act, any Crown lands, or any real or personal property, or any sums of money or debentures, either as gifts
- 25 by way of bonus or in payment, and may dispose of the same, and alienate the lands and other real or personal property for the purposes of the Company in carrying out the provisions of this Act.

- 12.** Sections 18, 39 and 41 of *The Companies Clauses Act*, R.S.C., c. 118. shall not apply to the Company.

No. 96.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Nickel Steel  
Company of Canada.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. Wood,  
(Hamilton.)

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Nickel Steel Company of  
Canada.

(Reprinted as amended and reported by the Select Standing Committee on Miscellaneous Private Bills.)

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

1. John Maclaren, of the town of Brockville, in the province of Ontario; George B. Douglas, of the city of New York, in the state of New York; Alexander Fraser and David Maclaren, of the city of Ottawa, in the province of Ontario;  
10 F. F. Vandevoort, of the city of Pittsburg, in the state of Pennsylvania; the Honourable George A. Cox, of the city of Toronto, and Nathaniel Dymont, of the town of Barrie, in the province of Ontario; Alexander Maclaren, of the town of Buckingham, in the province of Quebec; Andrew Trew  
15 Wood, John Moodie and John Patterson, all of the city of Hamilton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Nickel Steel Company of  
Canada," hereinafter called "the Company."
- 20 2. The Company may,—
- (a.) acquire and operate mines, mineral and mining rights;  
(b.) smelt, reduce, refine, amalgamate, and in any other  
manner manufacture and treat metals, minerals and ores, and  
dispose of the same, and generally carry on the business of  
25 manufacturing therefrom;
- (c.) acquire patent rights, letters patent of invention, processes, options, powers, water and other rights and privileges, and such real property and such other personal property as the Company may require, and again dispose of the same;
- 30 (d.) so far as is necessary for the purposes of the Company, construct, maintain and operate, and, when no longer required for the purposes of the Company, dispose of, tramways, telegraph and telephone lines, water powers, piers, wharfs, smelting works, refineries and other factories;
- 35 (e.) construct, acquire, navigate and employ steam and other vessels for the purpose of transporting the produce of the mills, mines and works of the Company to any place or places in Canada or elsewhere;
- (f.) acquire lines of railway affording transportation facilities  
40 from the water front to the mines and works of the Company, or any interest therein, and pay therefor by the stock, bonds or other securities of the Company;

Preamble.

Incorporation.

Corporate name.

Powers of Company.

Mining.

Ores and metals.

Patent rights.

Tramways, telegraphs, etc.

Vessels.

Railway companies.

(g.) issue paid-up shares of the capital stock of the Company for real and personal property claims, mining location privileges, or other rights which are deemed suitable or necessary for the purposes of the Company ;

Power to carry out above objects. (h.) do all such acts, matters and things as shall be incident or necessary to the due attainment of the above objects. 5

Provisional directors.

3. The said John Maclaren, Alexander Fraser, David Maclaren, Nathaniel Dymont, Andrew Trew Wood, John Moodie and John Patterson, are hereby constituted provisional directors of the Company, of whom a majority shall form a quorum, and they may open stock books and procure subscriptions, and shall deposit payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only. 10

Capital stock. 4. The capital stock of the Company shall be twenty million dollars, divided into shares of one hundred dollars each. 15

5. So soon as twenty-five per cent of the capital stock of the Company has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company, at such time, and at such place in the province of Ontario ; as they think proper ; and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of the time and place, postage prepaid, and registered, to the address of each shareholder of the Company. 20 25

Election of directors.

6. At the first general meeting of the Company and at each annual meeting thereafter the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than five nor more than eleven persons to be directors of the Company, the majority of whom shall form a quorum and one or more of whom may be paid directors. 30

Head office.

7. The head office of the Company shall be at the city of Hamilton in the province of Ontario, and all meetings of the provisional directors shall be held at the said city of Hamilton, or such other place in Canada as the said directors may from time to time determine. 35

Railways.

8. The Company may for the purpose of connecting any of the mines, furnances or works of the Company with any railway lay out, construct and operate such line or lines of railway as may be from time to time authorized by the Governor in Council, and *The Railway Act* shall apply to any such railway undertakings of the Company, and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained. 40 45

Borrowing powers.

9. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing 50

at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of the said moneys in  
 5 such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company.

2. The amount borrowed shall not at any time be greater  
 than seventy-five per cent of the actual paid up stock of the  
 10 Company; but this limitation shall not apply to commercial  
 paper discounted by the Company. Amount  
Proviso

10. The Company may receive, either by grant from any  
 government, or from any individual or corporation, municipal  
 or otherwise, as aid in the construction of the works provided  
 15 for in this Act, any Crown lands, or any real or personal property, or any sums of money or debentures, as gifts by way of bonus, and may dispose of the same, and alienate the lands and other real or personal property for the purposes of the Company in carrying out the provisions of this Act. Power to  
receive aid

20 11. Sections 18 and 39 of *The Companies Clauses Act*, and  
 section 41 of the said Act, in so far as it is inconsistent with  
 the provisions of this Act, shall not apply to the Company. R.S.C., c. 118.

No. 96.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Nickel Steel  
Company of Canada.

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*(Reprinted as amended and reported by Com-  
mittee on Miscellaneous Private Bills.)*

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(PRIVATE BILL.)

Mr. WOOD,  
(Hamilton.)

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the North Shore Electric  
Railway Company.

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

Preamble.

**1.** The Honourable William Owens of the town of Westmount, the Honourable V. W. Larue, of the city of Quebec, William Strachan, R. Préfontaine, Thomas Gauthier and Albert J. Corriveau, all of the city of Montreal, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The North Shore Electric Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

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

Head office.

**4.** The Company may lay out, construct and operate by any approved power, a railway of the gauge of four feet eight and one-half inches, from a point in or near the city of Three Rivers, thence through the district of Three Rivers, and may extend its line through other districts in the province of Quebec, on the north shore of the River St. Lawrence.

Line of railway described.

**2.** The Company may also construct branch lines on its railway or branches, to facilitate the working of the main line.

Branch lines.

**5.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Provisional directors.

**6.** The Company may construct or arrange any of its railway bridges for the use of foot passengers and carriages, and in such case the tolls to be charged for the passage of foot passengers and carriages, shall, before being imposed, be first submitted to and approved of, and may be from time to time amended and modified by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge.

Tolls may be charged on bridges.

Arrange-ments with telegraph and telephone companies.	<b>7.</b> The Company may enter into arrangements with any telegraph or telephone company for the exchange or transmission of messages, or for the working in whole or in part of the lines of the Company.	5
Capital stock and calls thereon.	<b>8.</b> The capital stock of the Company shall be one hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. [No call shall be payable unless and until a notice thereof has been sent by mail by registered letter addressed to each shareholder at least two weeks prior to the date when such call is payable by such shareholder.]	10
Annual meeting.	<b>9.</b> The annual meeting of the shareholders shall be held on the second Thursday in September in each year.	15
Election of directors.	<b>10.</b> At such meeting, the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five and not more than twelve persons to be directors of the Company, one or more of whom may be paid directors.	20
Amount of bonds, etc., limited.	<b>11.</b> The Company may issue bonds, debentures, or other securities, to the extent of twenty-five thousand dollars per mile of single track of its railway and branches, and such bonds, debentures, or other securities, may be issued only in proportion to the length of railway constructed [to be constructed] or under contract to be constructed.	25
Apportionment of bonds.	<b>12.</b> The Company may divide its undertaking into sections, and may issue the bonds, debentures and other securities authorized to be issued by this Act, separately, with respect to each of the sections, or as to certain sections combined, or on the whole line of its railway; and such bonds, debentures or securities, if so issued, shall, subject to the provisions contained in section 94 of <i>The Railway Act</i> form a first charge upon and be limited to the particular sections in respect to which respectively they are issued, and upon all the property of the Company belonging to such sections.	30 35
Bonds, how issued.	<b>13.</b> The bonds, debentures, or other securities authorized by this Act, may be issued in whole or in part, in the denomination of dollars, pounds sterling, or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States, or Europe.	40
Where payable.	<b>14.</b> The Company may enter into agreements with any other railway companies:— [1. For acquiring the property, rights, franchises, privileges and rolling stock of other railway companies, and for leasing any other railway, in whole or in part;] 2. For conveying or leasing to such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and property to it belonging, or for an amalgamation with	45 50
Agreements with other companies. To acquire other railways.		
To lease Company's railway.		

- such companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council;
- 10 3. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company
- 15 runs, and in which a newspaper is published.
- 15.** The Company may,—
- (a.) acquire lands, and erect, use and manage works, manufacture machinery and plant for the generation, transmission and distribution of electric power and energy;
- 20 (b.) build and maintain power houses and stations for the development of electrical force and energy;
- (c.) acquire exclusive rights in letters patent, franchises, or patent rights, for the purpose of the works and undertakings hereby authorized, and again dispose of such rights;
- 25 (d.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting the same into electricity, or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used;
- 30 (e.) construct, acquire, navigate and dispose of steam and other vessels on any navigable waters adjacent to its lines of railway; and may construct and maintain docks, wharfs and other buildings necessary for the use of the Company;
- (f.) lay out and manage parks and pleasure grounds, lease
- 35 the same, contract with any person or corporation for their occupation and use; and provide entertainments, exhibitions and attractions therein to induce and stimulate travel;
- (g.) build, purchase, lease and manage hotels, dwelling-houses and restaurants along its line of railway.
- 40 **16.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any
- 45 other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

Powers of Company. Lands and works.

Power houses.

Patent rights.

Surplus power.

Vessels.

Parks, etc.

Hotels, etc.

Power of Parliament as to future legislation.

No. 97.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the North Shore  
Electric Railway Company.

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First reading, March, 24th, 1898.

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(PRIVATE BILL.)

Mr. PREFONTAINE.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Edmonton and Peace River  
Railway and Navigation Company.

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

**1.** Henry Newell Bate, David Maclaren, Alexander Fraser, John Mather, and James Isbester, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Edmonton and Peace River Railway and Navigation Company," hereinafter called "the Company."

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

**3.** The Company may lay out, construct, and operate a railway of the gauge of [three feet, or of] four feet eight and one-half inches from a point in or near Edmonton in the North-West Territories, thence by the most direct and feasible route to some point at or near the confluence of Smoky and Peace Rivers, or to some point between the said confluence and Dunvegan in the North-West Territories; [and also any branch lines or extensions of any length that may be considered desirable or necessary from any point on the main line.]

**2.** In the event of any portion of the railway being in the first instance constructed of a gauge of three feet only, the same may be converted by the Company into a gauge of four feet eight and one-half inches.

**4.** The Company may,—

**(a.)** construct, acquire, navigate and dispose of, steam and other vessels on any lakes, rivers, or other navigable waters in British Columbia north of the fifty-third parallel, and in the Yukon District and elsewhere in the North-West Territories, as it deems proper and expedient, and may enter into arrangements and agreements with the owners of steam and other vessels for such purposes, and may carry on upon the said waters the business of transportation;

**(b.)** construct, acquire, maintain and use ways, roads, tramways, ferries, docks, piers, wharfs, bridges, viaducts, aqueducts, flumes, ditches, elevators, warehouses and other buildings and works in the said portion of the said province, and in the said district and territories;

Telegraph and telephone lines.	(c.) construct and operate telegraph and telephone lines beyond its line of railway as well as along its line of railway, and also along any ways or roads to be constructed or acquired as aforesaid in the said portion of the said province and in the said district and territories, and wherever the Company operates steam or other vessels as aforesaid; and may undertake and collect payment for the transmission of telegraph and telephone messages for the public on any of its lines; and may enter into arrangements with any other telegraph or telephone companies for the exchange and transmission of messages, or for the working of the telegraph or telephone lines of the Company: but no rates or charges shall be demanded or taken from any person for using the telegraph or telephone lines of the Company until such rates or charges have been approved of by the Governor in Council;	5 10 15
Tolls.		
Lumber business.	(d.) carry on throughout the said portion of the said province and in the Yukon District and elsewhere in the North-West Territories the business of lumberers, mill-owners, carriers, forwarders, wharfingers, shippers and transportation agents, and all other business incident thereto or connected therewith;	20
Carriers, etc.		
Mining.	(e.) locate, lease, acquire, work and sell mines, minerals and mining rights, timber and timber lands, in the said portion of the said province, and in the Yukon District and elsewhere in the North-West Territories; and may develop such mines, and crush, smelt, reduce, and amalgamate and dispose of the ores and products of any mines;	25
Water and electric power.	(f.) produce, acquire and utilize water privileges in the said portion of the said province, and in the Yukon District and elsewhere in the North-West Territories, for the purpose of compressing air or generating electricity, or producing other power for lighting, heating and other purposes in connection with its undertaking; and may also sell or otherwise utilize or dispose of electricity or other power so generated and not required for operating its works; and may erect and use poles, wires and other works, machinery and plant for the generation, transmission and distribution of such electricity;	30 35
Patent rights.	(g.) acquire and dispose of any rights in letters patent, franchises or patent rights, for the purposes of the works and undertakings hereby authorized;	40
Acquire other businesses.	(h.) acquire any business other than that of a railway company similar to that which the Company is hereby authorized to carry on, together with all the assets, franchises and property of the owners of such business, subject to the obligations, if any, affecting the same; and may pay the price therefor wholly or partly in cash, or wholly or partly in paid-up or partly paid-up shares of the Company, or in shares of the Company issued as wholly or partly paid-up or otherwise.	45
Proceedings when extra land required.	5. If the Company requires land for its ways, roads, wharfs, docks, piers, elevators, or warehouses, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111 both inclusive, of <i>The Railway Act</i> shall apply to the subject matter of this section, and to the obtaining of such land and determining the compensation therefor:	50 55

- 6.** The Company may receive by grant from any government, person or municipal corporation, as aid in the construction of its undertaking, any property, sums of money, 5 debentures, or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such property as is not required for the undertaking of the Company. Power to receive aid.
- 7.** The persons named in section 1 of this Act are hereby 10 constituted provisional directors of the Company, and a majority of them shall form a quorum. Provisional directors.
- 8.** The capital stock of the Company shall be one million 15 dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. Capital stock and calls thereon.
- 9.** The annual meeting of the shareholders shall be held 20 on the first Tuesday in September in each year. Annual meeting.
- 10.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall 25 choose five persons to be directors of the Company, one or more of whom may be paid directors. Election of directors.
- 11.** [The directors may vote and act by proxy, but such proxies shall be held by directors only; no director shall hold more than two proxies; and no meeting of directors shall be 30 competent to transact business unless at least two directors are present thereat. Proxies.
2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding 30 the time of such meeting.] Renewal of proxies.
- 12.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to 35 the length of railway constructed or under contract to be constructed. Amount of bonds, etc., limited.
- 13.** In addition to the powers mentioned in the next preceding section, the Company may, for the purposes of its undertaking other than the railway, when authorized by a by-law 40 for that purpose approved of by the votes of at least two-thirds in value of the shareholders qualified to vote, who are present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of its paid-up 45 capital stock as the shareholders deem necessary, and issue bonds and debentures therefor in sums of not less than one hundred dollars, or its equivalent in sterling money, each, at such rates of interest and payable at such times and places and secured in such manner by mortgage or otherwise upon the 50 whole or any portion or portions of the property of the Company as are prescribed in such by-law, or decided upon by the directors under the authority thereof. Borrowing powers.

Agreements with other companies.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

Power of Parliament as to future legislation.

**14.** The Company may enter into an agreement with  
 for conveying or leasing to such company, the  
 railway of the Company hereby incorporated, in whole or in  
 part, or any rights or powers acquired under this Act, as also  
 the franchises, undertaking, surveys, plans, works, plant, 5  
 material, machinery, and all other property to it belonging, or  
 for an amalgamation with any of such companies on such terms  
 and conditions as are agreed upon, and subject to such restric-  
 tions as to the directors seem fit; provided that such agree- 10  
 ment has been first approved by two-thirds of the votes at a  
 special general meeting of the shareholders duly called for the  
 purpose of considering the same—at which meeting share-  
 holders representing at least two-thirds in value of the stock are  
 present or represented by proxy—and that such agreement has  
 also received the sanction of the Governor in Council. 15

2. Such sanction shall not be signified until after notice of  
 the proposed application therefor has been published in the  
 manner and for the time set forth in section 239 of *The Rail-  
 way Act*, and also for a like period in one newspaper in each of  
 the electoral districts through which the railway of the Com- 20  
 pany runs and in which a newspaper is published.

**15.** Any Act hereafter passed for the purpose of controlling  
 railway companies incorporated by or subject to Parliament as  
 to the issuing of stock or bonds, and as to rates or tolls and the 25  
 regulation thereof, and as to running powers over or other  
 rights in connection with the railway of any company by any  
 other company, and the exercise of powers conferred upon  
 railway companies, shall apply to the Company from the time  
 such Act goes into effect; but this section shall not be  
 construed to imply that such Act would not apply to the 30  
 Company without the enactment of this section.

No. 98.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Edmonton and Peace River Railway and Navigation Company.

First reading, March 24th, 1898.

(PRIVATE BILL.)

Mr. MACPHERSON.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Lake Champlain and St.  
Lawrence Ship Canal Company.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate and  
5 House of Commons of Canada, declares and enacts as follows:—

**1.** In this Act, unless the context otherwise requires,— Interpreta-

(a.) The word “canal” means “canal or navigation, and tion.  
any branch canal,” and includes every kind of work necessary “Canal.”  
or done in respect of the canals for the purpose of carrying out  
10 the objects of this Act;

(b.) The word “land,” wherever used in *The Railway Act* “Land.”  
or in this Act, includes land covered by water;

(c.) The word “vessel” includes any ship, barge, boat or raft “Vessel.”  
passing through any of the canals hereby authorized, or plying  
15 upon any lake or river connecting therewith;

(d.) The word “goods” includes any goods, merchandize “Goods.”  
and commodities of whatsoever description, passing through  
any of the canals hereby authorized.

**2.** The Honourable Alfred A. Thibaudeau and the Honour- Incorpora-  
20 able William Owens, of the city of Montreal, in the province tion.  
of Quebec; the Honourable Smith M. Weed, of the city of  
Plattsburg; Charles F. Burger and J. Wesley Allison, both of  
the city of New York, in the state of New York; Charles H.  
Cummings, of Mauch Chunk, in the state of Pennsylvania, in  
25 the United States; Raymond Préfontaine, Samuel H. Ewing,  
Albert J. Corriveau, Henri A. A. Brault, Robert Bickerdike,  
A. Haig-Sims, Paul Galibert, the Honourable Trefflé Berthi-  
aume, and Charles Berger, all of the said city of Montreal;  
Samuel T. Willett, of Chambly Canton; Maurice Perrault, the  
30 Honourable Jean Girouard, and Louis E. Morin, all of the  
town of Longueuil; James Ocain and Alexander MacDonald,  
both of the town of St. Johns, in the province of Quebec;  
Thomas Gauthier, William G. Reid, of the said city of Mon-  
treal; together with such persons as become shareholders in  
35 the company, are hereby incorporated under the name of  
“Lake Champlain and St. Lawrence Ship Canal Company,” Corporate  
hereinafter called “the Company.” name.

**3.** The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.

40 **4.** The head office of the Company shall be in the city of Head office.  
Montreal, in the province of Quebec, or at such other place in  
Canada as the Company from time to time determines by law.

- Capital stock.     **5.** The capital stock of the Company shall be six million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.
- Provisional directors.     **6.** The first twelve persons named in section 2 of this Act shall be the first or provisional directors of the Company.     5
- First meeting of Company.     **7.** So soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Montreal or at such other place in Canada as they determine, at which meeting the shareholders shall, from the shareholders who have paid all calls due on the stock held by them, elect seven persons to be directors of the Company, but the Company may at any time by by-law increase or decrease the number of directors;     10
- Election of directors.     **2.** Notice in writing of the date and place of holding such meeting, signed by the provisional directors, and mailed, postage prepaid, to the post office address of each shareholder, not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.     15
- Notice of meeting.     **8.** The Company may,—
- Powers of Company.     (a.) lay out, construct and operate a canal from some point on the south shore of the River Saint Lawrence to some point on the Chambly Canal, Richelieu River or Lake Champlain, whichever may be found most desirable and convenient, of such dimensions as to make a navigable channel of any depth, but not less than nine feet, and of any width not less than eighty feet at the bottom of the said channel;     25
- Canal.     (b.) construct, and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the canal;     30
- Locks, tow-paths, etc.     (c.) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canal and other works of the Company hereby authorized; dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the canal and other works, on or out of the lands of any person adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the canal or the works incidental thereto or connected therewith, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purposes of this Act;     35
- Appropriation of lands.     (d.) make, maintain and alter any places or passages over, under or through the canal or its connections;     50
- Passages.     (e.) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, watercourses, reservoirs, and other sources of water supply
- Water supply.

- adjacent or near to the canal, water sufficient for the purposes of constructing, maintaining, operating and using the canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of  
 5 three miles per hour, through the navigable channel of the canal; and the Company shall, in the exercise of the powers granted by this paragraph do as little damage as possible, and shall make full compensation to all persons interested for all  
 10 powers, and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act*;
- (f.) lay out, construct and operate by any motive power, a  
 15 double or single track railway of iron or steel rails, of any gauge not less than three feet, along or near the side or sides of the canal, and construct and operate branch lines connecting with the lines of the Montreal and Southern Counties Railway Company, the Montreal and Province Line Railway Company, the South Shore Railway Company, the Grand  
 20 Trunk Railway Company, the Canadian Pacific Railway Company and other railway companies ;
- (g.) acquire, construct, operate, lease or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators, warehouses, dry docks and other structures, and building and repairing yards, and all works incidental thereto, upon the canal  
 25 or upon lands adjoining or near the same ;
- (h.) acquire, lay out, lease and otherwise dispose of land, and use, lease and otherwise dispose of water brought by or for the canal or works but not requisite for the same; and  
 30 may also construct and operate works for, and produce hydraulic, pneumatic, electric, natural gas, steam and other power, and sell, lease, supply and otherwise dispose of light, heat and power from the same, and propel vessels in and through the canal by any kind of force, and sell, lease or  
 35 otherwise dispose of the said works ;
- (i.) acquire, construct, navigate and dispose of vessels to ply on the canal, and the lakes, rivers and canals connecting therewith, and may also make agreements for vessels to ply upon the said canal, lake and rivers ;
- 40 (j.) acquire, by licence, purchase or otherwise, any rights in letters patent, franchises, or patent rights, for the purposes of the works hereby authorized, and again dispose of such rights ;
- (k.) the Company may divide its undertaking into sections.
- 45 9. The Company may, subject to the provisions contained in section 10 of this Act, construct, operate and maintain telegraph and telephone lines, and lines for the conveyance of electric and other power by wires or pipes, along the whole length of the said canal and its approaches, and from and between the said canal and cities, towns and incorporated villages, and may establish offices for the transmission of messages for the public, and collect tolls therefor, and, for the purposes of erecting and working such telegraph and telephone lines and electric plant, the Company may enter into contracts with  
 55 any other company, or may lease the Company's lines.

Compensation  
for damages.

Line of  
railway.

Harbours,  
warehouses,  
etc.

Land.  
Surplus water.

Power works.

Vessels.

Patent rights.

Sections.

Telegraphs  
and  
telephones.

Electric  
power.

Arrangements with telegraph and telephone companies.	2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.	
Rates to be approved by Governor in Council.	3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.	5
R.S.C., c. 132.	4. <i>The Electric Telegraph Companies Act</i> shall apply to the telegraphic business of the Company.	10
Power to enter on highway.	<b>10.</b> The Company may enter on any highway or public place for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic, telegraphic, or other electrical contrivances thereon, and, as often as the Company think proper, may break up and open any highway or public place, subject, however, to the following provisions:—	15
Erect poles.	(a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building;	25
Stretch wires.	(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;	
Break up highway.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;	30
Travel not to be obstructed.	(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;	35
Height of wires.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;	
Kind of poles.	(f.) The opening up of streets for the erection of poles or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council shall appoint, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected, and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company.	40 45
Cutting poles or wires in case of fire.	(g.) In case efficient means are devised for carrying telegraph and telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;	50
Injury to trees.	(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have	55
Supervision of municipality.		
Surface of street to be restored.		
Future legislation as to carrying wires underground.		
Workmen to wear badges.		

conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

- (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ; Private rights.
- (j.) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ; Temporary removal of wires and poles.
- (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works. [Provided that the Company shall not be responsible to consumers of electricity for any interruption in the supply of light or power arising from that cause, or in the carrying out of the purposes herein mentioned.] Notice to Company.
- 11.** The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or water-courses which the canal crosses, touches or interferes with, and which are in existence at the time of construction of the canal. Liability for damage.
2. All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alterations, enlargement and change of existing drains and of natural streams or water-courses, and as to who shall make such alterations, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be enquired into, heard and determined by the Railway Committee of the Privy Council, in the same manner as is provided for other matters to be enquired into, heard and determined by the said committee under *The Railway Act*. Interference with drainage systems.
- 12.** When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for the lands required for the construction or maintenance of any works authorized under this Act, or for damages to lands injured by the Company, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act*, so far as the same may be applicable. Disputes to be determined by Railway Committee.
- Proceedings when land required for undertaking.

- "Lands" defined. 2. In sections 8, 12, 13, 16 and 17 of this Act, the expression "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act.
- Rights of Company in cases of accident to canal. 13. In case of any accident requiring immediate repair on the canal, the Company may enter upon the adjoining land, provided such land is not an orchard or garden, and may dig for, work, get and carry away and use such gravel, stone, earth, clay or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as possible to such land, and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of the province of Quebec, such sum, with interest thereon for six months, as is fixed, on the *ex parte* application of the Company, by a judge of the Superior Court of the district in which such land is situate. 5  
10  
15  
20
- Arbitration in case of disputes. 14. The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels using the canal at such points thereon as they deem expedient, and may also build and erect such dry docks, slips and machinery for the hauling out and repairing of vessels as they think proper, or may lease or hire the same. 25
- Basins for laying up vessels.  
Dry docks. 15. The Company shall, at every place where the canal crosses any railway, highway, or public road, (unless exempted from the provisions of this section as far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road,) construct and maintain, to the satisfaction of the Governor in Council, bridges for passage over the canal, so that the public thoroughfare or railway may be as little impeded as possible, and the Company shall not, in making the canal, cut through or interrupt the passage on any highway or public road, until it has made a convenient road past its works for the use of the public; and for every day on which it shall neglect to comply with the requirements of this section, the Company shall incur a penalty of ten dollars. 30  
35  
40
- Bridges to be constructed. 16. The lands, ground or property to be taken or used, without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed four hundred yards in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved as hereinafter provided by the Governor in Council, or where flooding or drowning of land is unavoidable, on account of the construction of dams. 45  
50
- Penalty for impeding traffic. 17. The Company may make, carry or place the canal or works into, and across or upon the lands of any person
- Extend of appropriated land limited. Company's rights when person errone-

- whomsoever in the line shown on the plan adopted (or within a distance of five hundred yards from such line, except at the points of entering the river and canal aforesaid, or Lake Champlain, where they shall be confined to the line shown on the said plan), although the name of the said person be not entered in the said book of reference through error, want of sufficient information, or any other cause, or although some other person be erroneously mentioned as the owner of, or the party entitled to convey, or as interested in such lands. ously named as owner.
- 10 **18.** The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or the land covered with the waters of the rivers or lakes which the canal may cross, start from or terminate at, as may be required, for the wharves and other works of the canal, for making Public beach.
- 15 easy entrance thereto, and for the other works which they are hereby authorized to construct, doing no damage to nor causing any obstructions in the navigation of the said rivers or lake, and conforming in all respects to the plan and modes of construction sanctioned as aforesaid by the Governor in
- 20 Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.
- 19.** With the consent of the Governor in Council, the Company may, in connection with the works hereby authorized, improve, widen, deepen and straighten the Richelieu River Other canals may be deepened.
- 25 channel, the Chambly Canal, Lachine Canal, St. Ann's Canal, Carillon Canal, and Grenville Canal, or any of them, but shall carry out the said works of improvement in such a way as not to impair or impede navigation therein, or impair the efficiency of the existing locks in the said canals; or may construct wholly new canals parallel to those above named, or a
- 30 wholly new canal parallel to any of them, as to avoid, so far as possible, interference with works now existing; and the Company may also dredge and open a suitable navigable channel, in the Ottawa River, the Mattawan River, and the French River channels.
- 35 River, and the waters connecting the same, wherever it may be advisable so to do to carry out the objects authorized by this Act; but the Company shall carry out the works necessary to dredge and open such channel in the said rivers, and the waters connecting the same, in such a way as not to im-
- 40 pair or impede navigation therein.
- 20.** If any lock, canals, dam, slide, boom, bridge, or other works the property of the Government of Canada, and whether now in its possession or leased to any person, is required by the Company for the purposes of its undertaking, Company may take over Government locks, bridges, etc.
- 45 the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Government, take such locks, canals, dams, slides, booms, bridges, or other works, for the purposes of its undertaking.
- 50 **21.** Before the Company shall break ground or commence the construction of any of the canals or works hereby authorized, the plans, locations, dimensions and all necessary particulars of such canals and works shall be submitted to and approved by the Governor in Council. Plans of undertaking to be first approved by Governor in Council.

- Irrigation. **22.** The Company may take, use and dispose of water for the purposes of the said canals, and for irrigation purposes, as well as for the production and operation of electric power and energy as aforesaid.
- Terms for power, etc., to be agreed upon. 2. The water, hydraulic power and electricity supplied by the Company, or its grantees, shall be supplied upon the terms and conditions to be agreed upon between the parties interested. 5
- Company may examine apparatus. 3. The Company may examine and repair all the apparatus which is used to distribute such water, hydraulic power and electricity; and its employees may enter upon private property for such purposes only. 10
- Directors may make by-laws. **23.** The directors may make by-laws regulating the qualification of directors, the transfer of shares, and the time and place of shareholders' and directors' meetings. 15
- Capital may be increased or decreased. **24.** The directors may also, by by-law, change or convert the shares or capital stock of the Company from Canadian currency to sterling, or francs, and *vice versa*, and increase or decrease the par value of such shares.
- Company may make by-laws. **25.** In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say:— 20
- Speed. (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled; 25
- Hours of arrival and departure of vessels. (b.) for regulating the hours of the arrival and departure of such vessels;
- Loading and draught. (c.) for regulating the loading or unloading of such vessels and the draught thereof;
- Tobacco. (d.) for preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property; 30
- Travel. (e.) for regulating the travelling and transportation upon and the using and the working of the canal; 35
- Conduct of employees. (f.) for regulating the conduct of the officers, servants and employees of the Company;
- Use of canal. (g.) for the maintaining, preserving and using the canal and all other works hereby authorized to be constructed or connected therewith, for the governing of all persons and vessels passing through the said canal; 40
- Management of affairs. (h.) for providing for the due management of the affairs of the Company in all respects.
- Issue of bonds. **26.** The directors, whenever authorized by by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, as the shareholders deem necessary, issue bonds or debentures in sums of one hundred dollars each or for the amount determined by the by-law, at such rate of interest and payable at such time and places, and secured in such manner, by mortgage or otherwise, upon the whole or any portion of the property, or undertaking, of the Company, as 50

may be prescribed in such by-law, or decided upon by the directors, upon the authority thereof, and the Company may make such provision respecting the redemption of such securities as it deemes proper.

5 **27.** The directors may issue, as paid up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property of any person or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person or corporation or its shareholders ; and may issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and allot and hand over the same in payment for right  
10 of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, [or services rendered to the Company,] and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property [or services rendered to the Company], wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

Issue of paid-up stock.

**28.** The Company may amalgamate with any other company, and may acquire the property, rights, franchises and privileges, in whole or in part, of other companies, with the consent of the majority of the shareholders at a meeting specially called for the purpose of considering the same.

Amalgamation with other companies.

**29.** The directors may, from time to time, with the consent of the majority of the shareholders present or represented by proxy at a meeting called for such purpose, issue debenture stock which shall be considered as a part of the regular debenture debt authorized by section 26 of this Act, in such amounts and manner, on such terms, and bearing such rates  
30 of interest, as the directors from time to time, think proper, and the Company may, from time to time, borrow money to an amount which shall not exceed five times the amount of its paid up and unimpaired capital, and it may, for that purpose, execute, negotiate, and issue obligations or bonds, or debentures, in sums of one hundred dollars, or as authorized  
40 by section 26 of this Act, redeemable at a fixed period or within a definite term, by means of drawings, with or without premiums or prizes. It may stipulate and pay on its obligations or bonds, or debentures, which may be issued by it,  
45 any rate of interest that may be lawfully taken by individuals at the place where they are issued.

Issue of debenture stock.

**30.** The mortgage bonds, debentures or other securities of the Company, issued under the provisions of this Act, may be issued in the denominations of pounds, dollars or francs, or  
50 any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe, and the coupons attached, representing the interest on

Bonds, etc., how issued and payable.

such bonds or obligations, may correspond to the denomination of the bond to which they are attached.

Exchange of bonds for debenture stock.

**31.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, as may be deemed expedient by the respective holders thereof, and the Company may exchange and reconvert the same. The Company may also mortgage or pledge the bonds which it is hereby authorized to issue, for the construction of its works or otherwise.

Power to mortgage bonds.

Bonds, how apportioned.

**32.** The Company may issue the bonds, debentures and other securities authorized to be issued by this Act, separately, with respect to each of the sections, or as to certain sections combined, or on the whole work and property of the Company; and such bonds, debentures or securities, if so issued, shall be subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon and be limited to the particular section or sections in respect to which respectively they are issued, and upon all the property of the Company belonging to such section or sections.

Agreements with other companies for sale, etc., of Company's property.

**33.** The Company may enter into and make any agreement with any other company for leasing, selling or transferring to such company any of the Company's property, rights, franchises, and privileges, in whole or in part, and may acquire the property, rights, franchises and privileges of any other company; provided that such agreement has been first approved by two thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two thirds of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the canal of the Company runs and in which a newspaper is published.

Obstruction of canals.

**34.** If any person shall in any way obstruct or interrupt the free use of the said canals, or the flumes or works incident thereto or connected therewith, or do damage thereto, or to any of the docks, piers, wharves, warehouses, sheds, buildings, tanks, cranes, weigh beams, elevators, or other erections or works of the Company, such person shall, for every such offence, in addition to paying the Company the actual amount of damage caused, incur a forfeiture or penalty of not less than twenty-five dollars and not exceeding four hundred dollars, to be recovered before one or more justices of the peace for the district in which the offence was committed, and one half of such penalty shall go to the prosecutor or informer, and the other half to Her Majesty; and in default of the payment of such fine, within fifteen days from the rendering of the judgment, the person so condemned may be imprisoned for a

Penalty.

period of not less than fifteen days, and not more than two months, which imprisonment shall cease upon payment of the said fine, and costs.

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

Rates of charge.

**36.** Every vessel using the canal shall have her draught of water legibly marked in figures not less than six inches in length, from one foot to her greatest draught, upon the stem and stern posts; and any wilful mistatement of such figures so as to mislead the officers of the Company as to any vessel's true draught, shall be punishable as an indictable offence on the part of the owner and master of such vessel, and the Company may detain any such vessel upon which incorrect figures of draught are found, until the same are corrected at the expense of her owner.

Draught to be marked on vessels.

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

Measurement of vessels.

**38.** Any Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use of the canal by the Government at any time, or the carriage of Her Majesty's mails or Her Majesty's forces, and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or any service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act.

Use of canal by Government.

**39.** The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient port and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or

Lands taken for use of canal to be separated by fence, etc.

vested in the Company, as aforesaid, and shall, at its own cost and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid. 5

Canal to be measured.

**40.** So soon as possible be after the canal is completed, the Company shall cause it to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other. 10

Sunken vessels.

**41.** If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel. 15 20

Crown may take over canal.

Notice to Company.

**42.** Her Majesty may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in Her Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof. 25 30

Time for construction limited.

**43.** If the construction of the canal hereby authorized to be constructed is not commenced within three years from the passing of this Act, or if the said canal is not finished and put in operation within seven years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the canal as then remains uncompleted. 35 40

1888, c. 29.

**44.** *The Railway Act* shall, so far as applicable, and when not inconsistent with the provisions of this Act, and except sections 3 to 25, both inclusive, 36, 37, 38, 41, 89, subsection 3 of section 93, sections 103, 104, 105, 112, 120, 173 to 177, both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210, 214, 240 to 263, both inclusive, 271 to 274, both inclusive, 276 to 286, both inclusive, and 288 to 293, both inclusive, apply to the Company, and to the canal and works of the Company, except the railways authorized under paragraph (f) of section 8 of this Act, to which railways the whole of *The Railway Act* shall apply. 45 50

2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, or to the Company, mean the "canal" "or other works" hereby authorized to be constructed; and in any section of *The Railway Act* relating to the collection of tolls, where the expressions "passengers" and "goods," or either of them, occur, such expressions shall be held to include any vessel passing through the canal, whether laden or otherwise.

Railway to mean "canal."

"Goods" to include "vessel."

10 **45.** *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 132 not to apply.

**46.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament, as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

No. 99.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Lake Cham-  
plain and St. Lawrence Ship Canal  
Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

MR. PRÉFONTAINE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Lake Champlain and St. Lawrence Ship Canal Company.

(Reprinted as amended and reported by the Railway Committee.)

WHEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate and  
5 House of Commons of Canada, declares and enacts as follows:—

1. In this Act, unless the context otherwise requires,— Interpretation.
- (a.) The word “canal” means “canal or navigation, and  
any branch canal,” and includes every kind of work necessary  
or done in respect of the canals for the purpose of carrying out  
10 the objects of this Act; “Canal.”
- (b.) The word “land,” wherever used in *The Railway Act* “Land.”  
or in this Act, includes land covered by water;
- (c.) The word “vessel” includes any ship, barge, boat or raft “Vessel.”  
passing through any of the canals hereby authorized, or plying  
15 upon any lake or river connecting therewith;
- (d.) The word “goods” includes any goods, merchandize “Goods.”  
and commodities of whatsoever description, passing through  
any of the canals hereby authorized.

2. The Honourable Alfred A. Thibaudeau and the Honour- Incorporation.  
20 able William Owens, of the city of Montreal, in the province  
of Quebec; the Honourable Smith M. Weed, of the city of  
Plattsburg; Charles F. Burger and J. Wesley Allison, both of  
the city of New York, in the state of New York; Charles H.  
Cummings, of Mauch Chunk, in the state of Pennsylvania, in  
25 the United States; Raymond Préfontaine, Samuel H. Ewing,  
Albert J. Corriveau, Henri A. A. Brault, Robert Bickerdike,  
A. Haig-Sims, Paul Galibert, the Honourable Trefflé Berthi-  
aume, and Charles Berger, all of the said city of Montreal;  
Samuel T. Willett, of Chambly Canton; Maurice Perrault, the  
30 Honourable Jean Girouard, and Louis E. Morin, all of the  
town of Longueuil; James Ocain and Alexander MacDonald,  
both of the town of St. Johns, in the province of Quebec;  
Thomas Gauthier, William G. Reid, of the said city of Mon-  
treal; together with such persons as become shareholders in  
35 the company, are hereby incorporated under the name of  
“Lake Champlain and St. Lawrence Ship Canal Company,” Corporate  
hereinafter called “the Company.” name.

3. The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.

- Head office. **4.** The head office of the Company shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the Company from time to time determines by law.
- Capital stock. **5.** The capital stock of the Company shall be six million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary. 5
- Provisional directors. **6.** The first twelve persons named in section 2 of this Act shall be the first or provisional directors of the Company.
- First meeting of Company. **7.** So soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof have been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the city of Montreal, at which meeting, and at each annual meeting thereafter, the shareholders shall, from the shareholders who have paid all calls due on the stock held by them, elect seven persons to be directors of the Company, but the Company may at any time by by-law increase the number of directors to nine, or reduce it to five; 15
- Election of directors. **2.** Notice in writing of the date and place of holding such meeting, signed by the provisional directors, and mailed, postage prepaid, to the post office address of each shareholder, not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting. 20
- Notice of meeting.
- Annual general meeting. **8.** The annual general meeting of the shareholders shall be held on the fourth Thursday in September in each year. 25
- Powers of Company.  
Canal. **9.** The Company may—  
(a.) lay out, construct and operate a canal from some point on the south shore of the River Saint Lawrence to some point on the Chambly Canal, Richelieu River or Lake Champlain, whichever may be found most desirable and convenient, of such dimensions as to make a navigable channel of any depth, but not less than nine feet, and of any width not less than eighty feet at the bottom of the said channel; 30
- Locks, tow-paths, etc. (b.) construct, and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the canal; 35
- Appropriation of lands. (c.) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canal and other works of the Company hereby authorized; dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the canal and other works, on or out of the lands of any person adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the canal or the works incidental thereto or connected therewith, or which may hinder, prevent 40 45 50

or obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purposes of this Act ;

(d.) make, maintain and alter any places or passages over, Passages.  
5 under or through the canal or its connections ;

(e.) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, watercourses, reservoirs, and other sources of water supply adjacent or near to the canal, water sufficient for the purposes of constructing, maintaining, operating and using the canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour, through the navigable channel of the canal ; and the Company shall, in the exercise of the powers granted by this paragraph do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers, and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act* ; Water supply.  
Compensation for damages.

(f.) lay out, construct and operate by any motive power, a double or single track railway of iron or steel rails, of any gauge not less than three feet, along or near the side or sides of the canal, and construct and operate branch lines on the South Shore of the River St. Lawrence not exceeding in the whole six miles in length connecting with the lines of the Montreal and Southern Counties Railway Company, the Montreal and Province Line Railway Company, the South Shore Railway Company, the Grand Trunk Railway Company, the Canadian Pacific Railway Company and other railway companies ; Line of railway.

(g.) acquire, construct, operate, lease or otherwise dispose of, terminals, harbours, wharfs, docks, piers, elevators, warehouses, dry docks and other structures, and building and repairing yards, and all works incidental thereto, upon the canal or upon lands adjoining or near the same ; Harbours, warehouses, etc.

(h.) acquire, and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the canal, vessels and works of the Company ; and may sell or otherwise dispose of surplus electricity or other power generated by the Company's works, and not required for operating its canal or other works, and propel vessels in and through the canal by any kind of force, and sell, lease or otherwise dispose of the said works ; Water and steam power.  
Surplus power.

(i.) acquire, construct, navigate and dispose of vessels to ply on the canal, and the lakes, rivers and canals connecting therewith, and may also make agreements for vessels to ply upon the said canal, lake and rivers ; Vessels.

(j.) acquire, by licence, purchase or otherwise, any rights in letters patent, franchises, or patent rights, for the purposes of the works hereby authorized, and again dispose of such rights. Patent rights.

55 **10.** The Company may, subject to the provisions contained in section 11 of this Act, construct, operate and maintain telegraph and telephone lines, and lines for the conveyance of Telegraphs and telephones.

Electric power.	electric and other power by wires or pipes, along the whole length of the said canal and its approaches, and may establish offices for the transmission of messages for the public, and collect tolls therefor, and, for the purposes of erecting and working such telegraph and telephone lines and electric plant, the Company may enter into contracts with any other company, or may lease the Company's lines. 5
Arrangements with telegraph and telephone companies.	2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 10
Rates to be approved by Governor in Council.	3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council. 15
R.S.C., c. 132.	4. <i>The Electric Telegraph Companies Act</i> shall apply to the telegraphic business of the Company.
Power to enter on highway.	<b>11.</b> With the consent of the municipal Council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic, telegraphic, or other electrical contrivances thereon, and, as often as the Company think proper, may break up and open any highway or public place, subject, however, to the following provisions :— 20
Erect poles.	25
Stretch wires.	25
Break up highway.	30
Travel not to be obstructed.	(a.) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building ; 30
Height of wires.	(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ; 35
Kind of poles.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ; 40
Cutting poles or wires in case of fire.	(d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ; 45
Injury to trees.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
Supervision of municipality.	(f.) The opening up of streets for the erection of poles or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council shall appoint, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected, and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company. 50
Surface of street to be restored.	55

(g.) In case efficient means are devised for carrying telegraph and telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Future legis-  
lation as to  
carrying wires  
underground.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to  
wear badges.

(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;

Private  
rights.

(j.) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Temporary  
removal of  
wires and  
poles.

Notice to  
Company.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for  
damage.

**12.** The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or water-courses which the canal crosses, touches or interferes with, and which are in existence at the time of construction of the canal.

Interference  
with drainage  
systems.

2. All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alterations, enlargement and change of existing drains and of natural streams or water-courses, and as to who shall make such alterations, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be enquired into, heard and determined by the Railway Committee of the Privy Council, in the same manner as is provided for other matters to be enquired into, heard and determined by the said committee under *The Railway Act*.

Disputes to  
be determined  
by Railway  
Committee.

**13.** When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for the lands required for the construction or maintain-

Proceedings  
when land  
required for  
undertaking.

Proviso.	ance of any works authorized under this Act, or for damages to lands injured by the Company, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under <i>The Railway Act</i> , so far as the same may be applicable; provided that the Governor in Council may from time to time, by regulation, vary or modify the provisions of the said Act in this regard, so far as they apply to the works under this Act, in such manner as experience may prove to be expedient. 5
"Lands" defined.	2. In sections 9, 13, 14, 17 and 18 of this Act, the expression "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act. 10
Rights of Company in cases of accident to canal.	<b>14.</b> In case of any accident requiring immediate repair on the canal, the Company may enter upon the adjoining land, provided such land is not an orchard or garden, and may dig for, work, get and carry away and use such gravel, stone, earth, clay or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as possible to such land, and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in <i>The Railway Act</i> ; but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of the province of Quebec, such sum, with interest thereon for six months, as is fixed, on the <i>ex parte</i> application of the Company, by a judge of the Superior Court of the district in which such land is situate. 15 20 25
Arbitration in case of disputes.	
Basins for laying up vessels.	<b>15.</b> The Company may open, cut and erect such ponds and basins for the laying up and turning of vessels using the canal at such points thereon as they deem expedient, and may also build and erect such dry docks, slips and machinery for the hauling out and repairing of vessels as they think proper, or may lease or hire the same. 30 35
Dry docks.	
Bridges to be constructed.	<b>16.</b> The Company shall, at every place where the canal crosses any railway, highway, or public road, (unless exempted from the provisions of this section as far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road,) construct and maintain, to the satisfaction of the Governor in Council, bridges for passage over the canal, so that the public thoroughfare or railway may be as little impeded as possible, and the Company shall not, in making the canal, cut through or interrupt the passage on any highway or public road, until it has made a convenient road past its works for the use of the public; and for every day on which it shall neglect to comply with the requirements of this section, the Company shall incur a penalty of one hundred dollars. 40 45
Penalty for impeding traffic.	
Extent of appropriated land limited.	<b>17.</b> The lands, ground or property to be taken or used, without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed five 50

hundred feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved as hereinafter provided by the Governor in Council, or where flooding or  
5 drowning of land is unavoidable, on account of the construction of dams.

**18.** The Company may make, carry or place the canal or works into, and across or upon the lands of any person whomsoever in the line shown on the plan adopted, or within  
10 a distance of five hundred yards from such line, except at the points of entering the river and canal aforesaid, or Lake Champlain, where the Company shall be confined to the line shown on the said plan.

Company's rights on private lands.

**19.** The Company may take, use, occupy and hold, but not  
15 alienate, so much of the public beach or beach road, or the land covered with the waters of the rivers or lakes which the canal may cross, start from or terminate at, as may be required, for the wharves and other works of the canal, for making easy entrance thereto, and for the other works which they  
20 are hereby authorized to construct, doing no damage to nor causing any obstructions in the navigation of the said rivers or lake, and conforming in all respects to the plan and modes of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize  
25 a deviation from such plan and mode of construction.

Public beach.

**20.** With the consent of the Governor in Council, the Company may, in connection with the works hereby authorized, improve, widen, deepen and straighten the Richelieu River channel, and the Chambly Canal, but the Company shall carry  
30 out the works necessary to dredge and open the channel of the said river and canal in such a way as not to impair or impede navigation therein.

Richelieu River and Chambly Canal may be enlarged.

**21.** If the Chambly Canal, or any lock, dam, slide, boom, bridge, or other works the property of the Government of  
35 Canada, on the Richelieu River, and whether now in its possession or leased to any person, is required by the Company for the purposes of its undertaking, the Company may, with the consent of the Governor in Council, and upon such terms as may be agreed upon between the Company and the Govern-  
40 ment, take such canal, locks, dams, slides, booms, bridges, or other works, for the purposes of its undertaking.

Company may take over Government locks, bridges, etc.

**22.** Before the Company shall break ground or commence the construction of any of the canals or works hereby author-  
45 ized, the plans, locations, dimensions and all necessary particulars of such canals and works shall be submitted to and approved by the Governor in Council.

Plans of undertaking to be first approved by Governor in Council.

**23.** The Company may examine and repair all the apparatus which is used to distribute water, hydraulic power and electricity; and its employees may, when necessary so to do,  
50 enter upon private property for such purposes only, doing no avoidable injury.

Company may examine apparatus.

- Directors may make by-laws. **24.** The directors may make by-laws regulating the qualification of directors and the transfer of shares.
- Place of meeting. **2.** All meetings shall be held at the head office of the Company, and a majority of the directors, including the president, shall at all times be British subjects resident in Canada. 5
- Qualification of directors.
- Company may make by-laws. **25.** In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say:—
- Speed. (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled; 10
- Hours of arrival and departure of vessels. (b.) for regulating the hours of the arrival and departure of such vessels;
- Loading and draught. (c.) for regulating the loading or unloading of such vessels and the draught thereof; 15
- Travel. (d.) for regulating the travelling and transportation upon and the using and the working of the canal;
- Use of canal. (e.) for the maintaining, preserving and using the canal and all other works hereby authorized to be constructed or connected therewith, for the governing of all persons and vessels passing through the said canal; 20
- Management of affairs. (f.) for providing for the due management of the affairs of the Company in all respects.
- Issue of bonds. **26.** The directors, whenever authorized by by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, may, as the shareholders deem necessary, issue bonds or debentures in sums of one hundred dollars each to an amount not exceeding in the whole double the amount of its paid-up capital stock, at such rate of interest, and payable at such time and places, and secured in such manner, by mortgage or otherwise, upon the whole or any portion of the property, or undertaking, of the Company as may be prescribed in such by-law, or decided upon by the directors upon the authority thereof, and the Company may make such provision respecting the redemption of such securities as it deems proper. 25 30 35
- Issue of paid-up stock. **27.** The directors may issue, as paid up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property of any person or municipal corporation which it may lawfully acquire by virtue of this Act, at the true and actual price at which the same has been bona fide purchased, and may allot and hand over such shares to any such person or corporation or its shareholders; and may issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and 40 45 50

the Company may pay for any such property, wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

**28.** The directors may, from time to time, with the consent of two-thirds of the shareholders present or represented by proxy at a meeting called for such purpose, issue debenture stock which shall be considered as a part of the regular debenture debt authorized by section 26 of this Act, in such amounts and manner, on such terms, and bearing such rates of interest, as the directors from time to time, think proper.

Issue of debenture stock.

**29.** The mortgage bonds, debentures or other securities of the Company, issued under the provisions of this Act, may be issued in the denominations of pounds sterling, dollars or francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe, and the coupons attached, representing the interest on such bonds or obligations, may correspond to the denomination of the bond to which they are attached.

Bonds, etc., how issued and payable.

**30.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, as may be deemed expedient by the respective holders thereof, and the Company may with the consent of the said holders exchange and reconvert the same. The Company may also mortgage or pledge the bonds which it is hereby authorized to issue, for the construction of its works or otherwise.

Exchange of bonds for debenture stock.

Power to mortgage bonds.

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

Rates of charge.

**32.** Every owner or master of a vessel navigating the canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the canal, and he may mark the tonnage or measurement on every vessel using the canal.

Measurement of vessels.

**33.** Any Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use of the canal by the Government at any time, or the carriage

Use of canal by Government.

of Her Majesty's mails or Her Majesty's forces, and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or telephone or any service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act. 5

Lands taken for use of canal to be separated by fence, etc.

**34.** The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company, as aforesaid, and shall, at its own cost and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid. 15

Canal to be measured.

**35.** So soon as possible be after the canal is completed, the Company shall cause it to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other. 20

Sunken vessels.

**36.** If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel. 25

Crown may take over canal.

Notice to Company.

**37.** Her Majesty may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in Her Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof. 35 40 45

Time for construction limited.

**38.** If the construction of the canal hereby authorized to be constructed is not commenced, and ten per cent on the amount of the capital stock is not expended thereon, within three years from the passing of this Act, or if the said canal is not finished and put in operation within seven years from the passing of this Act, then the powers granted by this Act shall 50

cease and be null and void as respects so much of the canal as then remains uncompleted.

**39.** *The Railway Act* shall, so far as applicable, and when 1888, c. 29.  
not inconsistent with this Act, and except sections 3 to 25,  
5 both inclusive, sections 36, 37, 38, 41, 89, subsection 3 of  
section 93, sections 103, 104, 105, 112, 120, 173 to 177,  
both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210,  
214, 240 to 263, both inclusive, 271 to 274, both inclusive, 276  
to 286, both inclusive, and 288 to 293, both inclusive, apply to  
10 the Company, and to its canal and works, except the railways  
authorized under paragraph (f) of section 9 of this Act, to  
which railways the whole of *The Railway Act* shall apply.

2. Wherever in *The Railway Act* the expression "railway" "Railway" to  
occurs, it shall, unless the context otherwise requires, and in mean "canal."  
15 so far as it applies to the provisions of this Act, or to the  
Company, mean the "canal" "or other works" hereby  
authorized to be constructed; and in any section of *The Rail-  
way Act* relating to the collection of tolls, where the expres-  
sions "passengers" and "goods," or either of them, occur, such "Goods"  
20 expressions shall be held to include any vessel passing through to include  
the canal, whether laden or otherwise. "vessel."

**40.** *The Companies Clauses Act*, when not inconsistent R.S.C., c. 118.  
with this Act, shall apply to the Company.

**41.** This Act shall come into force on a day to be named by When Act to  
25 proclamation of the Governor-in-Council to that effect. come into  
force.

No. 99.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Lake Cham-  
plain and St. Lawrence Ship Canal  
Company.

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*(Reprinted as amended and reported by the  
Railway Committee)*

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Mr. PRÉFONTAINE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 100.]

**BILL.**

[1898.

An Act respecting the Hamilton and Lake Erie Power  
Company.

**W**HEREAS the Hamilton and Lake Erie Power Company Preamble.  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
said petition: Therefore Her Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** Section 3 of chapter 78 of the statutes of 1895 is hereby 1895, c. 78,  
repealed, and the following is substituted therefor:— s. 3 amended.

**“3.** The capital stock of the Company shall be three million Capital stock.  
10 dollars, divided into shares of one hundred dollars each.”

**2.** Section 9 of the said Act is hereby repealed, and the Section 9  
following is substituted therefor:— amended.

**“9.** The Company may issue bonds, debentures or other Amount of  
securities in the manner provided by section 93 of *The Rail-* bonds etc.,  
15 *way Act*, to an amount not exceeding three million dollars.” limited.

**3.** The time limited by the said Act for the commencement Time for  
and completion of the works of the said Company is hereby construction  
extended for a period of three and six years, respectively, from extended.  
the twenty-second day of July, one thousand eight hundred  
20 and ninety-eight, and if the said works are not so commenced  
and completed, then the powers granted for the construction  
thereof shall cease and be null and void as respects so much of  
the undertaking as then remains uncompleted.

No. 100.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Hamilton and Lake  
Erie Power Company.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. MACPHERSON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Harbour of the City of Saint John, in the Province of New Brunswick.

**W**HEREAS the common council of the city of Saint John Preamble.  
 in the province of New Brunswick has, by its petition,  
 represented that by an Act of the legislature of the province  
 of New Brunswick, being chapter 27 of the statutes of 1889, N.B., 1889,  
 5 the city of Portland and the city of Saint John were united c. 27.  
 under the name of the city of Saint John, and that there was  
 in a part of the said city of Portland known as "Indian Town,"  
 a harbour called Indian Town Harbour; and whereas the said  
 council has prayed that it be enacted as hereinafter set forth,  
 10 and it is expedient to grant the prayer of the said petition :  
 Therefore Her Majesty, by and with the advice and consent of  
 the Senate and House of Commons of Canada, enacts as  
 follows :—

1. The harbour mentioned in the preamble, and heretofore Indian Town Harbour changed to Saint John Harbour North.  
 15 called Indian Town Harbour, shall, from and after the passing  
 of this Act, be known as and called "The Saint John Harbour  
 North," and shall form part of the Saint John Harbour.
2. The outer and western, and southern and northern har- Limits of Saint John Harbour North defined.  
 20 bour line of Saint John Harbour North shall be as marked and  
 set forth on duplicate maps or plans thereof, one of which maps  
 or plans is filed in the office of the Minister of Public Works  
 at Ottawa, and the other in the office of the common clerk of  
 the city of Saint John, and which harbour line is described as  
 follows : Beginning at a point numbered one on said plans distant  
 25 westwardly one thousand two hundred and fifty feet at right  
 angles from a point on a northerly prolongation of the easterly  
 line of Bridge Street, the said point being nine hundred feet  
 from the northerly side of Main Street; thence due north  
 to the shore, and then from said point numbered one, southerly  
 30 to a point numbered two on said plans, distant westwardly at  
 right angles eight hundred feet from a point on the easterly  
 line of Bridge Street aforesaid, the said point being distant  
 five hundred feet northerly from the said northerly line of  
 Main Street; thence southerly to a point numbered three on the  
 35 said plans, distant westwardly at right angles four hundred  
 and twenty feet from a point on the southerly prolongation of  
 the easterly line of Bridge Street aforesaid, the said point being  
 distant four hundred and fifty feet southerly from the northerly  
 line of said Main Street; thence southerly to a point numbered  
 40 four on said plans, distant at right angles three hundred feet from  
 a point on the said southerly prolongation of the said easterly  
 line of Bridge Street, the said point being distant southerly

one thousand three hundred and ninety feet from the northerly line of said Main Street; thence eastwardly at right angles to said prolongation seven hundred and seventy feet to a point numbered five; thence northerly to a point numbered six, which is distant eastwardly at right angles seven hundred and twenty feet from a point on the said southerly prolongation of said line of Bridge Street, which said point is distant eight hundred feet southerly from the northerly line of Main Street; thence eastwardly along said line at right angles two hundred and twenty feet to the point on said plans numbered seven; thence southerly six hundred and ten feet to the point numbered eight upon said plans, which is distant eastwardly eight hundred and fifty feet from the said point one thousand three hundred and ninety feet southerly from the said northerly line of Main Street as before mentioned; thence continuing southerly parallel to said prolongation of Bridge Street, eight hundred and fifty feet to the point on said plans numbered nine; thence westwardly to a point on said southerly prolongation of Bridge Street, distant southerly two thousand four hundred and sixty-five feet from the northerly line of said Main Street, and continued in the same direction until it reaches one thousand three hundred feet to a point on said plans numbered ten; thence southerly to the most easterly point of the island shown on said plans as "Middle Island" to said last mentioned point, being numbered eleven on said plans; and thence southerly to the extreme westerly point of the main land on the easterly side of the falls, as shown on the said plans, and numbered twelve thereon, which last mentioned point is immediately south of the railway bridge crossing the falls. And the said The Saint John Harbour North shall consist of the waters and the land under the same within and to the eastward and southward and northward of said harbour line, and to the westward and southward and northward of the shore of the River Saint John at high water mark where said shore is immediately to the westward, southward and northward of such harbour line.

Harbour to be property of city of Saint John.

**3.** Saint John Harbour North, as hereinbefore described and bounded, is hereby vested in the city of Saint John, for the use and benefit of the inhabitants thereof, subject however to the provisions of this Act.

Laws relating to Saint John Harbour to apply to Saint John Harbour North.

**4.** All statutes of the province of New Brunswick, and all by-laws and ordinances passed by the common council of Saint John, affecting Saint John Harbour, shall, so far as they are reasonably applicable, apply to and govern Saint John Harbour North to the same extent as if Saint John Harbour North had always formed a part of Saint John Harbour.

Power to appoint deputy harbour master.

**5.** The common council of the city of Saint John may appoint a deputy harbour master for Saint John Harbour North, and may at any time dismiss such deputy harbour master, and appoint another in his stead.

Piers may be constructed.

**6.** The city of Saint John and the owner or lessee of any land fronting upon the waters of Saint John Harbour North, and lying to the eastward, southward and northward of the harbour line hereinbefore described, may construct and main-

tain piers and wharfs into the said harbour for the better securing the said harbour, and for the lading and unloading of goods. Such piers and wharfs may be constructed and maintained in the said harbour as far as the said harbour  
 5 line, but not beyond; provided that such owner or lessee, before building or extending any wharf or pier in the said harbour, shall file a plan of such proposed wharf, pier or extension in the office of the said common clerk, and such plan, and such proposed building or extension, shall be approved by the  
 10 common council before such building or extension is proceeded with.

7. The city of Saint John and the owners of wharfs fronting on or in Saint John Harbour North may charge anchorage fees on vessels using the said harbour, and may  
 15 charge wharfage and dockage fees on vessels lying at any wharf, and on goods and chattels received from or delivered on board of any such vessel at any such wharf, and the rate and amount of any such wharfage shall be fixed by by-law, as hereinafter mentioned.

20 8. The common council of the city of Saint John may make such by-laws and ordinances as it deems necessary for the government and management of Saint John Harbour North, and for the anchoring, mooring, placing, docking and changing the place of any vessel in the said harbour, and the loading  
 25 and unloading of any vessel therein, and may, in such by-laws or ordinances, fix the wharfage, dockage or other fee to be paid to the city of Saint John, or the owner or lessee above mentioned, by the owner of any vessel moored, or lying at any wharf or pier in the said harbour, or put in any dock, or anchored in the said harbour, and such by-laws shall control any  
 30 officer appointed by the said city to manage and govern the said harbour and the business carried on therein, and any other matter concerning the said harbour, or the condition and interest of the same, and may impose such penalties and forfeitures for  
 35 the breach of such by-laws and ordinances as the said council deems advisable. Provided always that such by-laws and ordinances shall not be contrary or repugnant to the laws of Canada or the province of New Brunswick, or any law in force therein. The said by-laws and ordinances, if not confirmed by  
 40 the Lieutenant Governor of the province of New Brunswick in Council, shall only remain in force for twelve months from the date thereof.

9. If at any time the common council of the city of Saint John determines, by resolution, that additional wharfs, piers  
 45 or docks are required in Saint John Harbour North, and the city of Saint John has not property of its own on or in front of which to build the same, and the owner of the land on or in front of which the said additional wharfs, piers or docks would require to be built does not consider it necessary that such  
 50 should be built, the said council may thereupon give to such owner a notice to proceed with the building thereof within three months, and if such owner fails to proceed with such building within the said period, then the city of Saint John, by its officers, servants and agents, may enter upon any such lands and

premises, and make surveys and measurements, and ascertain the boundaries of the land required for such wharfs, piers or docks; and the common council may thereupon, by resolution, set forth the metes and bounds of any such land proposed to be taken, and may, by resolution, take and appropriate for the public uses of the said city, in connection with Saint John Harbour North, the said land and premises so laid off by metes and bounds. 5

Plan to be filed, and copy served on owners of land.

2. The plan of the land and premises proposed to be so taken, shall be filed in the office of the registrar of deeds of the city and county of Saint John, and a copy of the said plan shall be served upon the owners of such lands and premises. 10

When land to vest in city.

10. A copy of such resolutions certified under the common seal of the said city, and a copy of any award certified by affidavit made as hereinafter provided, may be registered in the office of the registrar of deeds for the city and county of Saint John; and upon the same being registered, and the amount of such award being paid or tendered to the respective parties entitled thereto, the lands and premises described in such certificates shall vest absolutely in the said city free from every incumbrance, dower, lien or claim, and thereupon the said city may take possession of the same without any suit or proceeding, and may, at any time thereafter, remove all buildings, erections and improvements of every description on the lands and premises taken under the authority of this Act. 15 20 25

Contracts for purchase of land.

11. The city of Saint John may contract for the purchase of any land required for the purposes aforesaid; and any guardian, curator, committee, trustee, executor, or person, not only for and on behalf of himself, but also for and on behalf of those whom he represents, whether infants, lunatics, or persons otherwise incapable of contracting, or other persons seized, possessed of or interested in any such land may, with the approval of a judge of Supreme Court of the province of New Brunswick, upon petition, set forth the facts of the case, and the said judge shall thereupon make an order for the disposition of the proceeds of the said land, and such guardian, curator or other person above named may contract for the sale of, and may convey to the said city any of such lands and premises, and give receipts for the compensation paid therefor. 30 35

Proceedings where parties cannot agree.

12. If the owner of any such lands and premises cannot agree with the said city as to the amount of compensation to be paid therefor, the common council may offer to such owner a named sum of money for the lands and premises described in any resolution as aforesaid, and shown on the plan filed, and in case such owner shall not, within ten days from the date of such offer, accept the same, the said city may apply to the judge of the Supreme Court of the province of New Brunswick, by petition, setting forth all the facts, so far as the judge may deem it necessary that the same should be set forth, praying that the said judge may hear all the parties interested in the matter of the said petition, and by his order settle and determine the amount of compensation that is to be paid to the person entitled to receive such compensation for the said lands and premises so taken and appropriated by the said city 40 45 50

for the purposes aforesaid, and thereupon the said judge shall issue an order calling upon all such persons to attend before him at the time and place within the said city to be named in such order, for the purpose of ascertaining the amount of such compensation, and upon the return of such summons, or any adjournment of the time for the hearing thereof, the said judge shall receive evidence from and on the part of the said city, and from and on the part of any person so interested as aforesaid in the said lands and premises so appropriated, with reference to such value, and the said judge shall, after such hearing, make an order in duplicate determining such value, and the said order shall, when registered as hereinafter mentioned, convey to the said city a valid title to the lands and premises so appropriated.

2. One copy of the said order shall be filed in the said court with the clerk of the pleas at Fredericton, in the province of New Brunswick, and the other copy shall be registered in the office of the registrar of deeds in and for the city and county of Saint John.

Order of judge.

13. If for any cause an order should not be made by the said judge as to the value of the said lands and premises so taken and appropriated as aforesaid, proceedings may be taken *de novo* for the obtaining of such order.

If no order made, proceedings may be begun *de novo*.

14. The amount so ordered to be paid to the owner or person entitled to contract in respect of any such property shall be paid to him, and if the said property shall be subject to any mortgage lien, execution, attachment or other charge or claim in respect of any interest of what nature or kind soever, the said sum so awarded shall be paid in to such bank as a judge of the Supreme Court shall order, and shall be paid out to the party entitled thereto upon the order of any such judge, to be made upon petition setting forth the nature of the claim, and such other facts, and upon such notice to other parties as he shall require or direct; provided always that any cost occasioned by the determination of such claims shall be borne by such of the parties, including the said city, as the judge may order.

Payment of compensation.

15. If any person entitled to compensation shall refuse to receive the amount so ordered to be paid as aforesaid, or to give a proper receipt therefor, or if the person entitled to receive such amount has not been found, such amount shall be deposited in a bank under the direction of any judge of the Supreme Court of the said province, upon affidavit of the fact, and thereupon the said city shall be released from all liabilities in respect thereof.

Payment into court in certain cases.

No. 101.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Harbour of the  
City of Saint John in the Province  
of New Brunswick.

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First reading, March 24th, 1898.

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(PRIVATE BILL.)

Mr. ELLIS.

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OTTAWA  
Printed by S. F. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Montmorency Cotton Mills Company.

WHEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

1. Thomas Pringle, Charles Ross Whitehead, Leslie Gault Incorporation.  
Craig, James Nasmith and David Alexander Pringle, all of  
the city of Montreal, and Herbert Molesworth Price, of the city  
of Quebec, together with such persons as become shareholders  
10 in the company, are hereby incorporated under the name of  
the “Montmorency Cotton Mills Company,” hereinafter called Corporate  
“the Company.” name.

2. The head office of the Company shall be at the village Head office.  
of Montmorency Falls, in the province of Quebec, or at such  
15 other place in Canada as the Company from time to time deter-  
mines by by-law, but the Company may establish other offices Branch offices.  
and places of business elsewhere.

3. The Company may— Powers of  
Company.  
(a.) construct, purchase, sell, lease and operate cotton and Cotton and  
20 woollen manufactories of any and every description at Mont- woollen  
morency Falls, in the province of Quebec, or any other place factories.  
in Canada where it acquires property ;  
(b.) develop, purchase, lease, sell and operate water power, Water power,  
including the construction of dams, head and tail races and etc.  
25 flumes, in the neighbourhood of such manufactories, and con-  
struct all necessary locks, piers or other works necessary in con-  
nection with the same ;  
(c.) construct, lease, sell, purchase and operate steam and Steam and  
electric plant for the purpose of generating heat, light and electric plant.  
30 power and for the establishment of water works, factories, Mills, ware-  
houses, etc.  
mills, workshops and warehouses, dwelling houses and other  
buildings required in connection with the Company's business ;  
(d.) enter upon and survey any land in the neighbourhood of Land.  
the said properties, and, from time to time, acquire and hold  
35 any land necessary for the said purpose ;  
(e.) make bridges, intersections and crossings through, Bridges.  
under or upon public or private roads, or any aqueduct, canal,  
sluice or tail-race ;  
(f.) acquire and dispose of raw cotton wool and cotton Cotton  
40 waste of every description ; manufacture cotton, woollen, manufactures,  
shoddy and waste, yarns and fabrics of every description, and etc.  
bleach and dye the raw product, yarn or manufactured goods ;

Water power. (g.) buy, use, dispose of or lease water from the said flumes, dams or canals which may be found useful and applicable to drive machinery in mills, warehouses or manufactories; acquire and hold lands alongside of the said flumes, dams or canals; dispose of, or lease the said lands, with or without the water power, on such terms as the Company thinks proper; construct and maintain stores, warehouses, sheds and other buildings for the reception and storing of goods; and construct elevators, planes, weigh-beams and all such other works and erections as shall be requisite to give effect to the full intent and meaning of this Act;

Light, heat and motive power. (h.) manufacture, supply, and dispose of steam or electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used;

Acquire other businesses. (i.) acquire, and operate, the works, stock, property, franchises, assets and business of any person, company, city, town, municipality, or village, whether incorporated or not; acquire and carry on any business comprised in the objects of this Act, or enter into any arrangement for such purpose, or in connection therewith, and for assuming the liabilities of such person, company, city, town, municipality, or village in respect thereof: and acquire, hold or dispose of the whole or any part of the shares, debentures and securities of such person, company, city, town, municipality, or village with which such company might enter into any arrangement or contract;

Tramways, wharfs, vessels, etc. (j.) construct tramways, wharfs, docks, offices, and all necessary buildings, and construct, purchase and hire, steam and other vessels for the purpose of the Company;

Patent rights. (k.) grant licenses to any person, company or municipal corporation, to use any patent, license or right, held and owned by the Company, receive payment therefor either in cash, or in bonds or debentures, or in fully paid up shares of the capital stock of any other such company or corporation, and to such an extent become a shareholder in any such company.

Provisional directors. **4.** The persons named in section 1 of this Act shall be the first or provisional directors of the Company, four of whom shall be a quorum. Such directors may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.

May vote by proxy. **2.** The provisional directors resident out of Canada may vote and act as such provisional directors by proxy or power of attorney, and the holders of such proxies need not be provisional directors of the Company.

Capital stock. **5.** The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

First general meeting. **6.** When and so soon as two hundred thousand dollars of capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, or paid by transferring to two trustees for the Company real estate and water power rights to the value of twenty thousand dollars, the first general meeting of the Company shall be held

in the village of Montmorency Falls at such time as the provisional directors, or any four of them, determine. Notice of such meeting shall be giving by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid and registered, to the address of each shareholder of the Company.

Notice of meeting.

7. At the first general meeting of the Company, and at each annual meeting, the subscribers for capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company. The directors elected at the said meeting shall hold office only until the first annual meeting of the Company.

2. The number of directors may be changed from time to time by vote of the shareholders at any general meeting of the Company.

Election of directors.

Number of directors.

8. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines for the conveyance of electric power, and for the conveyance of electricity and water to any municipal corporation, and, when deemed necessary by the Company for the purpose of its system for supplying electric power, may erect and maintain poles and other works and devices, and stretch wires and other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Power to enter upon highway, etc.

Erect poles.

Stretch wires.

Break up highway.

(a.) the Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building;

Travel not to be obstructed.

(b.) the Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

Height of wires.

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

Kind of poles.

(d.) the Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Cutting poles or wires in case of fire.

(e.) the Company shall not cut down or mutilate any shade, fruit or ornamental tree;

Injury to trees.

(f.) the opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

Supervision of municipality.

Surface of street to be restored.

(g.) in case efficient means are devised for carrying wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this

Future legislation as to carrying wires under ground.

section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Temporary removal of wires and poles.

(h.) if, for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing such person may remove such wires and poles at the expense of the Company. 5 10

Notice to Company.

The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ; 15

Liability for damage.

(i.) the Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Borrowing powers.

9. The directors may, when authorized by a by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of the paid up capital stock of the Company as the shareholders deem necessary, and may issue bonds or debentures therefor in sums not less than one hundred dollars each at such rate of interest and payable at such time and place, and secured in such manner by a mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof ; and the Company may make such provision respecting the redemption of such securities as may be deemed proper. 20 24 30 35

Issue of paid-up shares.

10. The directors may issue as paid up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property of any person, company, or municipal corporation which it may lawfully acquire by virtue hereof, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders ; and may issue as paid up and unassessable stock shares of the capital stock of the Company, and allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind [or services rendered to the Company] and any such issue or allotment of stock shall be binding upon the Company, and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon, and the Company may pay for any such property [or services rendered to the Company] wholly or partly in paid up shares, or wholly or partly in debentures, as the directors of the Company deem proper. 40 45 50

**11.** All shares in the Company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless it has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Secretary of State at Ottawa at the time of or before the issue of such shares.

Shares to be deemed liable to payment in cash.

**12.** After the whole of the capital stock hereby authorized has been issued and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time, to an amount not exceeding two million dollars, by a resolution of the shareholders approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same, and such increased capital stock may be issued and shall be dealt with in the same manner as the original capital of the Company.

Increase of capital.

**13.** The directors may, from time to time, with the consent of the majority of the shareholders present, or represented by proxy, at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by section 9 of this Act, in such amounts and manner, and on such terms, and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations of this Act, provided that the amount borrowed on security of debenture bonds or debenture stock shall not in the whole exceed seventy-five per cent of the paid up capital stock of the Company.

Debenture stock.

**14.** The debenture stock so to be issued shall rank equally with the debentures issued or to be issued by the Company, and the holders thereof shall not be liable or answerable for any debt or liabilities of the Company.

Debenture stock to rank equally with debentures.

**15.** The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at the head office, wherein shall be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which such persons are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder or shareholder of such Company, without the payment of any fee therefor.

Debenture stock to be entered in register.

**16.** All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, or elsewhere, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office of the Company.

Transfers to be registered at head office.

Transfer may be made elsewhere.

**17.** The Company shall, if required, deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him and the rate of interest payable

Certificates of debenture stock.

thereon; and all regulations and provisions for the time being applicable to certificates of shares of the capital stock of the Company shall apply, *mutatis mutandis* to certificates of debenture stock; and the directors may, with respect to the issuing of certificates of debenture stock delegate the powers 5 of the Company to agents or attorneys, or to any corporation organized for the purpose of transacting such business.

Debenture stock holders may not vote.

**18.** The holders of debenture stock shall not be entitled as such, to be present or to vote at any meeting of the Company, nor shall such stock confer any qualifications; but it 10 shall in all respects, not otherwise provided for by or under this Act, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking except the right to require re-payment of the principal money paid up with respect to the debenture stock. 15

Exchange of bonds, etc., for debenture stock.

**19.** The Company may make such arrangements and regulations respecting conversion and exchange of its mortgage bonds and debentures into and for debenture stock and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient. 20

Currency in which bonds, etc., may be issued.

**20.** The mortgage bonds, debentures and debenture stock of the Company shall be issued either in Canadian currency, or in sterling, or in both, at the option of the Company.

Power to receive aid.

**21.** The Company may receive from any government, or from any person, city, town, municipality or village, and whether incorporated or not, and having power to make or grant the same in aid of the construction, equipment and maintenance of the said works, grants of land, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same for the purposes of the Company. 25 30

Obstruction of works.

**22.** If any person shall by any means or in any manner or way whatsoever obstruct or interrupt the free use of the said canal, flumes or works, or the works incident thereto or connected therewith, or do damage thereto, or to any of the docks, piers, wharfs, warehouses, sheds, buildings, tanks, 35 cranes, weigh-beams, elevators or other erections or works of the Company, such person shall, for every such offence, in addition to paying the Company the actual amount of damage caused, incur a forfeiture or penalty of not less than five dollars, and not exceeding forty dollars, to be recovered before 40 one or more justices of the peace for the district; one-half of such penalty shall go to the prosecutor or informer and the other half to Her Majesty, and in default of the payment of such fine within fifteen days from the rendering of the judgment, the person so condemned shall be imprisoned for a 45 period of not less than fifteen days and not more than two months, which imprisonment shall cease upon the payment of the said fine and costs.

Penalty.

Plans of works to be submitted

**23.** Before commencing the laying of wires or the erection of flumes the Company shall make to the Minister of Public 50

Works a report of the works which it proposes to undertake, and send a copy of the same to the municipal council of the municipality in which the projected works are to be made, or if such works are situate in more than one municipality, then to the principal council of each municipality within the limits of which the projected works are situate.

to Minister  
and to municipal  
council.

**24.** The Company shall so construct and locate their works, and all apparatus and appurtenances appertaining thereto as not to endanger the public health or safety. The works, apparatus and appurtenances shall, at all reasonable times, be subject to the inspection of the municipal authorities of the municipality within the limits whereof they are situate, reasonable notice thereof being previously given to the Company.

**2.** The Company, its servants and workmen, shall at all times obey all just and reasonable orders and directions received from the municipal authorities in respect of the matters above mentioned.

Public health  
and safety to  
be protected.

Works to be  
open to  
inspection.

Company to  
regard orders  
of municipal  
authorities.

**25.** If any person supplied by the Company with steam, water or electricity neglects to pay the rent, rate or charge due to the Company, at any of the times fixed for the payment thereof, the Company, or any person acting under its authority, on giving forty-eight hours previous notice, may stop the supply of water, steam or electricity from entering the premises of the person in arrear as aforesaid, by cutting off the service pipe or wires, or by any other such means as the Company or its officers see fit, and may recover the rent or charge then due, together with the expenses of cutting off the water, steam or electricity, notwithstanding any contract to furnish steam, electricity, water or power for a longer time.

If rent not  
paid Company  
may cut off  
supply of  
power, etc.

**26.** In all cases where the Company is authorized to cut off the supply of steam, water, electricity or power from any building or premises, the Company, upon giving forty-eight hours previous notice to the person in charge of such premises, or to the occupant thereof, may enter into such building or premises between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, causing as little disturbance and inconvenience as possible, and may remove and take away any wire, water cock, branch, lamp, fittings or apparatus which are the property of the Company. Any servant of the Company duly authorized may, between the hours aforesaid, enter any house into which water, steam or electricity has been introduced, for the purpose of examining any meter, wire or apparatus belonging to the Company, or used for such water, steam or electricity.

Company may  
enter premises  
to remove its  
apparatus.

No. 102.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Montmorency  
Cotton Mills Company.

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First reading, March 31st, 1898.

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(PRIVATE BILL.)

Mr. PENNY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to confirm certain Public Acts of the Legislatures of the Provinces of Nova Scotia and New Brunswick so far as they relate to the Missiquash Commissioners of Sewers.

**W**HEREAS by chapter 42 of the Revised Statutes of Nova Scotia (Fifth Series), the Lieutenant Governor in Council was given power to appoint certain commissioners upon the petition of proprietors of land on the Nova Scotia side of the boundary between that province and New Brunswick, who, together with an equal number of commissioners appointed in New Brunswick, should form a board called the "Missiquash Commissioners of Sewers;" and whereas by chapter 115 of the Consolidated Statutes of New Brunswick, the Lieutenant Governor in Council was also given power to appoint commissioners in New Brunswick to act with the Nova Scotia commissioners; and whereas by both the above mentioned Acts power was given or attempted to be given to the said commissioners to perform works for the reclaiming of marsh or bog lands situate partially in Nova Scotia and partially in New Brunswick, which necessarily extend from one province to the other and which will require to be enlarged and extended from time to time hereafter: 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 parts or sections of chapter 42 of the Revised Statutes of Nova Scotia (Fifth Series), and of chapter 115 of the Consolidated Statutes of New Brunswick, and the schedules thereto, and all amendments thereof, which in any way relate to the Missiquash Commissioners of Sewers, are hereby confirmed.

Preamble.  
Provincial  
Acts  
confirmed.

No. 103.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to confirm certain Public Acts of  
the Legislatures of the Provinces of  
Nova Scotia and New Brunswick so far  
as they relate to the Missiquash Com-  
missioners of Sewers.

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First reading, March 24th, 1898.

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Mr. LOGAN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Montreal, Ottawa and Georgian  
Bay Canal Company.

**W**HEREAS the Montreal, Ottawa and Georgian Bay Canal Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

**1.** Subject to the provisions of this Act, chapter 103 of the statutes of 1894, and chapter 11 of the statutes of 1896 (Second Session) are hereby revived, and declared to be in  
10 force.

1894. c. 103,  
and 1896,  
(2nd Sess.)  
c. 11 revived.

**2.** The paragraph substituted by section 4 of chapter 11 of the statutes of 1896 (Second Session) for paragraph (a) of section 8 of chapter 103 of the statutes of 1894 incorporating the said company, is hereby amended by inserting after the  
15 words "Lake Huron" on line eleven thereof the following words:— "and between the navigable waters of the Georgian Bay and St. Lawrence River."

1896 (2nd Sess)  
c. 11, s. 4  
amended.

**3.** The section substituted by section 5 of chapter 11 of the statutes of 1896 (Second Session) for section 44 of chapter  
20 103 of the statutes of 1894, is hereby repealed.

1896 (2nd Sess)  
c. 11, s. 5  
repealed.

**4.** If the construction of the Montreal, Ottawa and Georgian Bay Company's canals, or some of them, is not commenced, and fifty thousand dollars are not expended thereon on or before the first day of May, one thousand nine hundred, or if  
25 the said canals are not finished and put in operation within eight years from the said first day of May, one thousand nine hundred, then the powers granted by the Acts relating to the said company, and by this Act, shall cease and be null and void as respects so much of the said canals and works as then  
30 remain uncompleted.

Time for  
construction  
extended.

No. 104.

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3rd Session, 8th Parliament, 61 Victoria, 1893

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BILL.

An Act respecting the Montreal, Ottawa  
and Georgian Bay Canal Company.

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First reading, March 30th, 1898.

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Montreal Island Belt Line  
Railway Company.

**W**HEREAS the Montreal Island Belt Line Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, nacts as follows :—

Preamble.

**1.** The deed of sale made between the Montreal Island Belt Line Railway Company, hereinafter called "the Company," and the Chateauguay and Northern Railway Company, dated the tenth day of March, one thousand eight hundred and ninety-eight, and set out in the schedule to this Act, is hereby confirmed and made valid as of the said date, so far as the respective parties thereto are concerned, and shall be held valid and binding upon the respective parties thereto.

Sale confirmed.

**2.** The acquisition by the Company under the said deed of sale of that portion of the line of railway of the Chateauguay and Northern Railway Company described in the said deed of sale, and now constructed and in operation, is hereby declared to have constituted the commencement of the construction of the main line of the railway of the Company within the meaning of section 5 of chapter 27 of the statutes of 1896 (First Session), and within the time limited by the said section for such commencement.

Declaration as to commencement of railway.

**3.** Section 5 of the said Act is hereby amended by striking out all of the said section except the first line thereof, and by adding thereto the following sub-section :—

1896(1st Sess.) c. 27, s. 5, amended.

"2. If the whole of the undertaking of the Company, other than the bridges, branches and extensions, is not finished and put in operation within seven years from the passing of this Act, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the undertaking, other than the bridges, branches and extensions, as then remains uncompleted."

Subsection added.

**4.** Section 15 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor :—

1894, c. 83, s. 15 amended.

"**15.** The bridges and extensions and branches of the said railway authorized by this Act to be built shall, or some one of them shall, be commenced within four years after the completion of the first twenty-five miles of the main line of the railway, and the said bridges, extensions and branches shall

Time extended for construction of bridges and branches.

be completed within seven years thereafter, otherwise the powers granted by this Act in respect of the construction thereof shall cease and be null and void as respects so much of the said bridges, extensions and branches as then remains uncompleted." 5

Section 22 amended.

Undertaking may be divided into sections.

**5.** Section 22 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor:—

"**22.** The Company may divide its undertakings into sections, which shall be designated and known as—

Section one. That part of the main line extending from a 10 point in Hochelaga Ward in the city of Montreal northerly to Rivière des Prairies in the parish of Point aux Trembles, a distance of about thirteen miles, and including all branches therefrom towards the St. Lawrence River.

Section two. That part of the main line extending from 15 the southern limit of the city of Montreal westerly to St. Annes and thence north-easterly to the northerly end of section one.

The Montreal Elevated Railway Section consisting of the remaining portion of the main line of the Company, and being that portion thereof extending across the city of 20 Montreal from the southern limit to the northern limit of the said city, and including also a line not exceeding one mile in length connecting the said last mentioned portion of the main line with the portion of the main line included in section one above described. 25

Section three. The Rawdon extension.

Section four. The Grenville extension.

Section five. The Coteau extension.

Section six. The Rivière des Prairies bridge section.

Section seven. The Ottawa River bridge section. 30

Section eight. The branch section, comprising all the branches and portions of branches on the Island of Montreal not included in the foregoing sections."

1894, c. 83, s. 24 amended.

Issue of bonds for elevated railway and bridges.

**6.** Section 24 of chapter 83 of the statutes of 1894 is hereby repealed, and the following is substituted therefor:— 35

"**24.** The Company may, in addition to the power given by the next preceding section of this Act, issue bonds, debentures or other securities to the extent of two million dollars for The Montreal Elevated Railway Section, as defined in section 22 of this Act, and to the extent of three hundred thousand dollars 40 for each bridge mentioned in this Act, which shall be called 'elevated railway bonds' or 'bridge bonds' as the case may be; and such bonds shall, in like manner, be secured by a deed of mortgage specifying the security therefor; and such deed may provide that all tolls and revenues derived from the use 45 of such bridges or the Montreal Elevated Railway Section by other corporations or persons shall be specially charged and pledged as security for such bonds."

Company may acquire parks, hotels, etc.

**7.** The Company may acquire, lease and operate parks, hotels, and athletic grounds, with the necessary adjuncts, and 50 may hypothecate the same.

S. The Company may produce, manufacture and supply Electricity. electricity and electric current for the purposes of its undertaking, and may sell and dispose of the same in so far as it is not requisite for the purposes of such undertaking.

#### SCHEDULE.

Notary Seal of Wm. Dem. Marler, Montreal, P.Q.	}	Before me, William Dem Marler, the undersigned Notary Public, duly authorized and sworn in and for the province of Quebec, residing and practising in the city of Montreal.
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#### APPEARED :

THE CHATEAUGUAY AND NORTHERN RAILWAY COMPANY, a body corporate and politic, having its chief place of business in the city and district of Montreal, herein represented by its president, William Dale Harris, of the city of Ottawa, civil engineer, and by John Patrick Mullarkey, of the city of Montreal, civil engineer and provincial land surveyor, its secretary, duly authorized for the purposes hereof by a resolution of its directors passed at a meeting held on the tenth day of March instant, of which a true copy is hereunto annexed after having been signed *ne varietur* by the parties in the presence of the said notary, first party,

#### AND

THE MONTREAL ISLAND BELT LINE RAILWAY COMPANY, a body corporate and politic, having its chief place of business in the city and district of Montreal, herein represented by its president, the said William Dale Harris, and its secretary, the said John Patrick Mullarkey, hereunto duly authorized by a resolution of its directors passed at a meeting held on the tenth day of March instant, of which a true copy is hereunto annexed after having been signed *ne varietur* by the parties in the presence of the said notary, second party,

#### WHO DECLARED :—

That whereas by promise of sale and agreement under private signature dated the thirty-first day of October, one thousand eight hundred and ninety-five, the first party sold and conveyed to the second party, for the considerations therein expressed, that particular section of its railway, constructed and then being constructed between a point in the Hochelaga ward, in the city of Montreal, and lot number two hundred and thirty-five of the parish of Point aux Trembles, in the county of Hochelaga, a distance of about thirteen miles: Which section the first party bound and obliged itself to have fully completed on or before the fifteenth of August, then next 1896.

And whereas the said deed of sale and agreement was subsequently ratified by Act of the Parliament of Canada, fifty-nine Victoria, chapter twenty-seven of the statutes of Canada.

And whereas by another agreement between the said parties, executed before Phileas Mainville, notary public, on the eleventh day of February, one thousand eight hundred and ninety-seven, the time for the completion of the said section was extended until the fifteenth day of August then next (1897) and in consideration of two hundred thousand dollars of paid-up shares in the second party's capital stock, which have since been delivered and transferred to the first party, the first party agreed to build for the second party the extensions, to acquire a site for a power house to build thereon a power house and install therein two 150-horse-power Wheelock engines with the necessary boilers and other accessories, as well as a 200 Kilowatt dynamo with attachments, to purchase for the second party six electric motor cars fully equipped and ready for operation, to do the additional works and to acquire additional lands and rights of way as is in the said deed more fully set forth.

And whereas the first party owing to unavoidable delays in securing possession of the necessary lands and in procuring material for the construction of the said section of railway, was unable to fully complete the works undertaken by it under the said two agreements by the said fifteenth day of August last, yet the second party is willing to take over the said section of railway in its now existing state subject to the conditions of this deed.

Now, therefore, this agreement, and I, the said notary, witness :—

*Article First.* The first party in execution of the said agreements of date the 31st of October, 1895, and 11th of February, 1897, and for the considerations therein expressed, all of which it acknowledges to have received from the second party previous to the execution hereof, whereof quit, doth hereby sell and transfer to the second party, the said section of railway together with all the sidings, turn-outs, stations, platforms, power-house, car-barns and accessories, pavilions, restaurants, engines, dynamos, track, trolley poles and trolley lines and fencing, situated thereon or attached thereto (except always the telephone line hereinafter mentioned) six motor cars, one Ruggles rotary plow, one locomotive car and one merry-go-round, and the second party declares it is now in actual possession of the same and accepts the whole in its present condition as a complete fulfilment of the obligations undertaken by the first party under the said agreements, with the exceptions set forth in Article fourth of this agreement; and it waives any damages it may have suffered by reason of the non-execution by the first party of the contract works by the time agreed upon for their completion.

*Article Second.* The second party accepts the said section of railway and the lands acquired for its right of way, subject to all the clauses, conditions, stipulations, servitudes and reservations mentioned in the several deeds of acquisition thereof by the first party of which deeds the second party acknowledges to have received authentic copies and to know the contents thereof; and subject also to this reservation, namely :—

The ownership and perpetual use for the first party and the public if necessary, of the line of telephone along the said section of railway as stipulated in the said agreement of date the

eleventh of February, eighteen hundred and ninety-seven; and the right at all times to enter upon the lands and property of the purchasers for the purpose of repairing, altering and maintaining the said line of telephone. The first party, moreover, reserves the rights granted to it by the said agreement as to continuing the said telephone line on any extensions of said railway the second party may purchase, construct or operate.

*Article Third.* The following is the description of the lands upon which the said section of railway is built or acquired therefor, namely:—

A tract of land commencing at the south-western limits of subdivisions number thirty-seven (37) and thirty-eight (38) of the official subdivision of the original lot number fifty-four (54) of the cadastre of the incorporated village of Hochelaga now forming part of the Hochelaga ward of the city of Montreal; thence running north-easterly across the said Hochelaga ward to the western limits of the town of Maisonneuve.

The said tract is now known and designated under the special number one hundred and eighty-three (183) on the official plan and book of references of the said incorporated village of Hochelaga, and contains an area of three arpents and eleven perches, French measure.

The piece of land, being the south-east end of subdivision one hundred and thirty-nine (139) of the official subdivision of the original lot number thirty on the said official plan and book of references of the incorporated village of Hochelaga, containing an area of twelve hundred and forty-five feet, more or less, and bounded as follows: To the south-east by the said number one hundred and eighty-three, to the north-west by a line in direct prolongation of the north-west or rear boundary of subdivisions one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-four of the said cadastral lot number thirty; to the south-west by subdivisions eighty-seven, eighty-six, eighty-five and eighty-four of the cadastral lot number fifty; and to the north-east by subdivision one hundred and twenty-four of the said cadastral lot number thirty. The residue of the following subdivisions of the original lot number thirty (30) on the official plan and book of references of the said incorporated village of Hochelaga, after deducting from the said subdivisions the portions thereof now forming part of the said special number one hundred and eighty-three, namely, the residue of subdivision ninety-two, containing an area of two thousand nine hundred and ten feet; the residue of subdivision one hundred and six, containing an area of two thousand two hundred and eighty feet; the residue of subdivision one hundred and seven, containing an area of sixteen hundred feet; the residue of subdivision one hundred and eight, which is of two portions, one on each side of said lot one hundred and eighty-three, containing an area of fifteen hundred and thirty feet and two hundred and eighty-five feet, respectively; the residue of subdivision one hundred and nine, containing an area of two thousand two hundred and fifty-six feet; the residue of subdivision one hundred and twenty-two, which is of two portions, one on each side of said lot one hundred and eighty-three, containing an area of eighteen hundred and forty feet

and four hundred and eighty feet, respectively; the residue of subdivision one hundred and twenty-three, containing an area of eighteen hundred and thirty feet; the residue of subdivision one hundred and twenty-four, containing an area of two thousand two hundred and twenty feet.

The portion of subdivision eighty-seven (87) of the said original lot number thirty (30) heretofore forming part of Duquette street, containing an area of five thousand and fifteen feet, and bounded to the north-west partly by a portion of said lot number one hundred and eighty-three, and partly by the said subdivision one hundred and twenty-two of the said cadastral lot number thirty; to the north-east by the prolongation of the south-west side of Darling street, to the south-east by subdivisions eighty-three, eighty-four and eighty-five of the said cadastral lot number thirty, and to the south-west by said lot number one hundred and eighty-three.

A portion of subdivision one hundred and twenty-one of the said cadastral lot number thirty: Containing an area of sixteen hundred and twenty-five feet, and bounded north-west by the said lot number one hundred and eighty-three; to the north-east by the said subdivision one hundred and eight of cadastral lot number thirty; to the south-west by subdivision one hundred and twenty-two of the same cadastral lot, and to the south-east by the prolongation of the north-west side line of Duquette street.

Another portion of the said subdivision one hundred and twenty-one of the said cadastral lot number thirty: Containing an area of thirteen hundred and fifty feet, and bounded to the east by said lot number one hundred and eighty-three; to the south-west by subdivision one hundred and twenty-two of the said cadastral lot number thirty; to the north-east by subdivision one hundred and eight of the same cadastral lot; and to the north-west by the prolongation in a straight line of the rear or north-west boundary line of subdivisions one hundred and twenty-two and one hundred and twenty-three and one hundred and twenty-four of the same cadastral lot.

The residue of subdivisions five hundred and forty-one and five hundred and forty-two of the official subdivision of the original lot number twenty-three on the said official Plan and Book of Reference of the incorporated village of Hochelaga, after deductions therefrom of the portions now forming part of the said lot number one hundred and eighty-three, containing an area of fourteen hundred and one feet, and bounded to the north-west by said lot number one hundred and eighty-three, to the north-east by Nicolet street; to the south-east by a lane, and to the south-west by another lane.

All English measure and more or less unless otherwise stated.

The lands above described are coloured red and green on the annexed plan, signed *ne varietur* by the parties hereto; that coloured in red is now comprised under the number one hundred and eighty-three, and that coloured green is hereinbefore specially described.

A tract of land, in the town of Maisonneuve, extending from the south-westerly limits of the said town to the south-westerly limits of the parish of Longue Pointe; which part of said railway is known and designated on the official plan and book of reference of the incorporated village of Hochelaga,

under the special number one hundred and eighty-two (182), and comprises an area of six arpents and nineteen perches.

A piece of land in the parish of Longue Pointe, in the county of Hochelaga, extending from the north-easterly limits of the town of Maisonneuve to the south-western limits of the parish of Pointe aux Trembles; which part of said railway is known and designated on the official plan and book of reference for the parish of Longue Pointe in the county of Hochelaga under the special number five hundred and six (506); and contains an area of forty-two arpents and fifteen perches.

A piece of land in the parish of Pointe aux Trembles, in the county of Hochelaga, extending from the south-western limits of said parish to the intersection of said railway with the Montreal Turnpike Trust Road at or near the banks of the River des Prairies and comprising an area of seventy-two arpents and twenty-five perches.

The extension and sidings from the point of its main line, in the parish of Pointe aux Trembles to the power house and car sheds on the bank of the River St. Lawrence, which said extension and sidings and lands are known and designated on the official plan and book of reference for the said parish of Pointe aux Trembles under the special number Two hundred and thirty-seven (237) and comprise an area of three arpents and fifty perches, together with all buildings thereon constructed.

Lots number one (1) and one hundred and eighty-seven (187) of the official subdivision of the original lot number two hundred and thirty-five (235), of the official plan and book of reference for the parish of Pointe aux Trembles in the county of Hochelaga, comprising the former an area of two hundred and thirty-two and one hundred and thirty-eight feet, and the latter of five thousand three hundred and sixty-two feet respectively, English measure and more or less.

That part of lot number two hundred and thirty-four (234) of the official cadastre for the parish of Pointe aux Trembles in the county of Hochelaga, comprising an area of about ten arpents and eighty-eight perches, more or less, bounded as follows:—

North-easterly by lots number one (1) and one hundred and eighty-seven (187) of the official subdivision of original lot number two hundred and thirty-five (235) of the official cadastre for the parish of Pointe aux Trembles, south-westerly by part of lot number two hundred and thirty-three (233), north-westerly by River des Prairies, and south-easterly by the special cadastre number two hundred and thirty-six (236) of the official plan and book of reference of the said parish of Pointe aux Trembles.

The north-westerly part of lot number two hundred and thirty-three (233) of the official cadastre for the parish of Pointe aux Trembles, in the county of Hochelaga, comprising an area of about ten arpents and nineteen perches, more or less, bounded as follows:

North-easterly by the part of lot number two hundred and thirty-four, hereinbefore described, and by another portion of the same lot, the property of Napoleon Mercier, south-westerly by the public road between said part of lot number two hundred and thirty-three (233) and lot number two hundred

and thirty-two (232) of the same cadastre, north-westerly by River des Prairies and south-easterly by the Montreal Turnpike Trust Road, deduction to be made from the said part of said lot number two hundred and thirty-three presently described of the portion thereof taken for the purposes of the said railway and hereinbefore transferred.

*Article Fourth.* The first party undertakes and obliges itself to complete its title to all lands on which the said section of railway is built, in so far as the same has not hitherto been completed and vested in the first party, and on conditions not more onerous than those which have been inserted in the title deeds of any portion of the property hereinbefore described.

The first party therefore reserves to itself the right to take in its own name all proceedings necessary to expropriate any such lands and to prosecute any proceedings already commenced.

WHEREOF ACTE.

Done and passed at Montreal aforesaid, on the tenth day of March, one thousand eight hundred and ninety-eight, and of record in the office of said undersigned notary, under number twenty-three thousand and eighty-nine.

And after due reading hereof the appearers signed in presence of said notary.

THE CHATEAUGUAY AND NORTHERN  
RAILWAY CO.

PER W. DALE HARRIS, President.  
J. P. MULLARKEY, Secretary.

THE MONTREAL ISLAND BELT LINE  
RAILWAY CO.

PER W. DALE HARRIS, President.  
J. P. MULLARKEY, Secretary.

W. deM. MARLER, N.P.

A TRUE COPY of the original hereof remaining of record in my office.

W. DEM. MARLER, N.P.

No. 105.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Montreal Island  
Belt Line Railway Company.

First reading, March 30th, 1898.

(PRIVATE BILL.)

Mr. LEMIEUX.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Act respecting the Coasting  
Trade of Canada.

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

1. Section 2 of the Act respecting the Coasting Trade of  
5 Canada, being chapter 83 of the Revised Statutes, is hereby  
repealed and the following is substituted therefor :—

R.S.C., c. 83,  
new s. 2.

“2. No goods or passengers shall be carried by water, from  
one port of Canada to another port of Canada, either for the  
whole voyage or for any part of the voyage, except in British  
10 ships; and if any goods or passengers are so carried contrary  
to this Act, the master of the ship or vessel so carrying them  
shall incur a penalty of four hundred dollars, and any goods  
so carried shall be forfeited, as smuggled, and such ship or  
vessel may be detained by the collector of customs, at any port  
15 or place to which such goods or passengers are brought, until  
such penalty is paid, or security for the payment thereof is  
given to his satisfaction, and until such goods are delivered  
up to him, to be dealt with as goods forfeited under the pro-  
visions of *The Customs Act*.

Coasting  
trade to be in  
British ships.

Penalty for  
contraven-  
tion.

20 “2. Nothing in this section shall be construed to prohibit  
the carrying from one port of Canada to another port of  
Canada, in a ship other than a British ship, of goods which  
have been imported in such ship from a foreign port and have  
not been unladen at a port of Canada.”

Exception as  
to goods not  
transhipped.

No. 106.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Act respecting the  
Coasting Trade of Canada.

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First reading, March 30th, 1898.

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SIR C. H. TUPPER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Yukon Overland  
Transportation Company.

**W**HEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** M. P. Davis, Joseph Ruse, Joseph T. Comforth, Irwin Mahon, D'Arcy Scott, Henry Domville and I. R. Hedges, together with such persons as become shareholders in the company, are hereby incorporated under the name of the "Yukon Overland Transportation Company," hereinafter called "the Company."
- 2.** The head office of the Company shall be in the city of Ottawa or in such other place in Canada as the directors from time to time determine by by-law.
- 2.** The Company may also have an office in London, England, or in the city of New York, in the United States, or in any other place out Canada, as is determined from time to time by by-law of the Company, at which office stock books and stock transfer books may be opened and kept, and meetings of the Company held, and any other business of the Company transacted. Every office in which the Company transacts any portion of its business shall be deemed to be a domicile of the Company.
- 3.** The Company may lay out, construct and operate a wagon or sleigh road, or both, from a point at or near Lake Bennett, by the most practicable route to Dawson City in the North-West Territories for the use of pedestrians, animals and vehicles of any kind.
- 4.** The Company may construct and operate way or relay stations at intervals along the said road, as determined by the directors, and may establish shops, stores, lodging houses or warehouses at the said stations, and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in minerals, mineral products, ores and mines, and may carry and transport for toll or fare passengers, animals, or goods of any kind by stage or otherwise over the said road, and may charge tolls for the use of the said road, and may carry on generally the business of warehousemen, carriers, forwarders, transportation and express agents, and any other business incident thereto.

Preamble

Incorporation.

Corporate name.

Head office.

Branch offices.

Line of road described.

Powers of Company.

Relay stations.

Stores, etc.

Mines.

Carriers.

Power to  
acquire other  
businesses.

**5.** The Company may acquire any other business similar to that which the Company is hereby authorized to carry on, together with all the assets, franchises and property thereof, subject to the obligations, if any, affecting the same, and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up shares, or in partly paid-up shares of the Company, or otherwise, and may undertake, assume, pay or guarantee any of the obligations or liabilities of such business, or the obligations affecting the assets and property purchased from time to time. 5 10

Shares in  
other  
companies.

**6.** The Company may acquire shares in the stock of any other company incorporated or chartered for any of the purposes similar to those for which the Company is incorporated, in payment of any purchase made by the Company under the next preceding section, and may hold or deal with the same, and may guarantee the principal or interest of any such shares. 15

Telegraphs  
and  
telephones.

**7.** The Company may construct and operate telegraph and telephone lines between any point on the said road and any other point in the Yukon District, and may establish offices for the transmission of messages for the public, and collect tolls therefor; and, for the purpose of constructing and operating such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease the Company's lines. 20

Provisional  
directors.

**8.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company. 25

Capital stock  
and calls  
thereon.

**9.** The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. 30

Annual  
meeting.

**10.** The annual meeting of the shareholders shall be held on the first Tuesday in September in each year.

Election of  
directors.

**11.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall chose seven persons to be directors of the Company, one or more of whom may be paid directors. 35

Amount of  
bonds, etc.,  
limited.

**12.** The Company may issue bonds, debentures, or other securities to the extent of ten thousand dollars per mile of the road, and such bonds, debentures or other securities may be issued only in proportion to the length of road constructed or under contract to be constructed; and such bonds or debentures may be issued in whole or in part in currency, or in United States dollars, or pounds sterling, or francs, or in any other money, and may be made payable in London, England, the said city of New York, or elsewhere. Provided that the bonds and debentures issued and outstanding from time to time shall at no time exceed the then total amount of the paid-up capital of the Company; and provided also, that such issue of bonds or debentures shall first be sanctioned by a vote of the shareholders representing two-thirds in value of the shares 45 50

Proviso.

of the Company, who are present or represented by proxy at a special general meeting duly called for that purpose; and provided further that no bond or debenture shall be for a less sum than one hundred dollars, or its equivalent.

5 **13.** If the said road be not commenced within sixty days, Time for  
or if the said road be not completed for the passage of vehicles construction  
and pedestrians, and a transportation line put in operation of road  
within two years from the passing of this Act, then the powers limited.  
conferred upon the Company by Parliament shall cease and be  
10 null and void as respects so much of the road as then remains  
uncompleted.

**14.** *The Railway Act*, so far as applicable, and when not in- 1888, c. 29,  
consistent with this Act, shall apply to the Company and its  
undertaking.

15 **15.** *The Companies Clauses Act* shall not apply to the Com- R.S.C., c. 118  
pany. not to apply.

No. 107.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Yukon  
Overland Transportation Company.

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First reading March 31st, 1898.

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(PRIVATE BILL.)

Mr. DOMVILLE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Yukon Overland  
Transportation Company.

(Reprinted as amended by the Railway Committee.)

**W**HEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** Michael Patrick Davis of the city of Ottawa, Joseph Ruse of the city of Toronto, Joseph T. Comforth of Denver, Colorado, Irwin Mahon of Pittsburgh, Pennsylvania, D'Arcy Scott of the city of Ottawa, Henry Domville and I. R. Hedges both of the city of Victoria, together with such persons as become shareholders in the company, are hereby incorporated under the name of the "Yukon Overland Transportation Company," hereinafter called "the Company."
- 2.** The head office of the Company shall be in the city of Ottawa or in such other place in Canada as the directors from time to time determine by by-law.
- 3.** The Company may lay out, construct and operate a wagon road from a point at or near Lake Bennett by the most practicable route to Dawson City in the North-West Territories for the use of pedestrians, animals and vehicles of any kind.
- 4.** The Company may construct and operate way or relay stations at intervals along the said road, as determined by the directors, and may establish shops, stores, lodging houses or warehouses at the said stations, and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and shall carry and transport passengers, animals, or goods of any kind by stage or otherwise over the said road, and may charge tolls therefor, and for the use of the said road, and may carry on generally the business of warehousemen, carriers, forwarders, transportation and express agents, and any other business incident thereto.
- 2.** Such tolls shall, before being imposed, first be submitted to, and approved of, and may be from time to time amended or modified by, the Governor in Council, but the Company may, at any time, reduce the same, and a notice showing the tolls to be charged shall at all times be posted up in a conspicuous place in the way or relay stations along the said road.

Preamble.

Incorporation.

Corporate name.

Head office.

Line of road described.

Powers of Company.

Relay stations.

Stores, etc.

Carriers.

Tolls to be approved by Governor in Council.

- Minister to approve of road before tolls collected. 3. No tolls shall be imposed or collected for the use of the said road until the Minister of Railways and Canals is satisfied that such road is well and sufficiently constructed ; and if, at any time, the Company fails to maintain the said road to the satisfaction of the said Minister, and he so determines, the right of the Company to collect tolls shall cease. 5
- Shares in other companies. 5. The Company may acquire shares in the stock of the Colorado, Alaska Commercial and Mining Company, and may hold or deal with the same, and may guarantee the principal or interest of any such shares. 10
- Telegraphs and telephones. 6. The Company may construct and operate telegraph and telephone lines between any points on the said road, and may establish offices for the transmission of messages for the public, and collect tolls therefor.
- Telegraph and telephone rates to be approved by Governor in Council. 2. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved by the Governor in Council. 15
- R.S.C., c. 132. 3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. 20
- Provisional directors. 7. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.
- Capital stock and calls thereon. 8. The capital stock of the Company shall be five hundred thousand dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed. 25
- Annual meeting. 9. The annual meeting of the shareholders shall be held on the first Tuesday in September in each year.
- Election of directors. 10. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall chose seven persons to be directors of the Company, one or more of whom may be paid directors. 30
- Residence of directors. 2. A majority of the directors, provisional and elected, including the president, shall at all times be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. 35
- Amount of bonds, etc., limited. 11. The Company may issue bonds, debentures, or other securities to the extent of five thousand dollars per mile of the road, and such bonds, debentures or other securities may be issued only in proportion to the length of road constructed or under contract to be constructed. 40
- Expropriation powers. 12. The Company shall have all such powers for the expropriation of land requisite for the convenient construction and operation of its wagon road as are given by *The Railway Act* to railway companies for railway purposes. 45
- 1888, c. 29.
- Rights of British Yukon Company. 13. Notwithstanding anything herein contained, the British Yukon Mining Trading and Transportation Company shall have the right to lay down its line of railway upon, and use

and occupy for all reasonable and necessary purposes of its railway, any lands approved by the Minister of Railways and Canals, along its route in priority to the Company hereby incorporated.

5 2. The said right of priority shall not exist beyond two years from the passing of this Act, unless the Governor in Council otherwise determines. Rights to cease in two years.

10 14. If the said road be not commenced within sixty days, or if the said road be not completed for the passage of vehicles and pedestrians, and a transportation line put in operation within two years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the road as then remains uncompleted. Time for construction of road limited.

NO 101

Printed and Published by the Government of Ontario, 1905

1905

Printed and Published by the Government of Ontario, 1905

1905

1905

1905

Printed and Published by the Government of Ontario, 1905

No. 107.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Yukon  
Overland Transportation Company.

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*(Reprinted as amended in the Railway  
Committee.)*

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Mr. DOMVILLE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Alaska and Northwestern  
Railway Company.

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

**1.** James J. Gillies, S. Walker Janes, Joseph A. Gillies, Incorporation.  
George Campbell, Alexander F. Gillies, John Mather, F.  
Waldo Ames and George P. Brophy, together with such  
10 persons as become shareholders in the company, are hereby  
incorporated under the name of "The Alaska and North- Corporate  
western Railway company," hereinafter called "the Com- name.  
pany."

**2.** The undertaking of the Company is hereby declared to Declaratory.  
15 be a work for the general advantage of Canada.

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

**4.** The Company may lay out, construct and operate a Line of  
20 railway of the gauge of [three feet or such other gauge as may railway  
be adopted by the Company, not being less than three feet or described.  
more than] four feet eight and one-half inches, from a point at or  
near Pyramid Harbour near the head of Lynn Canal, or from  
a point at or near the international boundary line in the  
25 vicinity of Lynn Canal, thence through the Chilkat Pass, and  
thence by way of the Dalton Trail to Fort Selkirk on the  
Yukon River; [and may deviate from the said route if  
necessary or desirable ]

**5.** The Company may, for the purposes of its business— Powers of  
30 (a.) lay out, construct and operate such tramway or tram- Company.  
ways, and construct and maintain such stage roads or other Tramways.  
routes, between such points as may be deemed necessary or Stage roads.  
desirable, between the points mentioned in section 4 of this  
Act;

35 (b.) erect and maintain bridges across the rivers and Bridges.  
streams on such roads and routes, with the privilege of  
charging tolls for the use thereof;

(c.) construct, acquire and operate wharfs, piers, docks, Wharfs,  
landing places, hotels, elevators and warehouses, and acquire hotels.

Warehouses, etc.	and navigate steam and other vessels for the transportation of passengers and freight in connection with such railway, tramways, roads and routes upon the waters of the rivers, lakes and streams adjacent to the said railway, and upon the inland waters of the North-West Territories and British Columbia ;	5
Vessels.		
Telegraph and telephone lines.	(d.) construct, acquire and operate telegraph and telephone lines both in connection with and beyond its railway, to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and undertake the transmission of messages for the public by such lines ;	10
Mining.	(e.) acquire and operate mines in British Columbia and the North-West Territories, and exercise mining rights and privileges therein ;	15
Stores, mills, etc.	(f.) erect and maintain stores and trading posts, mills and manufactories and carry on in the province of British Columbia and the North-West Territories the business of general traders, carriers, forwarders, transportation agents, lumberers, millers and manufacturers, and all other business incident thereto, or connected therewith ; and may for all or any of the said purposes, purchase, hold, lease or otherwise acquire lands, buildings, mill sites, mills, water power, timber limits, works, docks, vessels, vehicles, machinery, goods, wares, merchandise and general supplies, and such other property, as may be necessary for effectually carrying out the above purposes, and sell, lease, mortgage, exchange or otherwise dispose of or deal with the same ; and generally do all such things as may be necessary or incident to the carrying out and attainment of the above objects ;	20
Carriers, etc.		
Lands, merchandise, etc.		
Electricity.	(g.) erect, use and carry on works for the generation, transmission and distribution of electrical power and energy ; and acquire and utilize water and steam power for the purpose of generating electricity for all purposes in connection with its railway, tramways, vessels, mills, manufactories and works, and may dispose of any surplus electricity or other power generated by its works, and not required for operating its railway or other works.	30
Water and steam power.		
Surplus power.		
Provisional directors.	<b>6.</b> The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.	40
Capital stock and calls thereon.	<b>7.</b> The capital stock of the Company shall be ten million dollars, and may be called up by the directors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.	
Annual meeting.	<b>8.</b> The annual meeting of the shareholders shall be held on the first Monday in October in each year.	45
Election of directors.	<b>9.</b> At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors.	50
Amount of bonds, etc., limited.	<b>10.</b> The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures	

tures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

11. The powers conferred upon the Company to carry on a  
5 navigation and transportation business shall only be exercised  
by the Company under the supervision of the Governor in  
Council, and under such regulations as he imposes, and the  
Governor in Council may grant to other companies the right to  
use the wharfs and terminals of the Company, and fix the  
10 terms, rates and conditions on which they may be so used.

Navigation  
and trans-  
portation to  
be regulated  
by Governor  
in Council.

12. The railway hereby authorized to be constructed shall  
be commenced within three months, and be fully completed  
and put in operation within eighteen months from the pass-  
ing of this Act.

Time for  
construction  
limited.

13. The Company shall deposit with the Minister of  
15 Finance and Receiver General the sum of two hundred and  
fifty thousand dollars as a guarantee for the commencement  
and completion of the said railway within the times above  
mentioned, and the said deposit shall become absolutely for-  
20 feited to and for the use of the Government of Canada if the  
said railway shall not be so commenced and completed within  
the periods aforesaid; and upon the completion of the said  
railway within the periods aforesaid, the said deposit shall be  
repaid to the Company with three per cent per annum added  
25 thereto.

Guarantee to  
be deposited  
with Govern-  
ment.

14. This Act shall not come into force, and the powers  
hereby conferred shall not be exercised, until the said sum of  
two hundred and fifty thousand dollars shall have been  
deposited as aforesaid for the purposes and in the manner  
30 aforesaid.

Act not in  
force till  
deposit made.

15. Should the Company require land for wharfs, docks,  
elevators or landing places along the line of the railway  
hereby authorized or at the termini thereof, and not agree  
for the purchase thereof with the owner of such land, it may  
35 cause a map or plan and book of reference to be made of  
such land, and all the provisions of sections 107 to 111 in-  
clusive, of *The Railway Act* shall apply to the subject-matter  
of this section, and to the obtaining of such land and de-  
termining the compensation therefor.

Proceedings  
where land  
required for  
wharfs, etc.

1888, c. 29,  
ss. 107-111.

No. 108.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Alaska and North-  
western Railway Company.

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First reading, March 31<sup>st</sup>, 1898.

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the British American Light  
and Power Company.

**W**HEREAS a petition has been presented praying that it Preamble.  
be enacted as hereinafter set forth, and it is expedient to  
garnt the prayer of the said petition : Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows :—

**1.** Charles Adams, of the town of Brandon, in the province Incorporation.  
of Manitoba ; Peter Lyall, William Strachan, David L. Lock-  
erby, Daniel Gillmor, Frederick L. Beique, James McShane  
and Duncan A. Campbell, all of the city of Montreal, in the  
10 province of Quebec, together with such persons as become  
shareholders in the company, are hereby incorporated under  
the name of "The British American Light and Power Com-  
pany," hereinafter called "the Company." Corporate name.

**2.** The head office of the Company shall be in the city of Head office.  
15 Montreal, or at such other place in Canada as the directors of  
the Company from time to time by by-law determine, but the  
Company may establish other offices and places of business  
elsewhere.

**3.** The persons named in section 1 of this Act shall be the Provisional directors.  
20 first or provisional directors of the Company, four of whom  
shall be a quorum.

**4.** The capital stock of the Company shall be five hundred Capital stock and calls thereon.  
thousand dollars, divided into shares of one hundred dollars  
each, and may be called up by the directors from time to time  
25 as they deem necessary.

**5.** So soon as one hundred thousand dollars of the capital First general meeting.  
stock has been subscribed, and ten per cent paid thereon, a  
general meeting of the Company shall be held at the head  
office of the Company at such time as the provisional direc-  
30 tors or any four of them determine, and notice of such meet-  
ing shall be given by mailing, at least ten days before the  
holding of such meeting, a written notice of such time and  
place, postage prepaid and registered, to the address of each  
shareholder of the Company.

**6.** At the said general meeting of the Company, and at Election of directors.  
35 each annual meeting, the subscribers for the capital stock who  
are present or represented by proxy, and who have paid all calls  
due on their shares, shall choose to be directors not less than  
five nor more than fifteen persons, each of whom shall hold

	at least ten shares of the capital stock of the Company, and one or more of such directors may be paid directors.	
Length of term of office.	2. The directors chosen at the said meeting shall hold office only until the first annual meeting of the Company.	
Number of directors may be changed.	3. The number of directors may be changed from time to time by vote of the shareholders at any general meeting of the Company.	5
Local boards of directors.	7. The Company may establish local boards of directors in the municipalities of the Yukon District, North-West Territories and northern British Columbia.	10
Powers of Company.	8. The Company may in the Yukon District, North-West Territories and northern British Columbia—	
Gas and electricity.	(a.) manufacture, supply, sell and dispose of gas and electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used ;	15
Gas works.	(b.) acquire, manufacture, construct, lay, maintain and operate all works for holding, receiving and purifying gas, and all other buildings and works, structures, apparatus, metres pipes, wires, appliances, fittings, supplies and machinery necessary or advisable in connection with the said business, and may deal with or dispose of the same in any manner that the directors deem advisable ;	20
Patent rights.	(c.) acquire, use and dispose of any invention, or letters patent, or any right to use, or employ any inventions in connection with the production, manufacture or supply of heating, motive and illuminating gas or electricity ;	25
Carriers.	(d.) carry on the business of carriers, forwarders and transportation agents, any business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for any of the said purposes construct, acquire and operate tramways, roads, buildings, docks, piers, wharfs, vessels, vehicles and other property real and personal, and may improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of or turn to account the same ;	30
Water power.	(e.) acquire and utilize water power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the works of the Company, and may, subject to such regulations as are imposed by the Governor in Council, construct, acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works.	40
Telegraphs and telephones.	9. The Company may construct and operate telegraph and telephone lines in the Yukon District, and may establish offices for the transmission of messages for the public and collect tolls therefor ; and for the purpose of constructing and operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines.	45
Arrangements with telegraph and telephone companies.	2. The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the line of the Company.	50

3. No rates or charges shall be demanded or taken from any person for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.

5 4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. R.S.C., c. 132.

- 10 **10.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—
- 15 (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;
- 20 (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;
- 25 (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;
- 30 (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;
- 35 (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;
- 40 (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;
- 45 (g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right even by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;
- 50 (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified;
- 55 (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the pur-

Approval of rates by Governor in Council.

R.S.C., c. 132.

Power to enter upon highway, etc.

Erect poles.

Stretch wires.

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

Future legislation as to carrying wires underground.

Workmen to wear badges.

Private rights.

pose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of wires and poles.

(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said 5 wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such

Notice to Company.

person may remove such wires and poles at the expense of the 10 Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no

Liability for damage,

such agent or officer, then either at the head office, or to any 15 agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Tapping wires.

**11.** If any person place, or cause to be placed, any wire, 20 pipe or other means of communication to communicate with any wire, pipe or conductor belonging to the Company, or in any other way make use of the electric current, gas or other production of the Company, without the latter's consent, he shall forfeit and pay to the Company the sum of one hundred 25 dollars, and also a further sum of four dollars for each day during which such communication exists.

Penalty.

Damages to apparatus.

**12.** If any person wilfully or maliciously damages or causes to be damaged, or puts out of order, any wire, pipe, engine or other appliance used by the Company for the supplying of 30 electricity, gas, heat or power, or other manufacture of the Company, or any materials connected therewith, or wilfully impairs or knowingly suffers the same to be altered or impaired, he shall incur a penalty to be forfeited to the Company of not less than four dollars or more than one hundred dol- 35 lars, and shall pay all charges necessary for the repairing or replacing of the said wires, pipes, engines and appliances, and double the value of any surplus electricity, gas or other manufacture which has been so wrongfully consumed.

Penalty.

Power to cut off supply of gas, etc.

**13.** If any person whom the Company supplies with elec- 40 tricity, gas or other manufacture, neglects to pay the rent, rate or charge due the Company at the times fixed for the payment thereof, the Company, on giving forty-eight hours' previous notice, may stop the supply of electricity, gas, heat, power or other manufacture from entering the premises of 45 the person so in arrears, by cutting off the supply thereof, and by any such other means as the Company sees fit; and the Company may recover the rent or charge due up to such time, together with the expense of cutting off the electricity, gas or other manufacture, in any competent court, notwith- 50 standing any contract to furnish for a longer time.

Apparatus not liable to seizure.

**14.** Neither the wires, pipes, lamps nor other appliances nor apparatus of any kind of the Company shall be subject or

liable for rent, nor liable to be seized or attached in any way by the possessor or owner of the premises, wherever the same may be, nor be liable in any way to any person for the debt of any other person to or for whose use or for the use of  
5 whose household or building the same may be supplied by the Company, notwithstanding the actual or apparent possession thereof by such person.

**15.** In every case where the Company may cut off and take away the supply of electricity, gas, heat or other manufacture,  
10 from any house, building or premises, the Company, its agents and workmen, on giving forty-eight hours' previous notice to the person in charge, or to the occupant, may enter into the house, building or premises, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon,  
15 making as little disturbance as possible, and may remove and take away any wires, pipes, meters, lamps, fittings and other appliances which are the property of the Company. And any servant of the Company, duly authorized, may, between the hours aforesaid, enter into any house or premises in which  
20 electricity, gas, heat, power or other manufacture has been taken from the Company, for the purposes of repairing or examining any such wires, pipes, meters, lamps or other appliances; and if any person refuses, without reasonable cause, to permit the servants and officers of the Company to enter and  
25 perform such acts, the person so refusing or obstructing shall incur a penalty, payable to the Company, for every such offence, not exceeding forty dollars, and a further penalty, not exceeding four dollars for every day during which such refusal or obstruction continues.

Power to remove apparatus after supply, etc., cut off.

Penalty for obstruction.

**16.** All penalties, forfeitures or fines imposed or permitted  
30 by this Act may be sued for and recovered by the Company in any court of competent jurisdiction, or before one of the justices of the peace in the district in which the offence is committed.

Penalties may be recovered by suit.

**17.** The directors may, whenever authorized by a by-law  
35 for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums  
40 of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rate of interest and payable at such times and places, and secured in  
45 such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof. The Company may make such provisions respecting the redemption of such securities  
50 as may be deemed proper.

Borrowing powers.

**18.** The directors may make and issue as paid-up and un-  
assessable stock, shares of the capital stock of the Company  
in payment of and for all or any of the business, franchises,

Issue of paid-up shares.

undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets and other property of any person or municipal corporation which it may lawfully acquire in virtue of this Act, and may allot and hand over such shares to any such person, or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, or services rendered to the Company, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon and the Company may pay for any such property or services rendered to the Company wholly or partly in paid-up shares or wholly or partly in debentures as to the directors may seem proper.

Shares presumed liable to payment thereof in cash.

**19.** All shares in the Company shall be deemed to have been issued and to be held subject to the payment of the whole amount thereof in cash, unless it has been otherwise agreed upon or determined by a contract duly made in writing and filed with the Secretary of State at the time of or before the issue of such shares.

Increase of capital.

**20.** After the whole of the capital stock hereby authorized has been issued, and fifty per cent thereon paid up, the capital stock of the Company may be increased from time to time to an amount not exceeding five million dollars, by a resolution of the shareholders passed and approved of by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy, at a special general meeting of the shareholders duly called for considering the same, and such increased capital stock may be issued, and shall be dealt with in the same manner as the original capital of the Company.

Debenture stock.

**21.** The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as a part of the regular debenture debt authorized by section 17 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations in this Act provided, so that the amount borrowed on the security of debenture bonds or debenture stock, shall not in the whole exceed seventy-five per cent of the paid up capital stock of the Company.

Debenture stock to rank equally with debentures.

**22.** The debenture stock to be issued under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

Entries to be made in head office register.

**23.** The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept

for that purpose at the head office, wherein shall be entered the names and addresses of the several persons from time to time entitled to the debenture stock, with the respective amounts of the stock to which such persons are respectively  
5 entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee therefor.

24. All transfers of the debenture stock of the Company  
10 shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, or elsewhere, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office of the Com-  
15 pany.

Transfers may be made elsewhere.

25. The Company shall, if required, deliver to every holder of debenture stock a certificate stating the amount of the debenture stock held by him and the rate of interest payable thereon; and all regulations and provisions for the time being  
20 applicable to certificates of shares of the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Stock certificates.

2. The directors may, with respect to the issue of certificates of debenture stock, delegate the powers of the Company to  
25 agents and attorneys or to any corporation organized for the purpose of transacting such business.

Agents powers as to certificates.

26. The holders of debenture stock shall not be entitled, as such, to be present or to vote at any meeting of the Company, nor shall such stock confer any qualification, but it shall, in  
30 all respects not otherwise provided for by or under this Act, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, except the right to require repayment of the principal money paid up with respect to the debenture stock.

Debenture stockholders may not vote.

35 27. The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

Exchange of mortgage bonds for debenture stock.

40 28. The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company.

Currency in which bonds, etc., may be issued.

29. The Company may receive from any Government, or from any person, city, town, municipality or village, and  
45 whether incorporated or not, and having power to make or grant the same in aid of the construction, equipment and maintenance of the said works, grants of lands, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same  
50 for the purposes of the Company.

Power to receive aid.

R.S.C., c. 118. **30.** *The Companies Clauses Act*, except sections 18 and 39 thereof, shall apply to the Company.

1888, c. 29. **31.** *The Railway Act* shall apply to the Company.

No. 109.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the British American Light and Power Company.

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First reading, March 31st, 1898.

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(PRIVATE BILL.)

Mr. ROSAMOND.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Post Office Act.

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

1. On all letters transmitted by post for any distance with-  
 5 in Canada, except in cases herein otherwise specially provided  
 for, there shall be charged and paid one uniform rate of two  
 cents per ounce weight, any fraction of an ounce being  
 chargeable as an ounce, and such postage rate of two cents  
 shall be prepaid by postage stamp or stamps at the time of  
 10 posting the letter. Rate of postage on letters within Canada.
2. Letters wholly unpaid shall not be forwarded by post; Prepayment obligatory.  
 but letters which are addressed to any place in Canada and  
 on which any postage has been prepaid by stamp shall be  
 forwarded to their destination charged with double the amount Exception.  
 15 of the postage thereon not so prepaid, which amount shall be  
 collected on delivery.
3. This section shall not have force or effect until a day to Commence-  
ment of this  
section upon  
proclamation.  
 be named to the Governor General by his proclamation, and  
 upon such day the section substituted for section 20 of *The*  
 20 *Post Office Act* by section 4 of chapter 20 of the statutes of  
 1889 shall be deemed to be repealed.

2. Section 26 of *The Post Office Act*, as amended by section R.S.C., c. 85,  
new s. 26.  
 7 of chapter 20 of the statutes of 1889, and except as herein-  
 after otherwise provided, is hereby repealed and the following  
 25 is substituted therefor:—

- “26. On and after the first day of January, one thousand Rates of  
postage on  
newspapers  
and periodi-  
cals after 1st  
January, 1899.  
 eight hundred and ninety-nine, newspapers and periodicals,  
 printed and published in Canada, mailed by the publisher in  
 the post office at the place where they are published and  
 30 addressed to regular subscribers or newsdealers in Canada,  
 resident elsewhere than in the place of publication, shall be  
 transmitted by mail to their respective addresses as follows:—  
 If they do not require to be transmitted by mail a distance  
 greater than ten miles from the place of publication, they shall  
 35 be so transmitted free of postage; if they require to be trans-  
 mitted a greater distance, then after the said day, and until  
 and inclusive of the thirtieth day of June next following, at  
 the rate of one-quarter of one cent, and thereafter at the rate  
 of one-half of one cent, for each pound weight or any fraction  
 40 of a pound weight, which shall be prepaid by postage stamps  
 or otherwise, as the Postmaster General from time to time  
 directs, provided that—

“(a.) Such newspaper or periodical is known and recognized Intervals of  
publication.  
 as a newspaper or periodical in the generally received sense of

	the word, and published regularly at intervals of not more than one month ;	
Title, date and place of publication.	“(b.) The full title, place and date of publication, and the distinguishing number of the issue are printed at the top of the first page, and also on any paper purporting to be a supplement to it and sent with it ;	5
To whom to be addressed.	“(c.) It is addressed to a <i>bonâ fide</i> subscriber, or to a known newsdealer in Canada ; and—	
Delivery into post office.	“(d.) It is delivered into the post office under such regulations as the Postmaster General, from time to time, makes for that purpose.	10
Weight, how determined.	“2. For the purpose of determining the weights of such newspapers or periodicals, each newspaper or periodical transmitted separately through the mails shall be held to weigh not less than one-half of one ounce.	15
Powers of Postmaster General.	“3. The Postmaster General may decide whether any publication, for which transmission at the rates herein mentioned is claimed, is or is not a newspaper or periodical within the meaning and intent of this section, and whether the requirements thereof have or have not been complied with in regard to it, and from time to time may make any regulations he deems necessary to give full effect to the provisions of this section, or to prevent fraudulent evasions thereof.”	20
Section 42 amended.	“3. Section 42 of <i>The Post Office Act</i> is hereby amended by adding thereto the following subsection :—	25
Books for the blind, free of postage.	“8. Books for the use of the blind shall be free of Canada postage under such regulations as are from time to time made in that respect by the Postmaster General.”	
New section 44.	“4. The subsection substituted for subsection 1 of section 44 of the said Act by section 10 of chapter 20 of the statutes of 1889, is hereby repealed and the following is substituted therefor :—	30
Dead letters, how dealt with.	“44. Except as in this Act otherwise provided, letters or other articles which, from any cause, remain undelivered in any post office, or which, having been posted, cannot be forwarded by post, shall, under such regulations as the Postmaster General makes, be transmitted by postmasters to the Post Office Department, or to such other places as the Postmaster General directs, as dead letters, there to be opened and returned to the writers or senders on payment of any postage due thereon with three cents additional on each dead letter to defray the cost of returning it, less, in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such amount of postage as has been prepaid thereon ; or such dead letters may, in any case or class of cases, be otherwise disposed of as the Postmaster General directs.”	40 45
Examination of post office clerks.	“5. Hereafter clerks employed in post offices shall not be required to pass the promotion examination provided for by section 39 of <i>The Civil Service Act</i> , but shall be examined on the work of the post office, at such times and by such persons as are from time to time designated by the Postmaster General.	50



No. 110.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend The Post Office Act.

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First reading, April 1st, 1898.

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Mr. MULOCK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

G.]

**SENATE BILL.**

[1898.

An Act for better securing the safety of certain  
Fishermen.

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

1. No dory, flat, whaler or other boat whatsoever shall be  
5 launched or set out from any vessel engaged in deep-sea or  
Bank fishing, for the purpose of fishing with hooks and lines,  
trawls or other similar appliances, or with intent that the same  
shall be used in so fishing, or for the purpose of examining  
trawls, set lines or other similar appliances for fishing, unless  
10 there is placed in such boat and retained therein during absence  
from such vessel an accurate and serviceable mariners' compass,  
and unless there is placed in such boat at least two quarts of  
drinking water and two pounds of solid food for each man of  
the crew of such boat : Boats not to  
set out from  
vessels with-  
out compass,  
water and  
food.
- 15 2. The owner of such vessel shall supply her at the com- Owner to sup-  
mencement of her voyage with as many serviceable compasses  
as she carries boats, in addition to the vessel's compass, and  
also with the necessary utensils for holding water and with a  
fog-horn or trumpet. &c.
- 20 2. The owner of any vessel who makes default in the per- Penalties.  
formance of the duty imposed upon him by the preceding  
section, and the master of every vessel from which any boat  
is launched or set out in contravention of the provisions of the  
preceding section, shall be guilty of an offence against "*The*  
25 *Fisheries Act*," chapter 95 of the Revised Statutes of Canada,  
and shall be liable for each offence to a penalty not exceeding  
one hundred dollars or to imprisonment for a term not exceed-  
ing two months.
3. This Act shall be read and construed as if it formed part R.S.C., c. 95.  
30 of "*The Fisheries Act*."

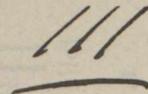
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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

~~G~~

An Act for better securing the safety of  
certain Fishermen.

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Received and read a first time Thursday,  
17th March, 1898.  
Second reading, Monday, 21st March, 1898.

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HONOURABLE MR. POWER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act for the Relief of Edwin Heyward.

WHEREAS Edwin Heyward, of the city of Toronto, in the Preamble.  
county of York, province of Ontario, expressman, has,  
by his petition set forth, that on the twenty-third day of  
March, one thousand eight hundred and eighty-two, he was  
5 lawfully married, at the village of Berry-Pomeroy, in the  
county of Devon, in England, to Elizabeth Raynham Hey-  
ward (whose maiden name was Elizabeth Raynham Beal),  
that they lived together as husband and wife until in or about  
10 September, one thousand eight hundred and ninety-three,  
when she deserted him, her husband, without lawful reason  
or excuse, and was guilty of adultery, and that she has ever  
since continued to live apart from him and has committed  
other acts of adultery; and whereas he has humbly prayed  
15 that the said marriage may be dissolved and that he may be  
authorized to marry again and that such further relief may  
be afforded him as is deemed meet; and whereas he has  
proved the said allegations of his said petition, and it is  
expedient that the prayer thereof should be granted: Therefore  
Her Majesty, by and with the advice and consent of the  
20 Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Edwin Heyward and Eliza- Marriage  
beth Raynham Heyward, his wife, is hereby dissolved, dissolved.  
and shall be henceforth null and void to all intents and purposes  
whatsoever.

25 2. The said Edwin Heyward may, at any time hereafter, Right to  
marry any woman whom he might lawfully marry in case the marry again.  
said marriage with the said Elizabeth Raynham Heyward  
had not been solemnized.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

112  
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An Act for the relief of Edwin Heyward.

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Received and read a first time, Wednesday, 9th  
March, 1898.  
Second reading, Thursday, 24th March, 1898.

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Honourable Mr. CLEMOW.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Subsidiary High Court of  
the Ancient Order of Foresters in the Dominion  
of Canada.

**W**HEREAS a petition has been presented praying that it be <sup>Preamble.</sup>  
enacted as hereinafter set forth, and it is expedient to  
grant the prayer of the said petition: Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows:—

1. H. J. Snelgrove of the town of Cobourg, W. Baird of the <sup>Incorporation.</sup>  
town of Galt, H. E. Griffiths of the city of Toronto, L. Secord  
of the city of Brantford, W. Williams of the city of Toronto,  
S. H. Kent of the city of Hamilton, G. Dulmage of the city of  
10 Belleville, H. J. Boyde of the city of London, W. G. Scott of  
the town of Mount Forest, E. F. Clarke, of the city of  
Toronto, C. B. Heyd, of the city of Brantford, W.  
Douglass of the town of Owen Sound, F. Abbott of the town  
of Meaford, H. Catley of the town of Mount Forest, Will J.  
15 Vale of the city of Toronto, D. F. Macwatt of the town of  
Barrie, W. Mills of the town of Ingersoll, all in the province  
of Ontario; John Anderson, C. Chappell and James Wills, all  
of the city of Montreal, in the province Quebec; and Scott E.  
Morrill of the city of St. John in the province of New  
20 Brunswick; members of the Subsidiary High Court of the  
Ancient Order of Foresters in the Dominion of Canada,  
together with such persons as are or become members of the  
said subsidiary high court, are hereby incorporated under the  
name of "The Subsidiary High Court of the Ancient Order of <sup>Corporate</sup>  
25 Foresters in the Dominion of Canada," hereinafter called "the <sup>name.</sup>  
Society," for the following purposes and objects:—
- (a.) To unite fraternally all persons entitled to membership <sup>Objects of</sup>  
under the laws of the Society; and the word "laws" shall <sup>Society.</sup>  
include general laws and by-laws; <sup>"Laws."</sup>
- 30 (b.) To give all moral and material aid in its power to its  
members, and those dependent upon them;
- (c.) To educate its members socially, morally and intellectu-  
ally;
- (d.) To establish a fund for the relief of sick and distressed  
35 members;
- (e.) To establish a benefit fund, from which, on satisfactory  
evidence of the death of a member of the Society who has  
complied with all its lawful requirements, a sum not exceeding  
three thousand dollars shall be paid to the widow, orphans,  
40 dependents, or other beneficiary whom the member has  
designated, or to the personal representative of the member as  
laid down in the said laws;

(f.) To secure for its members such other advantages as are, from time to time, designated by the laws of the Society.

Head office.

**2.** The head office of the Society shall be in the city of Toronto, but its location may be changed to any other place in Canada at any regular or at a special meeting called for that purpose, and the Society may open local branches throughout Canada. 5

Branches.

**3.** Subject to the laws of the Society, branches under the names of "subordinate courts," "subordinate circles," "subordinate conclaves" or "juvenile branches" may from time to time be established, under the title designated in the charter granted by the Society constituting such branches; and the trustees of each branch already established, and to be hereafter established in Canada, shall be a body corporate and politic, subject to the laws of the Society; but no such branch shall have power to establish benefit funds under paragraphs (d) and (e) of section 1 of this Act; and each of such branches shall be so incorporated under the corporate name of "The Officers of (*giving the title of the branch*);" and, upon being established, and before proceeding to act as such corporation, such branch shall cause to be registered at full length in the registry office of the city, county or registration division within which such branch is established, a declaration signed by the officers of such branch stating the fact of such establishment, the date of the instrument affecting it, the corporate name, and the names in full of the officers thereof. 10 15 20 25

Declaration of formation of branches to be registered.

Power to hold real property.

**4.** The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, one hundred thousand dollars, and in the case of any branch, ten thousand dollars, but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate; provided always, that no part of the benefit funds shall be used for such purpose. 30 35

Liability of branches.

**5.** The property of each branch only shall be liable for the debts and engagements of such branch.

Investment of funds.

**6.** The surplus funds of the Society shall be invested in mortgages which are a first charge on lands held in fee simple in Canada, or in deposits with, or in registered debentures of, loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any province thereof, or shall be deposited in a chartered bank in Canada. 40 45

When branch dissolved, certificate to be filed.

**7.** Whenever, under the laws of the Society, any branch becomes dissolved, or the Society at any time revokes the warrant or charter under which the branch is operating, whether such branch is incorporated or not, such dissolution or revocation shall be certified in duplicate by the chief execu- 50

tive officer, and by the secretary of the Society under the seal thereof; one of the said duplicates shall be filed with the Superintendent of Insurance, and the other with the Secretary of State, and this certificate, from the filing thereof with the  
 5 Secretary of State, shall, ipso facto, operate to dissolve the said branch, and to vest its property, both real and personal, in the chief executive officer and the secretary of the Society and their successors in office as trustees for the creditors and persons beneficially entitled, and the surplus, if any, after the  
 10 liabilities are satisfied, shall vest in the registered Society to its own use absolutely. Provided, however, that in the case of real estate it shall be sold within seven years after the dissolution of such branch.

Real estate to be sold within 7 years after dissolution.

8. Within three months from the passing of this Act, a  
 15 certified copy of the present constitution and laws of the Society, and its form of beneficiary certificate, shall be deposited with the Secretary of State, and another copy with the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months  
 20 from their adoption by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues.

Constitution and by-laws to be deposited.

9. *The Insurance Act*, except section 43 thereof, shall not  
 25 apply to the Society. R.S.C., c. 124.

No. 113.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Subsidiary  
High Court of the Ancient Order of  
Foresters, in the Dominion of Canada.

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First reading, April 6th, 1898.

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(PRIVATE BILL.)

Mr. LANDERKIN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Subsidiary High Court of  
the Ancient Order of Foresters in the Dominion  
of Canada.

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

**W**HEREAS a petition has been presented praying that it be Preamble.  
enacted as hereinafter set forth, and it is expedient to  
grant the prayer of the said petition: Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows:—

- 1.** H. J. Snelgrove of the town of Cobourg, W. Baird of the Incorporation.  
town of Galt, H. E. Griffiths, W. Williams, E. F. Clarke and  
Will J. Vale of the city of Toronto, L. Secord and C. B.  
Heyd of the city of Brantford, S. H. Kent of the city of  
10 Hamilton, G. Dulmage of the city of Belleville, H. J. Boyd  
of the city of London, W. G. Scott and H. Catley of the town  
of Mount Forest, W. Douglass of the town of Owen Sound, F.  
Abbott of the town of Meaford, D. F. Macwatt of the town of  
Barrie, and W. Mills of the town of Ingersoll, all in the province  
15 of Ontario; John Anderson, C. Chappell and James Wills, all  
of the city of Montreal, in the province of Quebec; and Scott E.  
Morrill of the city of St. John in the province of New  
Brunswick; members of the Subsidiary High Court of the  
Ancient Order of Foresters in the Dominion of Canada,  
20 together with such persons as are or become members of the  
said subsidiary high court, are hereby incorporated under the  
name of "The Subsidiary High Court of the Ancient Order of  
Foresters in the Dominion of Canada," hereinafter called "the Corporate name.  
Society," for the following purposes and objects:—
- 25 (a.) to unite fraternally all persons entitled to membership  
under the laws of the Society; and the word "laws" shall  
include general laws and by-laws; Objects of Society.  
"Laws."
- (b.) to give all moral and material aid in its power to its  
members, and those dependent upon them;
- 30 (c.) to educate its members socially, morally and intellectu-  
ally;
- (d.) to establish a fund for the relief of sick and distressed  
members;
- (e.) to establish and maintain benefit funds, from which, on  
35 satisfactory evidence of the death of a member of the Society  
who has complied with all its lawful requirements, a sum not  
exceeding three thousand dollars shall be paid to the widow,  
orphans, dependents, or other beneficiary whom the member  
has designated, or to the personal representative of the member,  
40 as laid down in the said laws;

(f.) to secure for its members such other advantages as are, from time to time, designated by the laws of the Society.

- Head office. **2.** The head office of the Society shall be in the city of Toronto, but its location may be changed to any other place in Canada at any regular or at a special meeting called for that purpose, and the Society may open local branches throughout Canada. 5
- Branches. **3.** Subject to the laws of the Society, branches under the names of "subordinate courts," "subordinate circles," "subordinate conclaves," or "juvenile branches" may, from time to time, be established, under the title designated in the charter granted by the Society constituting such branches, and subject to such provisions and conditions, and with such powers as the Society, may, from time to time, determine; provided that no such branch shall have power to establish benefit funds under paragraph (e) of section 1 of this Act. 10 15
- Power to hold real property. **4.** The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, twenty thousand dollars, and in the case of any branch, five thousand dollars, but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate; provided always, that no part of the benefit funds shall be used in acquiring any such property. 20 25
- Liability of branches. **5.** The property of each branch only shall be liable for the debts and engagements of such branch.
- Investment of funds. **6.** The funds of the Society shall be invested in mortgages which are a first charge on lands held in fee simple in Canada, or in deposits with, or in registered debentures of, loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any province thereof, or shall be deposited in a chartered bank in Canada. 30 35
- When branch dissolved, certificate to be filed. **7.** Whenever, under the laws of the Society, any branch becomes dissolved, or the Society at any time revokes the warrant or charter under which the branch is operating, such dissolution or revocation shall be certified in duplicate by the chief executive officer, and by the secretary of the Society under the seal thereof; one of the said duplicates shall be filed with the Superintendent of Insurance, and the other with the Secretary of State, and this certificate, from the filing thereof with the Secretary of State, shall, ipso facto, operate to dissolve the said branch, and the person or persons in whom the property of such branch is vested, shall convey the same to the chief executive officer and the secretary of the Society, and their successors in office, as trustees for the creditors and persons beneficially entitled, and the surplus, if any, after the liabilities are satisfied, shall vest in the Society to 40 45 50

its own use absolutely. Provided, however, that in the case of real estate it shall be sold within seven years after the dissolution of such branch, otherwise it shall be forfeited to Her Majesty for the use of Canada; provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Society of the intention of Her Majesty to claim such forfeiture; and the Society shall, when required, give to the Governor in Council a full and correct statement of all lands, at the date of such statement, held by or in trust for the Society, and subject to these provisos.

Real estate to be sold within 7 years after dissolution.

8. The Society may make rules and by-laws for the guidance of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper or necessary to be done for the good of the Society and the prosecution of its object and business.

Power to make by-laws.

9. Every person who is admitted a beneficiary member of the Society shall receive a policy or certificate of membership, on which shall be printed the by-laws, rules and regulations relating to membership, or the conditions of membership; and so long as such conditions are complied with, he shall remain a member of the Society and shall enjoy all the benefits and privileges of membership.

Members to be furnished with by-laws, etc.

10. The Society shall, in respect of all policies or beneficiary certificates issued after the passing of this Act, accumulate and maintain a fund which shall never be less than the reserve or re-insurance value of such policies or certificates, computed according to the standard provided for in *The Insurance Act*; every such policy or certificate being regarded, for the purpose of computation, as a contract for the whole of life, with level premiums, and such reserve shall be held and charged as a liability against the Society.

Reserve fund to be maintained.

2. The Society shall keep separate and distinct books, and separate and distinct accounts of business in respect of policies or beneficiary certificates issued both prior and subsequent to the passing of this Act, and each set of books shall contain all the details of the business to which such set of books applies, and of the moneys received and expended in respect of such business, and of the moneys, securities, assets and liabilities appertaining to the same, and the fund provided for in the next preceding subsection (which may be known as fund B) shall be at all times maintained over and above, and in addition to, any moneys, securities, or assets which may be in the possession of the Society arising from or received in respect of policies or beneficiary certificates issued prior to the passing of this Act, and which last mentioned moneys, securities and assets may be known as fund A.

Books of account, etc., to be kept.

Fund B.

Fund A.

3. Funds A and B are the benefit funds mentioned in paragraph (e) of section 1 of this Act.

Benefit funds.

4. The Society, whenever required so to do by the Minister of Finance, shall transmit to him a statement of the condition

Statement of affairs to be submitted.

and affairs of the Society, showing the assets and liabilities thereof at any named date, and the income and expenditure during the twelve months or any other named period prior to such date, and such other information as is deemed necessary by the said Minister, who may at any time address inquiries 5 to the officers of the Society in relation to the assets, investments, liabilities, doings or conditions thereof, and the officers so addressed shall promptly answer such inquiries.

Penalty for failure to comply with this section.

5. Failure to comply with the provisions of subsections 1, 2, and 4 of this section, or any of them, shall render the Society 10 liable to be dealt with in the manner prescribed by *The Winding Up Act* in the case of insolvency of a life insurance company, and shall also create a forfeiture of its rights and franchises, and render it liable to be dissolved.

Constitution and by-laws to be deposited.

11. Within three months from the passing of this Act, a 15 certified copy of the present constitution and laws of the Society, and its form of beneficiary certificate, shall be deposited with the Secretary of State, and another copy with the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months 20 from their adoption by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues.

Deposit not necessary.

12. So long as the Society complies with the provisions of 25 this Act, and of *The Insurance Act*, so far as applicable, or hereafter made applicable, the Society shall not be required to make any deposit in order to entitle it to a license under *The Insurance Act*.

Power of Parliament as to future legislation.

13. This Act, and the Society, and the exercise of the 30 powers hereby conferred, shall be subject to any legislation hereafter enacted by Parliament with respect to any insurance powers to be exercised by friendly or benevolent societies.

An Act further to amend the Act respecting the  
Department of the Geological Survey.

**H**ER Majesty, by and with the advice and consent of the  
Senate and House of Commons of Canada, enacts as fol-  
lows:—

1. When the services of temporary assistants having special  
5 professional or technical qualifications are required in the depart-  
ment of the Geological Survey, the Minister of the Crown pre-  
siding over that department may, upon the requisition of the  
Deputy Head and Director of the department, employ such  
number of temporary assistants as are necessary, having  
10 the qualifications requisite for appointment as technical officers  
of the department under section 4 of the *Act respecting the  
Department of the Geological Survey*, chapter 11 of the statutes  
of 1890. Temporary assistants in Geological Survey.
2. Notwithstanding anything contained in *The Civil Ser-*  
15 *vice Act* or any Act in amendment thereof, it shall not be neces-  
sary that any person appointed a temporary assistant under the  
next preceding section shall have passed any examination under  
*The Civil Service Act*, and such person may be paid at the rate  
of more than four hundred dollars a year and out of moneys  
20 voted by Parliament for the contingencies of the department  
or any other moneys voted by Parliament and applicable  
to such payment although such moneys may not have been  
specially voted for such purpose. Examination not required. Payment of salaries.

No. 114.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting the Department of the Geological Survey.

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First reading, April 14th, 1898.

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Mr. SIFTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

PASSED BY HOUSE OF COMMONS, 1898.

BILL No. 114.

An Act further to amend the Act respecting the  
Department of the Geological Survey.

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

1. When the services of temporary assistants having special  
5 professional or technical qualifications are required in the department of the Geological Survey, the Minister of the Crown presiding over that department may, upon the requisition of the Deputy Head and Director of the department, employ such number of temporary assistants as are necessary, having  
10 the qualifications requisite for appointment as technical officers of the department under section 4 of the *Act respecting the Department of the Geological Survey*, chapter 11 of the statutes of 1890.

Temporary assistants in Geological Survey.

2. Notwithstanding anything contained in *The Civil Service Act* or any Act in amendment thereof, it shall not be necessary that any person appointed a temporary assistant under the next preceding section shall have passed any examination under  
15 *The Civil Service Act*, and such person may be paid at the rate of more than four hundred dollars a year and out of moneys  
20 voted by Parliament for the contingencies of the department, or any other moneys voted by Parliament and applicable to such payment, although such moneys may not have been specially voted for such purpose.

Examination not required.

Payment of salaries.

THE HISTORY OF THE

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An Act respecting the British Yukon Mining, Trading and Transportation Company, and to change its name to the White Pass and Yukon Company.

**W**HEREAS the British Yukon Mining, Trading and Transportation Company has, by its petition, prayed that it be enacted as hereinafter set forth; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by 5 and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The name of the British Yukon Mining, Trading and Transportation Company, hereinafter called "the Company," is hereby changed to "The White Pass and Yukon Company," 10 but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, or in any wise affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Com- 15 pany, may be prosecuted, continued, completed and enforced as if this Act had not been passed.
- 2.** The Company may extend its railway from Fort Selkirk to Dawson City, thence to the international boundary line at or near Fort Cudahy; and may construct a branch from the 20 main line to the Hootalinqua River and Teslin Lake, and also a branch to the international boundary line west of or near the point where the White River crosses the international boundary line.
- 3.** The Company may also connect with any railway con- 25 structed, or hereafter to be constructed, west of the one hundred and thirty-second meridian of longitude west of Greenwich in the North-West Territories, in British Columbia or in the United States.
- 4.** The Company may issue bonds, debentures or other 30 securities to the extent of six thousand pounds sterling per mile of the railway and branches hereby authorized, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and the provisions of sections 13, 35 14 and 15 of chapter 89 of the statutes of 1897 shall apply to the powers conferred by this section.
- 5.** Section 17 of chapter 89 of the statutes of 1897 is here- 40 by amended by striking out the word "hereinbefore" in the fourth line thereof, and substituting therefor the word "here- in."

Preamble.

Name changed.

Rights preserved.

Line of railway extended.

Connection with other railways.

Amount of bonds limited.

1897, c. 89, ss. 13, 14, 15.

1897, c. 89, s. 17, amended.

No. 115.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the British Yukon  
Mining, Trading and Transportation  
Company, and to change its name to  
the White Pass and Yukon Company.

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First reading, April 15th, 1898.

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(PRIVATE BILL.)

Mr. MACPHERSON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

## An Act to incorporate the Canadian Mining Institute.

- W**HEREAS the persons hereinafter named have, by their  
 petition, represented that an association known as the  
 Canadian Mining Institute has been founded by the said per-  
 sons, and others, for the following purposes, namely : First, to  
 5 promote the arts and sciences connected with the economical  
 production of valuable minerals and metals, by means of  
 meetings for the reading and discussion of technical papers,  
 and the subsequent distribution of such information as may be  
 gained through the medium of publications. Second, the  
 10 establishment of a central reference library and a headquarters  
 for the purpose of this organization. Third, to take concert-  
 ed action upon such matters as affect the mining and metal-  
 lurgical industries of the Dominion of Canada. Fourth, to  
 encourage and promote these industries by all lawful and  
 15 honourable means. And whereas the said persons have prayed  
 that it be enacted as hereinafter set forth, and it is expedient to  
 grant the prayer of the said petition : Therefore Her Majesty,  
 by and with the advice and consent of the Senate and House  
 of Commons of Canada, enacts as follows :—
- 20 **1.** John E. Hardman, George M. Dawson, William A.  
 Carlyle, Charles Fergie, John Blue, B. T. A. Bell, A. W.  
 Stevenson, James McArthur, Archibald Blue, William Ham-  
 25 iltton Merritt, F. T. Snyder, Henry S. Poole, Wilbur L. Libbey,  
 Robert G. Leckie, Clarence H. Dimock, Geo. E. Drummond,  
 George R. Smith, J. Obalski, John J. Penhale, R. G. McCon-  
 nell, Frank C. Loring, John B. Hobson and Wm. Blakemore,  
 together with such persons as hereafter become members of  
 the Institute, are hereby incorporated under the name of  
 30 "The Canadian Mining Institute," hereinafter called "the  
 Institute."
- 2.** The Institute may acquire and hold such lands and  
 property as are necessary to carry out the objects and pur-  
 poses for which incorporation is sought ; provided that the  
 35 annual value of the real estate held at any one time for the  
 actual use of the Institute shall not exceed five thousand  
 dollars.
- 3.** The Institute may make such by-laws, not contrary to  
 law, as it deems expedient for the administration and govern-  
 ment of the Institute.
- 40 **4.** The affairs and business of the Institute shall be man-  
 aged by such officers and committees, and under such restric-

Preamble.

Objects of  
Institute.Incorpora-  
tion.Corporate  
name.Power as to  
property.Power to  
make by-laws.Management  
of Institute.

tions touching the duties and powers of such officers and committees as may be prescribed by by-law.

Existing by-laws retained.

5. The by-laws of the Canadian Mining Institute at the time of the passing of this Act, not being contrary to law, shall be the by-laws of the Institute until repealed or altered. 5

Officers.

6. The present officers of the Canadian Mining Institute shall continue to be those of the Institute hereby incorporated until others are elected according to the by-laws of the Institute.

Head office.

7. The head office of the Institute shall be in the city of 30 Montreal, or in such other place as may, from time to time, be determined by a vote of two-thirds of the members of the Institute.

No. 116.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Canadian Mining Institute.

First reading, April 15th, 1898.

(PRIVATE BILL.)

Mr. HAILEY.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Klondike and Dawson  
City Bank.

**W**HEREAS the persons hereinafter named have, by their <sup>Preamble.</sup>  
petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said  
petition: Therefore Her Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** John Morris Catton, of the city of London, England, <sup>Incorpora-</sup>  
Charles Thomas Dupont, Leopold J. Boscowitz, David A. <sup>tion.</sup>  
Boscowitz and Newton Spicer, all of the city of Victoria, in the  
10 province of British Columbia, together with such persons as  
become shareholders in the corporation, are hereby incorpor-  
ated under the name of "The Klondike and Dawson City  
Bank," hereinafter called "the Bank."

**2.** The head office of the Bank shall be in the city of <sup>Head office.</sup>  
15 London, England.

**3.** The persons named in section 1 of this Act are hereby <sup>Provisional</sup>  
constituted provisional directors of the Bank. <sup>directors.</sup>

**4.** The capital stock of the Bank shall be five hundred <sup>Capital stock.</sup>  
thousand dollars.

**5.** This Act shall, subject to the provisions of section 16 of <sup>Duration of</sup>  
20 *The Bank Act*, remain in force until the first day of July, one <sup>Act.</sup>  
thousand nine hundred and one.

No. 117.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Klondike and  
Dawson City Bank.

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First reading, April 15th, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA

Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Dawson City Electric Lighting and Tramway Company.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed that it be enacted as hereinafter set forth,  
and it is expedient to grant the prayer of the said petition :  
Therefore Her Majesty, by and with the advice and consent  
5 of the Senate and House of Commons of Canada, enacts as  
follows :—

**1.** John Morris Catton, of London, England ; Charles Thomas Incorporation.  
Dupont, of Victoria, British Columbia, and A. F. May, of  
Ottawa, Ontario, together with such persons as become share-  
10 holders in the company, are hereby incorporated under the name  
of "The Dawson City Electric Lighting and Tramway Com- Corporate  
pany," hereinafter called "the Company." name.

**2.** The head office of the Company shall be at Dawson City, Head office.  
in the North-West Territories, or at such other place as the  
15 directors from time to time determine by by-law.

**3.** The capital stock of the Company shall be fifty thousand Capital stock.  
pounds sterling, divided into shares of ten pounds each.

**2.** The directors may, after the whole capital stock has been Increase of  
subscribed for and fifty per cent paid thereon in cash, increase capital.  
20 the amount of the capital stock from time to time, to an  
amount not exceeding one hundred thousand pounds sterling,  
but the stock shall not be increased until the resolution of the  
directors authorizing such increase has first been submitted to  
and confirmed by two-thirds in value of the shareholders pre-  
25 sent or represented by proxy at a special general meeting of  
the shareholders duly called for that purpose.

**4.** No one call upon the subscribed capital stock shall ex- Calls on stock.  
ceed twenty-five per cent, nor be made at any interval of less  
than thirty days from the last preceding call.

**5.** The persons named in section 1 of this Act shall be the Provisional  
first or provisional directors of the Company, a majority of directors.  
whom shall form a quorum, and they may open stock books  
and procure subscriptions of stock, and shall deposit the pay-  
ments thereon in a chartered bank in Canada, and withdraw  
35 the same for the purposes of the Company only.

**2.** Any of the said provisional directors while absent from Proxies.  
Canada may vote and act as such director by proxy or power  
of attorney, and the holder of such proxy or power of attorney  
need not be a provisional director of the Company.

Annual general meeting.	<b>6.</b> The annual general meeting of the shareholders of the Company shall be held on the first Monday in October in each year, or on such other day in each year as the directors from time to time determine by by-law.	
Election of directors.	<b>7.</b> At the first general meeting of the shareholders, and at each annual meeting, the holders of the capital stock of the Company present or represented by proxy, who have paid all calls due on their shares shall choose not less than five and not more than nine persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company.	5
Quorum.	<b>2.</b> A majority of such directors shall be a quorum, and one or more may be paid directors.	
Proxies.	<b>3.</b> Any director while absent from Canada may vote and act by proxy, but such proxy shall be held by a director only, and no director shall hold more than two proxies.	15
Renewal of proxies.	<b>4.</b> No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.	20
Powers of Company.	<b>8.</b> The Company may—	
Water power.	(a.) take, divert and appropriate at such points on the Yukon River and its tributaries in the vicinity of Dawson City as it shall judge suitable and proper, so much water as shall be necessary for the purpose of generating electricity for the supply of light, heat and power within a radius of fifteen miles from Dawson City, and to furnish electricity for the operation of street railways and tramways within the said radius, with power to the Company to construct and maintain all erections, wires, wheels, dams, raceways, flumes or any other works necessary for the purposes aforesaid, with the right to improve and increase the same ;	25 30
Electricity.	(b.) erect, construct, operate, and maintain electric works, power-houses generating plant, and such other appliances and conveniences as are necessary and proper for the generating of electricity or electric power, and for transmitting the same to any part of the said area, to be used by the Company as a motive power for the operation of motors, machinery, or electric lighting, or to be supplied by the Company to consumers for heating, or as a motive power for propelling tramways or for any other operations of any nature or kind whatsoever without restriction to which it may be adapted, or to be used or supplied for or in connection with any other purposes for which electricity or electric power may be applied or required ; and may sink, lay, place, fit, maintain, and repair such electric lines, accumulators, storage batteries, electric cables, mains, wires, pipes, switches, connections, branches, electric motors, dynamos, engines, machines, cuts, drains, water-courses, pipes, buildings, and other devices, and erect and place any electric line, cable, main, wire or other electric apparatus above or below ground, along, over or accross any street in the said area, and erect poles for the purpose of placing the same in such manner as the Company shall think fit, necessary or proper for the purpose of carrying out the operations of the Company in respect of and incidental to the making, generating or supplying of electricity ;	35 40 45 50 55
Works.		

(c.) construct, erect, and maintain lines of telephone along <sup>Telephones.</sup> the sides of, across or under any highways, streets, public bridges, or any such places within a radius of fifteen miles from Dawson City as the Company from time to time may determine, and construct, erect and maintain so many poles, and other works and devices as the Company deems necessary for making, completing, supporting, using, working and maintaining the system of communication by telephone, with power to stretch wires thereon; and from time to time fix by its by-  
 5 laws a tariff of charges in connection with and for the use of its wires and telephones, and the transmission of messages, with full power to collect, sue for and recover the charges to which it becomes entitled;

(d.) construct, equip, operate, and maintain within the <sup>Tramways.</sup> aforesaid district and limits, a single or double line of tramways for the carriage of passengers and freight, with the necessary side tracks and turnouts, for the passage of cars, carriages, and other vehicles adapted thereto, together with all necessary stations, offices, houses and buildings of every  
 15 description, and may levy and collect tolls from all persons and freight using, passing over or travelling upon such tramways;

(e.) contract with any person or municipality for supplying <sup>Supply power, etc.</sup> electricity and electric light, heat or power to any such person or municipality, or to any streets, passages, tramways, factories, shops, warehouses, public or private houses, buildings and  
 25 places, and for such purposes may from time to time lay down, carry, fit up, connect and furnish any electric accumulator, storage battery, line, cable, wire, pipe, switch, connection, branch, burner, lamp, meter or other apparatus for or in con-  
 30 nection with any electric main, lead or cable which for such purposes may be required, and let any such apparatus for hire for such sum as may be agreed upon;

(f.) appoint a person or persons with power at all reason- <sup>Entry of premises to inspect apparatus.</sup> able times to enter any premises to which electricity is or has been supplied by the Company, in order to inspect the electric  
 35 lines, accumulators, fittings, works and apparatus for the supply or application of electricity belonging to the Company, and therein, and for the purpose of ascertaining the quantity of electricity consumed or supplied, or where a supply of elec-  
 40 tricity is no longer required, or where the Company is authorized to take away or cut off the supply of electricity from any premises for the purposes of removing any electric lines, accumulators, transformers, motors, distribution boards, meters, fittings, lamps, works, or apparatus belonging to the Company

45 **9.** If any person neglect to pay any charge for electricity, <sup>Removal of apparatus for non-payment of charges.</sup> or any other sum due from him to the Company, either in respect of the supply of electricity to such person, or in respect of the rent reserved by the Company for the use of electric lines, meters, accumulators, transformers, motors, distribution  
 50 boards, lamps, telephones, fittings, works, or apparatus lent or supplied for hire to such person, the Company may cut or disconnect any electric line or other work through which electricity may be supplied, and remove such articles and works above mentioned as were lent for hire to such person.

Apparatus  
not subject to  
distress or  
execution.

**10.** Where any electric lines, accumulators, transformers, motors, generators, distribution boards, lamps, telephones, fittings, works or apparatus belonging to the Company, are placed in or upon any premises, not being in possession of the Company, for the purpose of supplying or utilizing electricity, 5 such electric lines, accumulators, transformers, motors, generators, distribution boards, lamps, telephones, fittings, works or apparatus shall not be subject to distress for rent for the premises where the same may be, nor be taken in execution under any process against the person in whose possession the 10 same may be.

Power to  
enter on  
highway,

**11.** With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and 15 telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other 20 telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Erect poles,  
Stretch wires,

Break up  
highway.

Travel not to  
be obstructed.

Height of  
wires.

Kind of poles.

ing poles  
or wires in  
case of fire.

Injury to  
trees.

Supervision of  
municipality.

Surface of  
street to be  
restored.

Future legis-  
lation as to  
carrying wires  
under ground.

(a.) The Company shall not interfere with the public right 25 of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any 30 highway;

(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;

(d.) The Company shall not be entitled to damages on 35 account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

(e.) The Company shall not cut down or mutilate any shade, 40 fruit or ornamental tree;

(f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council 45 directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company;

(g.) In case efficient means are devised for carrying telegraph 50 or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor; 55

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by which he can be readily identified ;

Workmen to wear badges.

(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;

Private rights.

(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable

Temporary removal of wires and poles.

notice in writing from any person requiring it, remove such wires or poles ; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ;

Notice to Company.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Liability for damage.

**12.** The directors may, whenever authorized by a by-law for that purpose approved by the votes of the holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money not exceeding in amount seventy-five per cent of the paid up capital stock of the Company, as the shareholders deem necessary, and may issue bonds or debentures therefor in sums of not less than one hundred pounds each, at such rate of interest and payable at such time and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be prescribed in such by-law or decided upon by the directors under the authority thereof ; and the Company may make such provision respecting the redemption of such securities as may be deemed proper.

Borrowing powers.

Debentures.

**13.** The directors may, from time to time, with the consent of a majority of the shareholders, present or represented by proxy at a meeting called for such purpose, issue debenture stock, which shall be treated and considered as part of the regular debenture debt authorized by section 12 of this Act, in such amounts and manner, on such terms, and bearing such rate of interest as the directors from time to time think proper, but so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by section 12 as the authorized limit of the borrowing powers of the Company.

Debenture stock.

- Debenture stock to rank with debentures. **14.** The debenture stock to be issued under section 13 hereof shall rank equally with the debentures issued, or to be issued, by the Company under section 12, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company. 5
- Entry in register. **15.** The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at its head office, wherein it shall cause to be entered the names and addresses of the several persons and co-partners from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge. 10 15
- Transfers. **16.** All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office. 20
- Certificates. **17.** The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock. 25
- Rights of debenture stockholders. **18.** Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualification, but shall, in all respects not otherwise by or under this or any other Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking except the right to require repayment of the principal money paid up in respect of the debenture stock. 30 35
- Purchase of debenture stock by Company. **19.** The Company may, from time to time, purchase in the open market and redeem any portion of the debenture stock representing moneys, which the directors, by a resolution duly made, determine not to be required for the business of the Company; but such purchase, paying off or redemption shall not in any way extend, limit or prejudice the exercise of the borrowing powers of the Company under this Act. 40
- Provis. **20.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient. 45
- Exchange of bonds, etc., for debenture stock. **21.** The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company. 50
- Currency in which to be issued.

**22.** The directors may make and issue as paid up stock, <sup>Issue of paid-up stock.</sup> shares of the capital stock of the Company, in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, 5 assets and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation, or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the 10 capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock, or materials of any kind, [or services rendered to the Company,] and any such issue and allotment of stock shall be binding on the Company, 15 and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property [or services rendered to the Company] wholly or partly in paid up shares, or wholly or partly in debentures, as to the directors may seem proper.

20 **23.** Sections 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the Company.

No. 118.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Dawson  
City Electric Lighting and Tramway  
Company.

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First reading, April 15th, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Dawson City and Victoria  
Telegraph Company.

**W**HEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

- 1.** John Morris Catton, of London, England ; Charles Thomas Dupont, of Victoria, British Columbia, and A. F. May, of Ottawa, Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dawson City and Victoria Telegraph Company," hereinafter called "the Company."
- 2.** The head office of the Company shall be in the city of Victoria, in the province of British Columbia, or at such other place as the directors from time to time determine by by-law.
- 3.** The capital stock of the Company shall be one hundred thousand pounds sterling, divided into shares of ten pounds each.
- 2.** The directors may, after the whole capital stock has been subscribed for and fifty per cent paid thereon in cash, increase the amount of the capital stock, from time to time, to an amount not exceeding one hundred and fifty thousand pounds sterling, but the stock shall not be increased until the resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.
- 4.** No one call upon the subscribed capital stock shall exceed twenty-five per cent, nor be made at an interval of less than thirty days from the last preceding call.
- 5.** The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall be a quorum ; and they may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and withdraw the same for the purposes of the Company only.
- 2.** Any of the said provisional directors, while absent from Canada, may vote and act as such director by proxy or power of attorney, and the holders of such proxies or powers of attorney need not be provisional directors of the Company.

Preamble.

Incorporation.

Corporate name.

Head office.

Capital stock.

Increase of capital.

Calls.

Provisional directors.

Proxies.

Annual general meeting.	6. The annual general meeting of the shareholders of the Company shall be held on the first Tuesday in October in each year, or such other day in each year as the directors of the Company from time to time determine by by-law.	
Election of directors.	7. At the first general meeting of the shareholders, and at each annual meeting, the holders of the capital stock of the Company present or represented by proxy, who have paid all calls due on their shares, shall choose not less than five and not more than nine persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company.	5 10
Quorum.	2. A majority of such directions shall be a quorum, and one or more may be paid directors of the Company.	
Proxies.	3. Any of the directors while absent from Canada may vote and act by proxy, but such proxies shall be held by directors only, and no director shall hold more than two proxies.	15
Renewal of proxies.	4. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.	20
Powers of Company. Telegraph and telephone lines described.	8. The Company may— (a.) construct, maintain and operate lines of electric telegraph and telephone by means of cable lines or otherwise from the city of Victoria in the province of British Columbia by the way of Telegraph Creek and Teslin Lake in the said province, or as nearly in that direction as is practicable, by the most feasible route to Dawson City on the Yukon River in the North-West Territories and in, under, over, upon and across any gulf, bay, or branch of the sea, or any tidal water or navigable lake or river or the shore or bed thereof respectively, and upon, along, across, over or under any highway or public place, provided that the same shall be so constructed and maintained as not to interfere with the public use of such highways, or injuriously interrupt the navigation or use of any waters: and provided that nothing herein contained shall confer on the Company the right of building a bridge over any navigable water;	25 30
Proviso.	(b.) construct, purchase, lease, and maintain any line of telegraph and telephone to connect the said cable lines with any other lines of telegraph and telephone in Canada or the United States;	35
Connecting lines.	(c.) purchase, acquire, or lease steam and other vessels for the laying of such cables and for transporting material and supplies in connection with the undertaking;	
Vessels.	(d.) acquire, manufacture, construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with the business of production, manufacture, supply and utilization of electric current or electricity, and lease or dispose of the same;	45 50
Electricity.	(e.) acquire and use, license, lease or otherwise dispose of any property, water-power or other powers, rights, easements and privileges in connection with the production, manufacture, supply and utilization of electric current or electricity for any purpose for which the same may be used, and also acquire, use	55
Property, rights, etc.		

and dispose of any inventions, letters patent for inventions, or the right to use any inventions, in any way connected with or pertaining to the business of the Company ;

5 (f.) manufacture cables, wires, telegraph and telephone instruments, and other electric or magnetic instruments, or apparatus connected therewith, and their appurtenances, and acquire the same and all rights appertaining thereto ;

10 (g.) undertake to transmit any messages for the public by any of the said lines of telegraph or telephone and levy and collect tolls for so doing, and enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company, or of any such other company ;

15 (h.) receive, hold, enjoy, sell, lease or otherwise dispose of upon such terms as the directors deem proper, from any Government, person or municipal corporation, any land, bonus, donations, loans, gifts of money, bonds, guarantee of bonds, or interest guarantees, exemption from taxes or other impost, and  
20 any privilege, benefit or advantage to the Company, or in aid of the same, of any nature or kind whatsoever.

9. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and, when deemed necessary by the Company for the purposes of its telegraph and telephone systems, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic contrivances thereon, and,  
25 as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions :—

(a.) the Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or  
35 gateway, or free access to any building ;

(b.) the Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;

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

(d.) the Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of  
45 such officer, it is advisable that such poles or wires be cut ;

(e.) the Company shall not cut down or mutilate any shade, fruit or ornamental tree ;

(f.) the opening up of streets for the erection of poles, or  
50 for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former  
45 condition, by and at the expense of the Company ;

Manufacture of instruments.

Tolls for use of telegraph and telephone lines.

Power to receive aid.

Power to enter on highway, etc.

Erect poles, Stretch wires,

Break up highway.

Travel not to be obstructed.

Height of wires.

Kind of poles.

Cutting poles or wires in case of fire.

Injury to trees.

Supervision of municipality.

Surface of street to be restored.

- Future legis-  
lation as to  
carrying wires  
under ground. (g.) in case efficient means are devised for carrying telegraph  
or telephone wires under ground, no Act of Parliament re-  
quiring the Company to adopt such means, and abrogating  
the right given by this section to carry lines on poles, shall be  
deemed an infringement of the privileges granted by this Act, 5  
and the Company shall not be entitled to damages therefor;
- Workmen to  
wear badges. (h.) every person employed upon the work of erecting or  
repairing any line or instrument of the Company shall have  
conspicuously attached to his dress a badge, on which are  
legibly inscribed the name of the Company and a number by 10  
which he can be readily identified;
- Private  
rights. (i.) nothing herein contained shall be deemed to authorize  
the Company to enter upon any private property for the pur-  
pose of erecting, maintaining or repairing any of its works,  
without the previous assent of the owner or occupant of the 15  
property for the time being;
- Temporary  
removal of  
wires and  
poles. (j.) if for the purpose of removing buildings, or in the exer-  
cise of the public right of travel, it is necessary that the said  
wires or poles be temporarily removed, by cutting or otherwise,  
the Company shall, at its own expense, upon reasonable notice 20  
in writing from any person requiring it, remove such wires or  
poles; and, in default of the Company so doing, such person  
may remove such wires and poles at the expense of the Com-  
pany. The said notice may be given either at any office of the  
Company, or to any agent or officer of the Company in the 25  
municipality wherein are the wires or poles required to be  
removed, or in the case of a municipality wherein there is no  
such agent or officer, then either at the head office, or to any  
agent or officer of the Company in the nearest or any adjoining  
municipality to that in which such wires or poles are ; 30
- Notice to  
Company. (k.) The Company shall be responsible for all damage which  
it causes in carrying out or maintaining any of its said works. 30
- Liability for  
damage.
- Borrowing  
powers. 10. The directors may, whenever authorized by a by-law  
for that purpose approved by the votes of the holders of at  
least two-thirds in value of the subscribed stock of the Com- 35  
pany, present or represented by proxy at a special general  
meeting called for considering such by-law, borrow such sums  
of money, not exceeding in amount seventy-five per cent of  
the paid up capital stock of the Company, as the shareholders  
deem necessary, and may issue bonds or debentures therefor 40  
in sums of not less than one hundred pounds each, at such  
rate of interest and payable at such times and places, and  
secured in such manner by mortgage or otherwise upon the  
whole or any portion of the property and undertaking of the  
Company as may be prescribed in such by-law, or decided 48  
upon by the directors under the authority thereof, and the  
Company may make such provision respecting the redemption  
of such securities as may be deemed proper.
- Debentures.
- Debenture  
stock. 11. The directors may, from time to time, with the consent  
of a majority of the shareholders, present or represented by 50  
proxy at a meeting called for such purpose, issue debenture  
stock, which shall be treated and considered as part of the  
regular debenture debt authorized by section 10 of this Act,  
in such amounts and manner, on such terms, and bearing such

rate of interest as the directors from time to time think proper, but so that the amount received as money deposits and borrowed on the security of debentures, mortgages, bonds or other instruments, or debenture stock, shall not in the whole exceed the aggregate amount fixed by section 10 as the authorized limit of the borrowing powers of the Company.

**12.** The debenture stock to be issued under section 11 hereof shall rank equally with the debentures issued, or to be issued by the Company under section 10, and the holders thereof shall not be liable or answerable for any debts or liabilities of the Company.

Debenture stock, how to rank.

**13.** The Company shall cause entries of the debenture stock from time to time created, to be made in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and co-partners from time to time entitled to the debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company, without the payment of any fee or charge.

Entry in register.

**14.** All transfers of the debenture stock of the Company shall be registered at the head office of the Company, but the Company may have transfer books of such debenture stock in Great Britain and Ireland, in which transfers of the said stock may be made; but all such transfers shall be entered in the book to be kept at the head office.

Transfers.

**15.** The Company shall deliver to every holder of debenture stock a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon; and all regulations and provisions for the time being applicable to certificates of shares in the capital stock of the Company shall apply, *mutatis mutandis*, to certificates of debenture stock.

Certificates.

**16.** Debenture stock shall not entitle the holders thereof to be present or vote at any meeting of the Company, or confer any qualification, but shall, in all respects not otherwise by or under this or any other Act provided for, be considered as entitling the holders to the rights and powers of mortgagees of the undertaking, except the right to require repayment of the principal money paid up in respect of the debenture stock.

Rights of debenture stock holders.

**17.** The Company may, from time to time, purchase in the open market and redeem any portion or portions of the debenture stock representing moneys, which the directors by a resolution duly made, determine not to be required for the business of the Company; but such purchase, paying off or redemption shall not in any way extend, limit or prejudice the exercise of the borrowing powers of the Company under this Act.

Purchase of debenture stock by Company.

Exchange of  
bonds and  
debentures for  
debenture  
stock.

**18.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, and for the re-exchange and re-conversion of the same by the respective holders thereof, as are deemed expedient.

5

Currency in  
which to be  
issued.

**19.** The mortgage bonds, debentures and debenture stock of the Company may be issued either in Canadian currency or in sterling, or in both, at the option of the Company.

Issue of paid-  
up stock.

**20.** The directors may make and issue as paid-up stock shares of the capital stock of the Company in payment for any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets and other property of any person, company or municipal corporation which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company, or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind [or services rendered to the Company], and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property [or services rendered to the Company] wholly or partly in paid-up shares, or wholly or partly in debentures, as to the directors may seem proper.

R.S.C., c. 118.

**21.** Sections 18 and 39 of *The Companies Clauses Act* shall not apply to the Company.

No. 119.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Dawson City  
and Victoria Telegraph Company.

First reading April 15th, 1898.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the North American Telegraph Company.

**W**HEREAS the North American Telegraph Company has, Preamble.  
 by its petition, prayed that it be enacted as hereinafter  
 set forth, and it is expedient to grant the prayer of the said  
 petition : Therefore Her Majesty, by and with the advice and  
 5 consent of the Senate and House of Commons of Canada,  
 enacts as follows :—

1. The directors of the North American Telegraph Com- Issue of first  
preference  
stock.  
 pany, hereinafter called "the Company," may, from time to  
 time, under the authority of the shareholders given to them at  
 10 any annual or special meeting called for the purpose—at which  
 meeting shareholders representing at least two-thirds in value  
 of the capital stock subscribed are present or represented by  
 proxy—issue cumulative first preference stock to an amount  
 not exceeding the then paid-up capital stock of the Company,  
 15 and such issue of preference stock shall be in addition to the 1886, c. 94.  
 stock authorized by chapter 94 of the statutes of 1886.

2. The said preference stock shall be divided into shares of one Cumulative  
dividends.  
 hundred dollars each, and shall entitle the holders thereof, in  
 priority to all other shareholders, to cumulative dividends  
 20 payable thereon at such rate, not exceeding five per cent per  
 annum, as the directors think proper, out of the net earnings  
 of the Company after the interest is paid on all the bonds  
 then outstanding. Such cumulative first preference stock  
 shall be fully paid-up stock, and shall be first offered *pro rata*  
 to the holders of ordinary stock on such terms and at such  
 25 rates as the directors think proper

2. The holders of the said cumulative first preference stock Rights of  
holders.  
 shall have all the rights, privileges and qualifications of holders  
 of the ordinary capital stock of the Company.

3. The Company may, in lieu of the bonds issued under First prefer-  
ence bonds.  
 30 the provisions of chapter 94 of the statutes of 1886, issue first  
 preference bonds to an extent not exceeding the amount of  
 the paid-up capital stock, including ordinary and cumulative  
 first preference stock, as the shareholders deem necessary ;  
 and the bonds so issued shall be a first charge upon the works  
 35 and undertaking of the Company.

2. The said bonds shall be issued in such sums and at such How issued.  
 rates of interest, and payable at such times and places as the  
 directors determine ; and the said bonds shall, as issued, be  
 applied first in redeeming, by exchange, or otherwise, all

outstanding bonds, and all interest coupons due or to become due thereon, on such terms, and in such manner as may be agreed upon by the directors and the holders of the said bonds.

1886, c. 94,  
s. 24 repealed.

4. Section 24 of chapter 94 of the statutes of 1886 is hereby repealed.

5

Order of transmission of despatches.

Charges.

Preferential messages.

5. The Company shall transmit all despatches in the order in which they are received, under a penalty of not less than twenty dollars, and not more than one hundred dollars, to be recovered, with costs, by the person whose despatch is postponed out of its order, and the Company may charge for the transmission of such despatches, and so receive, recover and collect such rates of payment as shall be from time to time fixed by by-law. Provided that every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and government messages or despatches shall always be transmitted in preference to any other message or despatch, if so required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada.

Rights of creditors not affected.

6. Nothing in this Act shall be construed to lessen the liability of the present shareholders of the Company to the present creditors thereof; and nothing in this Act shall in any way impair or affect any charge, lien or claim now pending, subsisting or outstanding upon or against the Company, or its plant, works or assets.

General meetings of Company.

7. Notwithstanding anything contained in the Act incorporating the Company, annual or special general meetings of shareholders may be held in such places in Canada as the shareholders determine by by-law.

25

BILL.

An Act respecting the North American Telegraph Company.

First reading, April 19th, 1898.

(PRIVATE BILL.)

Mr. HURLEY.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

No 121.]

**BILL.**

[1898.

An Act respecting the Prohibition of the Importation,  
Manufacture and Sale of Intoxicating Liquors.

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

SHORT TITLE.

**1.** This Act may be cited as *The Prohibition Plebiscite Act*, Short title.  
5 1898.

INTERPRETATION.

**2.** In this Act, unless the context otherwise requires,—  
(a.) The expression “ Dominion election ” means an election  
of a member to serve in the House of Commons ;  
(b.) The expression “ electoral district ” means any locality  
10 in Canada entitled to return a member or members to the  
House of Commons.

Interpre-  
tation.  
“ Dominion  
election.”  
“ Electoral  
district.”

QUESTION TO BE SUBMITTED.

**3.** There shall be submitted to the vote of the electors here-  
inafter declared entitled to vote thereon, the following ques-  
tion :—  
15 Are you in favour of the passing of an Act prohibiting  
the importation, manufacture or sale of spirits, wine, ale, beer,  
cider and all other alcoholic liquors for use as beverage?

Question to be  
submitted.

DAY OF POLLING TO BE NAMED.

**4.** The Governor in Council shall by proclamation name the  
day on which the voting shall take place, in all the electoral  
20 districts.  
**2.** The proclamation shall be published in at least three  
successive issues of the *Canada Gazette* and of the *Official  
Gazette* of each province.

Proclamation  
of polling day.

WHO MAY VOTE.

**5.** The persons entitled to vote shall be all persons who  
25 would be entitled to vote at a Dominion election the day of  
nomination for which was the day appointed for the voting.

Who may  
vote.

## ELECTION AND FRANCHISE ACTS TO APPLY.

Election and  
Franchise  
Acts to  
apply.

6. For the purpose of submitting the question to the electors, obtaining an answer thereto, and ascertaining the result of the vote, the same proceedings, as nearly as may be, shall be had as in the case of a general Dominion election, and *The Dominion Elections Act* and *The North-west Territories Representation Act* and their amendments, and *The Franchise Act*, 1898, shall, subject to the provisions of this Act, and of any regulations, orders or instructions made or given by the Governor in Council thereunder, apply, *mutatis mutandis*, to the conduct of such proceedings, and with respect to the powers to be exercised, and the duties to be performed by, and the rights, obligations, liabilities, qualifications and disqualifications of, judges, officers, electors, and all other persons, and with respect to offences and the penalties which may be incurred. 5 10

## REGULATIONS, ETC.

Regulations,  
etc.

7. The Governor in Council may, from time to time, for 15 the purposes of this Act, make and give all such regulations, orders and instructions, not inconsistent with the provisions of this Act, as are in his judgment necessary or expedient for the effectual carrying out of such purposes, and for the adapting to such purposes of the provisions of *The Dominion Elections Act* 20 and *The North-West Territories Representation Act*, and their amendments, and *The Franchise Act*, 1898.

Ballot papers.

8. The ballot papers for the purpose of the voting under this Act shall be in the following form :—

	YES.	NO.
Are you in favour of the passing of an Act prohibiting the importation, manufacture or sale of spirits, wine, ale, beer, cider and all other alcoholic liquors for use as beverage?		

2. The ballot papers shall be prepared at Ottawa, by the Queen's Printer and Controller of Stationery, and shall be forwarded with the writ, by the Clerk of the Crown in Chancery, to the returning officers in sufficient numbers for each electoral district. 25

## AGENTS.

Agents to be  
appointed.

9. Every returning officer appointed for the purpose of this Act shall, by writing under his hand, appoint from among the applicants for such appointment, or on behalf of persons applying to have such appointment made, two agents, to attend at each polling station and at the final summing up of the votes, on behalf of those desirous of obtaining affirmative 35 answers to the questions, and two agents so to attend on behalf

of those desirous of obtaining negative answers, but no such agents shall be entitled to any remuneration from the Public Treasury. Not to be paid.

10 **10.** Before any person so appointed, enters upon his duty as agent, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in the form A in the schedule to this Act. To make declaration.

**11.** Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment. To produce appointment.

15 **12.** In case no person has been appointed as aforesaid, to attend at any polling station, or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect, before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling station, or to the final summing up of the votes, as agents on behalf of that interest. Substitutes for agents.

20 **13.** Wherever it is provided in *The Dominion Elections Act* that anything may or shall be done in the presence of or by the candidates or their agents or any of them, such provision shall, as applied to proceedings under this Act, be taken to refer to agents appointed in the manner aforesaid. Application of Elections Act to substitutes.

#### MANNER OF MARKING BALLOT PAPER.

30 **14.** An affirmative vote on the question submitted shall be made by placing a cross (thus ×) in the column headed "Yes" and a negative vote by placing a similar cross in the column headed "No." Marking of ballot paper.

#### DECLARATION OF RESULT.

35 **15.** After summing up the votes in the manner provided by *The Dominion Elections Act*, the returning officer shall declare the total number of votes given for the affirmative and the negative respectively with respect to the question submitted. Declaration of result.

#### RETURNS AND PUBLICATION OF RESULTS.

40 **16.** Every returning officer shall, immediately after the sixth day after the final addition by him, or the ascertainment by him under section 63 of *The Dominion Elections Act*, of the numbers of votes given in the affirmative and in the negative respectively, unless before that time he receives notice that he is required to attend before a judge for the purpose of a final addition or recount of the votes, and where there has been a final addition or recount by the judge, immediately thereafter,—  
45 (a.) transmit, by post and duly registered, to the Clerk of the Crown in Chancery, his return as to the results of the Return by returning officer.

polling in his electoral district, in the form B in the schedule to this Act, together with all unused ballot papers and the report, ballot papers, statements, lists of voters, poll books, lists and documents, which under section 65 of *The Dominion Elections Act* he is required so to transmit; and 5

(b.) prepare two certified copies of the return, and deliver them respectively to agents representing the opposing interests.

2. The report of the returning officer shall account for all the ballot papers received by him from the Clerk of the Crown 10 in Chancery, showing what has become of those, if any, which are not transmitted by him.

Notice in  
*Canada  
Gazette.*

17. Immediately upon receipt of the return from each electoral district, the Clerk of the Crown in Chancery shall in the ordinary issue of *The Canada Gazette* give notice with 15 respect to that electoral district of—

(a.) The total number of affirmative answers to the question, and

(b.) The total number of negative answers to the question.

Publication of  
summary  
of returns.

18. The Clerk of the Crown in Chancery shall also in 20 the ordinary issue of *The Canada Gazette* in which any such notice is given, publish a summary of all the returns then received, classifying the totals in each particular according to provinces, and in the North-West Territories by provisional 25 districts.

Form of  
summary.

2. This summary shall be so arranged, and contain such further particulars based upon the returns, as the Governor in Council sees fit to order.

SCHEDULE.

A.

*Form of Declaration by Agent.*

*In the matter of the Prohibition Plebiscite Act, 1898.*

I , do solemnly declare that I am interested in and desirous of obtaining an affirmative (or a negative, as the case may be,) answer to the question stated in the ballot paper.

Solemnly declared at  
this day of 189 . } (Agent to sign here.)  
Before me

A. B.,  
Returning Officer or Deputy Returning Officer, as case may be.

B.

*Return by Returning Officer.*

I hereby certify that at the polling of votes held in pursuance of the within writ in the electoral district of there were polled affirmative votes and negative votes in answer to the question.

A. B.,  
Returning Officer.



No. 121.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Prohibition of the  
Importation, Manufacture and sale of  
Intoxicating Liquors.

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First reading, 21st April, 1898.

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Mr. FISHER.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Supreme Grand Lodge of  
the Sons of England Benefit Society.

**W**HEREAS a petition has been presented praying that it Preamble.  
be enacted as hereinafter set forth, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

1. Edward Parnell, Junior, of the city of London; Charles Incorporation.  
Alfred Hodgetts, Barlow Cumberland, John William Carter,  
Benjamin Hinchcliffe, Stephen W. Burns, George F. Carrette,  
Samuel B. Pollard, John C. Swait, John S. King, Richard  
10 Ivens, James Lomas and George Clatworthy, all of the city  
of Toronto; William R. Stroud, of the city of Ottawa; John  
W. Kempling, of the city of St. Catharines; Thomas Elliott,  
of the city of Brantford; William Hancock, of the city of  
Hamilton; R. Croft Hulme and John W. London, of the city  
15 of Belleville, all in the province of Ontario; W. C. Blake, H.  
Madge, F. A. Jackson and H. Hammersly, all of the city of  
Montreal, in the province of Quebec; J. Whittemore and H.  
Wooley, of the city of Halifax, in the province of Nova  
Scotia; C. H. Pick, of the town of Moncton, and J. B. Stubbs,  
20 of the city of St. John, in the province of New Brunswick;  
J. Harrison and J. L. Broughton, of the city of Winnipeg, in  
the province of Manitoba; C. C. King and W. Rowland  
Winter, of the town of Calgary, in the North-West Territories;  
Reverend H. C. Clinton, of the city of Vancouver, and John  
25 C. Taylor, of the city of Victoria, in the province of British  
Columbia, members of the Supreme Grand Lodge of the Sons  
of England Benefit Society, together with such persons as are  
or become members of the said Supreme Grand Lodge, are  
hereby incorporated under the name of "The Supreme Grand  
30 Lodge of the Sons of England Benefit Society," hereinafter  
called "the Society," for the following purposes and objects:—
- (a.) To unite fraternally all persons entitled to membership  
under the constitution and laws of the Society; and the word  
"laws" shall include general laws and by-laws; Objects of Society.  
"Laws."
- 35 (b.) To give all moral and material aid in its power to its  
members, and those dependent upon them;
- (c.) To educate its members socially, morally and intellec-  
tually;
- (d.) To establish a fund for the relief of sick and distressed  
40 members;
- (e.) To establish a benefit fund, from which, on satisfactory  
evidence of the death of a member of the Society who has  
complied with all its lawful requirements, a sum not exceeding

three thousand dollars shall be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member as laid down in the said laws, or from which, upon the completion of the expectancy of life of a member as laid down from time to time in the said constitution and laws, such sum shall be paid to himself; 5

(f.) To secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Society. 10

Head office. 2. The head office of the Society shall be in the city of Toronto.

Branches. 3. Subject to the laws of the Society, branches under the names of "grand lodges," "subordinate lodges" or "juvenile lodges," may from time to time be established, under the title designated in the charter granted by the Society constituting such branches; and the officers of each branch already established, and to be hereafter established in Canada, shall be a body corporate and politic subject to the constitution and laws of the Society; but no such branch shall have power to establish benefit funds under paragraphs (d) and (e) of section 1 of this Act; and each of such branches shall be so incorporated under the corporate name of "The Officers of (*giving the title of the branch*);" and, upon being established, and before proceeding to act as such corporation, such branch shall cause to be registered at full length in the registry office of the city, county or registration division within which such branch is established, a declaration signed by the officers of such branch stating the fact of such establishment, the date of the instrument affecting it, the corporate name, and the names in full of the officers thereof. 15 20 25 30

Declaration of formation of branches to be registered.

Power to hold real property. 4. The value of the real property which the Society of any branch thereof may hold shall not exceed, in the case of the Society one hundred thousand dollars, and in the case of any branch, twenty-five thousand dollars, but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate, provided always, that no part of the benefit funds shall be used for such purposes. 35 40

Liability of branches. 5. The property of each branch only shall be liable for the debts and engagements of such branch.

Investment of funds. 6. The surplus funds of the Society shall be invested in mortgages which are a first charge on lands held in fee simple in Canada, or in deposits with, or in registered debentures of, loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any province thereof, or shall be deposited in a chartered bank in Canada. 45 50

7. Whenever, under the constitution and laws of the Society any branch becomes dissolved, or the Society at any time revokes the warrant or charter under which the branch is operating, whether such branch is incorporated or not, such  
 5 dissolution or revocation shall be certified in duplicate by the chief executive officer, and by the secretary of the Society under the seal thereof; one of the said duplicates shall be filed by the Superintendent of Insurance, and the other with the Secretary of State, and this certificate, from the filing  
 10 thereof with the Secretary of State, shall *ipso facto* operate to dissolve the said branch, and to vest its property, both real and personal, in the chief executive officer and the secretary of the Society, and their successors in office, as trustees for the creditors and persons beneficially entitled, and the surplus, if  
 15 any, after the liabilities are satisfied, shall vest in the Society to its own use absolutely. Provided, however, that in the case of real estate it shall be sold within seven years after the dissolution of such branch.

When branch dissolved, certificate to be filed.

Real estate to be sold within seven years.

8. Within three months from the passing of this Act, a  
 20 certified copy of the present constitution and laws of the Society, and its form of beneficiary certificate, shall be deposited with the Secretary of State, and another copy with the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months from  
 25 their adoption by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues.

Constitution and laws to be deposited.

9. *The Insurance Act*, except section 43 thereof, shall not  
 30 apply to the Society. R.S.C., c. 124,

No. 122.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Supreme Grand  
Lodge of the Sons of England Benefit  
Society.

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First reading, April 22nd, 1898.

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(PRIVATE BILL.)

Mr. BERTRAM.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Supreme Grand Lodge of  
the Sons of England Benefit Society.

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

**W**HEREAS a petition has been presented praying that it Preamble.  
be enacted as hereinafter set forth, and it is expedient  
to grant the prayer of the said petition: Therefore Her  
Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, enacts as follows:—

- 1.** Edward Parnell, Junior, of the city of London; Charles Incorporation.  
Alfred Hodgetts, Barlow Cumberland, John William Carter,  
Benjamin Hinchcliffe, Stephen W. Burns, George F. Carrette,  
Samuel B. Pollard, John C. Swait, John S. King, Richard  
10 Ivens, James Lomas and George Clatworthy, all of the city  
of Toronto; William R. Stroud, of the city of Ottawa; John  
W. Kempling, of the city of St. Catharines; Thomas Elliott,  
of the city of Brantford; William Hancock, of the city of  
Hamilton; R. Croft Hulme and John W. London, of the city  
15 of Belleville, all in the province of Ontario; W. C. Blake, H.  
Madge, F. A. Jackson and H. Hammersly, all of the city of  
Montreal, in the province of Quebec; J. Whittemore and H.  
Wooley, of the city of Halifax, in the province of Nova  
Scotia; C. H. Pick, of the town of Moncton, and J. B. Stubbs,  
20 of the city of St. John, in the province of New Brunswick;  
J. Harrison and J. L. Broughton, of the city of Winnipeg, in  
the province of Manitoba; C. C. King and W. Rowland  
Winter, of the town of Calgary, in the North-West Territories;  
Reverend H. C. Clinton, of the city of Vancouver, and John  
25 C. Taylor, of the city of Victoria, in the province of British  
Columbia, members of the Supreme Grand Lodge of the Sons  
of England Benefit Society, together with such persons as are  
or become members of the said Supreme Grand Lodge, are  
hereby incorporated under the name of "The Supreme Grand Corporate  
name.  
30 Lodge of the Sons of England Benefit Society," hereinafter  
called "the Society," for the following purposes and objects:—  
(a.) to unite fraternally all persons entitled to membership Objects of  
Society.  
under the constitution and laws of the Society; and the word  
"laws" shall include general laws and by-laws;  
35 (b.) to give all moral and material aid in its power to its  
members, and those dependent upon them;  
(c.) to educate its members socially, morally and intellec-  
tually;  
(d.) to establish a fund for the relief of sick and distressed  
40 members;

(e.) to establish and maintain benefit funds, from which, on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member as laid down in the said laws ; 5

(f.) to secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Society. 10

Head office. **2.** The head office of the Society shall be in the city of Toronto.

Branches. **3.** Subject to the laws of the Society, branches under the names of "grand lodges," "subordinate lodges" or "juvenile lodges," may from time to time be established, under the title designated in the charter granted by the Society constituting such branches, and subject to such provisions and conditions, and with such powers, as the Society may, from time to time, determine ; provided that no such branch shall have power to establish benefit funds under paragraph (e) of section 1 of this Act. 15 20

Power to hold real property. **4.** The value of the real property which the Society or any branch thereof may hold, shall not exceed, in the case of the Society, twenty thousand dollars, and in the case of any branch, five thousand dollars, but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed three thousand dollars ; and the Society may, by laws, determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate, provided always, that no part of the benefit funds shall be used in acquiring any such property. 25 30

Liability of branches. **5.** The property of each branch only shall be liable for the debts and engagements of such branch.

Investment of funds. **6.** The funds of the Society shall be invested in mortgages which are a first charge on lands held in fee simple in Canada, or in deposits with, or in registered debentures of, loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any province thereof, or shall be deposited in a chartered bank in Canada. 35 40

When branch dissolved, certificate to be filed. **7.** Whenever, under the laws of the Society any branch becomes dissolved, or the Society at any time revokes the warrant or charter under which the branch is operating, such dissolution or revocation shall be certified in duplicate by the chief executive officer, and by the secretary of the Society under the seal thereof ; one of the said duplicates shall be filed with by the Superintendent of Insurance, and the other with the Secretary of State, and this certificate, from the filing thereof with the Secretary of State, shall, *ipso facto*, operate to dissolve the said branch, and the person or persons in whom 45 50

the property of such branch is vested shall convey the same to the chief executive officer and the secretary of the Society, and their successors in office, as trustees for the creditors and persons beneficially entitled, and the surplus, if  
 5 any, after the liabilities are satisfied, shall vest in the Society to its own use absolutely. Provided, however, that in the case of real estate it shall be sold within seven years after the dissolution of such branch, otherwise it shall be forfeited to Her Majesty for the use of Canada; provided that the  
 10 Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years; provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Society of the intention of Her Majesty to  
 15 claim such forfeiture; and the Society shall, when required, give to the Governor in Council a full and correct statement of all lands, at the date of such statement, held by, or in trust for the Society, and subject to these provisos.

Real estate to be sold within seven years after dissolution.

8. The Society may make rules and by-laws for the guidance  
 20 of its officers and members, the control and management of its funds, and generally for regulating every matter and thing proper or necessary to be done for the good of the Society, and the prosecution of its object and business.

Power to make by-laws.

9. Every person who is admitted a beneficiary member of  
 25 the Society shall receive a policy or certificate of membership on which shall be printed the by-laws, rules and regulations relating to membership, or the conditions of membership; and so long as such conditions are complied with, he shall remain a member of the Society and shall enjoy all the benefits  
 30 and privileges of membership.

Members to be furnished with by-laws, etc.

10. There shall be printed in legible type, and in red ink,  
 upon every policy hereafter issued by the Society, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words:  
 35 "The insurance undertaken by this Society comes under the exception contained in section 43 of *The Insurance Act* applicable to fraternal and benevolent associations, and is not subject to Dominion Government inspection."

R.S.C., c. 124, s. 43,

Notice to be printed on policy.

11. Every officer of the Society and every other person who  
 40 transacts business on behalf of the Society, and who issues, circulates, or uses, or who causes to be issued, circulated or used any policy of insurance or beneficiary certificate or application for membership, on which the notice provided for in the next preceding section is not printed shall, on summary  
 45 conviction thereof before any two justices of the peace, or any magistrate having the powers of two justices of the peace, incur and be liable to the penalties mentioned in section 22 of *The Insurance Act*; and every pecuniary penalty so recovered shall be applied in the manner provided by the said section.

Penalty for not printing notice.

50 12. The Society shall not assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Assurance powers restricted.

Constitution  
and laws to  
be deposited.

**13.** Within three months from the passing of this Act, a certified copy of the present constitution and laws of the Society, and its form of beneficiary certificate, shall be deposited with the Secretary of State, and another copy with the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months from their adoption by the Society, and in default of compliance with any provision of this section the Society shall incur a penalty of ten dollars for each day during which such default continues. 5 10

Power of  
Parliament  
as to future  
legislation.

**14.** This Act, and the Society, and the exercise of the powers hereby conferred, shall be subject to any legislation hereafter enacted by Parliament with respect to any insurance powers to be exercised by friendly or benevolent societies.

No. 122.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Supreme Grand  
Lodge of the Sons of England Benefit  
Society.

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

(PRIVATE BILL.)

Mr. BERTRAM.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Dawson City Electric  
Company (Limited).

**W**HEREAS a petition has been presented praying that it be  
enacted as hereinafter set forth, and it is expedient to  
grant the prayer of the said petition: Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows: —

Preamble.

**1.** Horace Brand Townsend, Lord Farquhar, Lord Charles  
William Augustus Montagu, James Rochfort Maguire, Joseph  
Harry Lukach and Thomas Blair, all of the city of London,  
England, together with such persons as become shareholders  
10 in the company, are hereby incorporated under the name of  
“The Dawson City Electric Company (Limited),” hereinafter  
called “the Company.”

Incorporation.

Corporate name.

**2.** The head office of the Company shall be in the city of  
London, England, or in such other place in the United  
15 Kingdom or in Canada as the directors from time to time  
determine by by-law.

Head office.

**3.** The said Horace Brand Townsend, Lord Farquhar,  
Lord Charles William Augustus Montagu and James Roch-  
fort Maguire, shall be the first or provisional directors of the  
20 Company, of whom a majority shall form a quorum, and they  
may forthwith open stock books, and procure subscriptions of  
stock, and receive payments on account of stock subscribed,  
and carry on the business of the Company.

Provisional directors.

**4.** The capital stock of the Company shall be two hundred  
25 thousand pounds sterling, divided into shares of one pound  
each. Such capital stock shall be issued in whole or in part  
as the directors determine, and may be called up from  
time to time as they deem necessary, but no call subsequent  
to the allotment of shares shall exceed five shillings per share,  
30 nor be made at a less interval than two months after the next  
preceding call.

Capital stock.

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

Annual meeting.

**6.** At each annual meeting the shareholders present or  
35 represented by proxy, who have paid all calls due on their  
shares, shall choose not more than nine and not less than three  
persons to be the directors of the Company.

Election of directors.

Powers of Company.	7. The Company may, in Dawson City and elsewhere in the Yukon District, and in that portion of British Columbia and the North-West Territories north of the fifty-third parallel of latitude and west of the one hundred and twelfth parallel of longitude,—	5
Electricity.	(a.) produce, manufacture, supply and dispose of electricity and electric current for traction, light, heat and power, and for any other purpose for which the same may be used ;	
Works.	(b.) construct, lay, erect, maintain and operate all such works, structures, apparatus, motors, poles, wires, appliances, materials, supplies and machinery, as may be used in any way in connection with the production, manufacture and supplying of electric current or electricity for any purpose ;	10
Water power, etc.	(c.) use any property, water powers and other powers, rights, easements and privileges in connection with the production, manufacture, or supply of electricity and electric current for heat, light and power, and for any other purpose for which the same may be used ;	15
Use of rivers, etc.	(d.) have free access to all rivers, streams or creeks at such points as it deems necessary or desirable, and may draw off water therefrom for its purposes ; and may construct such sluices, flumes and reservoirs as it considers necessary in connection therewith, but so that the navigation of such rivers, streams or creeks, shall not thereby be injuriously interrupted, and subject to such regulations as are imposed in that behalf by the Governor in Council ;	20
Proviso.		25
Carriers.	(e.) carry on the business of carriers, and all other business incident thereto or connected therewith ;	
Apparatus.	(f.) acquire and manufacture all such apparatus, motors, poles, wires, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and deal with or dispose of the same ;	30
Acquisition of property, rights, etc.	(g.) acquire by purchase, license, lease or otherwise, and license, lease or otherwise dispose of, any property, water or other powers, rights, easements and privileges in connection with its business ;	35
Patent rights.	(h.) acquire use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business ;	
Stock in other companies.	(i.) acquire shares in the capital stock, debentures and securities of other companies possessing powers similar to those of the Company, as the consideration for goods, wares or merchandise sold to such other companies in the ordinary course of business.	40
Lines of railway and tramway described.	8. The Company may, in Dawson City and elsewhere in the Yukon District within a radius of fifty miles from Dawson City, and also to, from and along the Bonanza, Eldorado and Klondike Rivers, lay out, construct, and operate single or double lines of electric railway, or tramway, or both, and such lines may be worked by electric or any other motive power ; or the Company may aid in or subscribe towards the construction of any electric railways, or any tramways, constructed by any other company within the district and radius, or along the routes, above described.	45 50

9. The Company may construct, equip, work and maintain telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof. Telegraph and telephone lines.
2. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. Arrangements with other companies.
3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council. Rates to be approved.
4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. R.S.C., c. 132.
10. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon, for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, for its electric railways and tramways, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, and its electric railways and tramways, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon, and as often as the Company thinks proper may break up and open any highway or public place, subject however to the following provisions:—
- (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building; Power to enter on highway.
- (b.) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway; Erect poles. Stretch wires.
- (c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council; Break up highway.
- (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; Travel not to be obstructed.
- (e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree; Height of wires.
- (f.) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company; Kind of poles. Cutting poles or wires in case of fire. Injury to trees. Supervision of municipality. Surface of street to be restored.

- Future legis-  
lation as to  
carrying wires  
under ground. (g.) In case efficient means are devised for carrying telegraph  
or telephone wires under ground, no Act of Parliament requir-  
ing the Company to adopt such means, and abrogating the  
right given by this section to carry lines on poles, shall be  
deemed an infringement of the privileges granted by this Act, 5  
and the Company shall not be entitled to damages therefor ;
- Workmen to  
wear badges. (h.) Every person employed upon the work of erecting or  
repairing any line or instrument of the Company shall have  
conspicuously attached to his dress a badge, on which are  
legibly inscribed the name of the Company and a number by 10  
which he can be readily identified ;
- Private  
rights. (i.) Nothing herein contained shall be deemed to authorize  
the Company to enter upon any private property for the pur-  
pose of erecting, maintaining or repairing any of its works,  
without the previous assent of the owner or occupant of the 15  
property for the time being ;
- Temporary  
removal of  
wires and  
poles. (j.) If, for the purpose of removing buildings or in the exer-  
cise of the public right of travel, it is necessary that the said  
wires or poles be temporarily removed, by cutting or other-  
wise, the Company shall, at its own expense, upon reasonable 20  
notice in writing from any person requiring it, remove such  
wires and poles ; and in default of the Company so doing, such  
person may remove such wires and poles at the expense of the  
Company. The said notice may be given either at any office  
of the Company, or to any agent or officer of the Company in 25  
the municipality wherein are the wires or poles required to be  
removed, or in the case of a municipality wherein there is no  
such agent or officer, then either at the head office or to any  
agent or officer of the Company in the nearest or any adjoining  
municipality to that in which such wires or poles are ; 30
- Notice to  
Company. (k.) The Company shall be responsible for all damage which  
it causes in carrying out or maintaining any of its said works. 30
- Liability for  
damage.
- Power to  
receive aid. **11.** The Company may receive from any government or  
from any person or municipal corporation, in aid of the con-  
struction, equipment or maintenance of any of its works, grants 35  
of land, bonuses, loans, or gifts of money or securities for  
money, and may dispose of the same, and may alienate such  
property as is not required for the purposes of the Company.
- Preferred  
stock. **12.** The Company may issue any portion of its capital stock  
as preferred stock, on such terms and conditions, and bearing 40  
such rate of dividend as may be agreed upon by the ordinary  
shareholders of the Company at a special general meeting  
called for that purpose, at which meeting shareholders repre-  
senting at least two-thirds in value of the stock are present  
or represented by proxy. 45
- Borrowing  
powers. **13.** The directors, under the authority of a resolution of  
the shareholders passed at the first general meeting of the  
shareholders, or at any special general meeting called for that  
purpose, or at any annual meeting at which shareholders re-  
presenting at least two-thirds in value of the issued capital 50  
stock of the Company are present or represented by proxy, may,  
from time to time, at their discretion, borrow money for the  
purposes of the Company, and may issue bonds or debentures  
in respect of the same and secure the repayment of the said

moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company.

5 **14.** The Company may, in addition to the powers granted by the next preceding section hereof, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of its electric railways and tramways, and such bonds, debentures or other securities may be issued only in proportion  
10 to the length of electric railways and tramways constructed or under contract to be constructed.

Bonds and debentures.

**15.** *The Railway Act* shall apply to the electric railway or tramway undertaking of the Company, and shall be incorporated with and form part of this Act in so far as it is not  
15 inconsistent with any of the provisions hereof.

1888, c. 29.

**16.** Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 118.

**17.** If the construction of the electric railways and tramways is not commenced within two years after the passing of this Act, or if the electric railways and tramways are not  
20 finished and put in operation in five years from the passing of this Act, then the powers granted by this Act or by *The Railway Act* shall cease and be null and void as respects so much of the electric railways or tramways as then remains uncompleted.

Time limited for construction of railways and tramways.

25 **18.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any  
30 other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of Parliament as to future legislation.

No. 123.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Dawson City  
Electric Company (Limited.)

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First reading, April 26th, 1898.

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(PRIVATE BILL.)

Mr. MORRISON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act incorporating the Alberta and Yukon Railway, Navigation and Mining Company.

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

Preamble.

**1.** Elias Rogers, Henry S. Howland, Thomas Hobbs, James H. Ashdown, Heber Archibald, William Roper Hull, Richard B. Bennett and Frederick William Godsal, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Alberta and Yukon Railway Navigation and Mining Company," hereinafter called "the Company."

Incorporation.

Corporate name.

**2.** The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

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

Head office.

**4.** The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point situate in the District of Alberta on the international boundary line west of range twenty west of the fourth principal meridian, thence north-westerly to the middle fork of the Old Man's River in range one or two west of the principal meridian, thence northerly to the Sarcee Indian Reserve, thence north-westerly to Canmore and Anthracite, thence following the valley of Cascade River, and thence northerly, crossing the head waters of the Red Deer River, to the head waters of the North Saskatchewan, thence following the said river or some of its tributaries to the easterly base of the Rocky Mountains, thence north-westerly following the base of the Rocky Mountains to the Peace River, thence by way of the Peace River and one or more of its tributaries to the head waters of the Yukon River, thence down the Yukon River to the one hundredth and forty-first parallel of longitude west of Greenwich, with power to build branches to Macleod, Calgary and Edmonton and to vary the said route if necessary or advisable.

Line of railway described.

**5.** The Company may for the purposes of its business, —  
(a.) construct, equip, acquire, charter, navigate and dispose of steam and other vessels upon the rivers, lakes and streams

Other powers. Navigation, etc.

	in the territory served by the said railway or tributary there- to, or connecting therewith, and upon other inland waters of the North-west Territories and British Columbia connecting therewith or adjacent to the proposed line of railway, and may carry on generally the business of transportation in connection with the said railway and vessels ;	5
Mining, etc.	(b.) acquire and work mines, mineral and mining rights in British Columbia and the North-west Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, re- duce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;	10
Works and buildings.	(c.) construct, or aid in, and subscribe towards the construc- tion, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills, and other buildings and works which are necessary or convenient for the purposes of the Company ;	15
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	20
Water powers, etc., for electrical purposes.	(e.) acquire and utilize water and steam power for the pur- pose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or other- wise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works ;	25
Disposal of the same.		
Carrier's business.	(f.) carry on in the province of British Columbia, and in the North-west Territories the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainments of the above objects ;	30
Acquisition of lands, etc.		35
Trading powers.		40
Patents.	(g.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking and again dispose of such rights ;	45
Water supply.	(h.) subject to all such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches ;	50
Traffic arrangements.	(i.) enter into traffic and other arrangements with other railway and transportation companies.	55

6. The Company may construct and operate lines of tele-<sup>Telegraphs and telephones.</sup>graph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said  
5 railways to any point in the North-west Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.
- 10 7. If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book for reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall  
15 apply for the purposes of this section, and to the obtaining of such land and determining the compensation therefor. <sup>Acquisition of lands for wharfs, etc. 1888, c. 29.</sup>
8. The Company may receive, either by grant from any government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in  
20 this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such of the said property as is not required for the purpose of the  
25 Company in carrying out the provisions of this Act. <sup>Subsidies in aid of undertaking.</sup>
9. The persons mentioned in section 1 of this Act shall be the first or provisional directors of the Company. <sup>Provisional directors.</sup>
10. The capital stock of the Company shall be two millions  
30 of dollars, and may be called up by the directors from time to time and in such amounts as they deem necessary. <sup>Capital.</sup>
11. The Company may from time to time upon a vote of two-thirds of the shareholders in amount of subscribed stock,  
increase the stock of the Company to any amount. <sup>Increase of capital.</sup>
- 35 12. The directors of the Company may make and issue as paid-up stock, shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, also for lands and mineral rights, and also for the services of  
40 contractors and engineers, and such issue and allotment of stock shall be binding on the Company and shall not be assessable for calls. <sup>Issue of paid-up stock.</sup>
13. The annual meeting of the shareholders shall be held on the first Monday in July in each year. <sup>Annual meeting.</sup>
- 45 14. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than nine persons to be directors of the Company, one or more of whom may be paid directors. <sup>Directors.</sup>

Preference  
stock.

**15.** The directors, under the authority of the shareholders given at any annual meeting or at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may convert ten thousand shares, representing one million dollars, or any less number of shares of the capital stock of the Company, into preference stock; and the holders of such preference stock shall be entitled to receive a preferential dividend at such rate, and have such priority as regards capital and dividends, and such privileges as to voting or otherwise, as the directors may, by resolution, determine; and the directors shall have the power to give any such preference stock the right of participation in any surplus there may be after the payment of such a rate of dividend on the ordinary shares as the directors may decide.

Bond issue.

**16.** The Company may issue bonds, debentures or other securities, to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities, may be issued only in proportion to the length of railway constructed, or under contract to be constructed, and the Company may issue such bonds, debentures or other securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which are described in the mortgage deed made to secure the same.

1888, c. 29.

Other  
borrowing  
powers.

**17.** The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and may secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and property of the Company other than the railway.

Regulation  
of navigation  
and transport  
business.

**18.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

**19.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to parliament as to the issuing of stocks or bonds, and as to rates or tolls and the regulation thereof, and as to running powers 5 over or other rights in connection with the railway of any Company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not 10 apply to the Company without the enactment of this section.

Power of  
parliament  
as to future  
legislation.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

124



An Act incorporating the Alberta and  
Yukon Railway, Navigation and  
Mining Company.

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First reading, Wednesday, 23rd March, 1898.

Second reading, Monday, 28th March, 1898.

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HONOURABLE MR. LOUGHEED.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Ottawa Interprovincial  
Bridge Company.

WHEREAS the Pontiac Pacific Junction Railway Company, Preamble.  
 hereinafter called "the Pontiac Company," and the  
 Ottawa and Gatineau Railway Company, formerly known as  
 the Ottawa and Gatineau Valley Railway Company, and here-  
 5 inafter called "the Gatineau Company," have by their petition  
 represented that the Pontiac Company is empowered by  
 chapter 69 of the statutes of 1882, and by certain other Acts, 1888, c. 69.  
 to construct and operate a bridge for railway and general  
 traffic purposes over the Ottawa River from some point in or  
 10 near the city of Hull to some point in or near the city of  
 Ottawa, together with all necessary works and approaches in  
 connection therewith; that by an agreement dated the seven-  
 teenth day of June one thousand eight hundred and ninety-  
 three made between the Pacific Company and the Gatineau  
 15 Company, and duly confirmed by section 30 of chapter 87 of 1894, c. 87.  
 the statutes of 1894, the Pontiac Company conveyed one-half s. 30.  
 of all its franchises, rights, interests, and privileges in, to and  
 upon the said contemplated bridge, with its approaches, ter-  
 20 minal grounds and other appurtenances within the limits of  
 the cities of Ottawa and Hull, to the Gatineau Company; also  
 that it was thereby further agreed that the said works and  
 undertaking should be the joint property of the Pontiac Com-  
 pany and the Gatineau Company, and that the said companies  
 should jointly use, exercise and enjoy all the privileges, fran-  
 25 chises and powers of the Pontiac Company, or any of them, in  
 respect of the said bridge, approaches and terminal properties;  
 also that it was thereby further agreed that, if it should be  
 deemed more advantageous and expedient so to do, the said  
 companies should jointly apply to Parliament to have the fran-  
 30 chises, powers and privileges granted to and enjoyed by the  
 Pontiac Company, in respect of the said proposed bridge, trans-  
 ferred to and vested in a company to be incorporated as in the  
 said agreement mentioned, so that the objects of the said  
 agreement might be more effectually carried out, and for other  
 35 reasons in the said agreement mentioned: And whereas the said  
 companies have further represented that the Gatineau Com-  
 pany was also empowered by chapter 87 of the statutes of 1894, c. 87.  
 1894 to construct and operate a bridge for railway and general  
 traffic purposes between the points above mentioned, with the  
 40 necessary approaches and other works; also that under the  
 powers and franchises conferred upon the Pontiac Company as  
 aforesaid the construction of said bridge and approaches and  
 other works in respect thereof have been duly commenced, and  
 that it has been deemed more advantageous and expedient to

have the franchises, powers and privileges of the said companies, and each of them, in respect of the said proposed bridge and other works in connection therewith, transferred to and vested in a company to be incorporated by Parliament for that purpose, as in the said agreement mentioned: And whereas 5  
the said companies have prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 10

- 1.** Joseph Rielle, the Honourable J. S. C. Wurtele, Samuel Finley, William Hanson, and Harry G. Beemer, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Ottawa Interprovincial Bridge Company," hereinafter called "the Company." 15
- 2.** The head office of the Company shall be in the city of Ottawa in the province of Ontario, or at such other place in Canada as the directors from time to time determine by by-law.
- 3.** The persons named in section 1 of this Act shall be the first or provisional directors of the Company. 20
- 4.** The capital stock of the Company shall be two hundred and fifty thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
- 5.** The annual meeting of the shareholders shall be held on 25 the first Wednesday in September in each year.
- 6.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors. 30
- 7.** The Pontiac Company and the Gatineau Company may, upon such terms as shall be agreed upon, sell and convey to the Company, all the rights, powers, franchises, interests, and privileges of the Pontiac Company and of the Gatineau Company, and of each of them, with respect to the laying out, 35 construction, maintenance and operation of a bridge for railway and other purposes with the necessary approaches, terminal property and appurtenances in connection therewith, over the Ottawa River at or near the city of Ottawa as aforesaid, and now vested in the Pontiac Company and the Gatineau Com- 40 pany, or either of them, under the said Acts, or under the agreement mentioned in the preamble; and the Pontiac Company and the Gatineau Company may sell and convey to the Company, the bridge and approaches already in part constructed, and now in course of construction, under the powers vested 45 in the Pontiac Company and the Gatineau Company, or either of them, from a point upon or near Nepean Point in the city of Ottawa to a point in the city of Hull; and also all bonuses, subsidies, leases, licenses, property and surveys acquired by, 50

Incorporation.

Corporate name.

Head office.

Provisional directors.

Capital stock.

Annual meeting.

Election of directors.

Conveyance to Company by Pontiac and Gatineau companies.

or to which the Pontiac Company and the Gatineau Company, or either of them, are or may become entitled, from any government, person or municipal corporation, in respect of, or in consideration, or upon condition of the construction, maintenance and operation of any such bridge, or upon completion of any such bridge as aforesaid.

8. The Company may pay the consideration for such sale and conveyance either wholly or partly in cash, or wholly or partly in capital stock of the Company wholly or partly paid up, and whether subscribed for or not, or wholly or partly in debentures of the Company, or otherwise as may be agreed upon, and the Pontiac Company and the Gatineau Company, or either of them, may accept payment in any of such forms, and may take, subscribe for, hold and dispose of any such stock or debentures so received in payment.

Consideration of sale.

9. The Company may, after, or as a condition of such purchase or acquirement as aforesaid, undertake, assume, pay, or guarantee any of the obligations, liabilities, contracts or engagements of the Pontiac Company and the Gatineau Company jointly, or either of them, incurred in respect of the said bridge, approaches, terminal property or other works, or of the powers, rights, franchises, bonuses, subsidies, leases, surveys or licenses, and other property and assets aforesaid.

Companies to assume rights and liabilities of Pontiac and Gatineau companies.

2. No such sale or conveyance shall be made by either the Pontiac Company or the Gatineau Company or by the Company, nor shall the same, if so entered into have any effect, unless and until it has been first approved by two-thirds of the votes at a special general meeting of the shareholders of each of such companies duly called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such sale or conveyance has also received the sanction of the Governor in Council.

Approval of sale by all companies.

Sanction of Governor in Council.

3. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper published in the city of Ottawa, and in one newspaper published in the city of Hull.

Notice of application for sanction.

10. The Company may, after it has so acquired from the said companies, or either of them, the said franchises, rights, powers, interests, leases, privileges and property, construct, in so far as the same has not then already been constructed, and may maintain and operate a bridge, with the necessary or proper approaches and terminal facilities in the cities of Ottawa and Hull, over the Ottawa river from a point in the city of Ottawa, to a point in the city of Hull, for railway purposes, and may construct and arrange the said bridge for the passage of pedestrians, cars and vehicles, propelled or drawn by any power, and for general traffic purposes, and may lay, and operate tracks on the bridge and approaches, and on its terminal property in the said cities for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles, pedestrians and general traffic over the

Power to build bridge between Ottawa and Hull.

bridge, approaches and terminal property, or for the use thereof.

- Rate of tolls to be approved. **11.** The rate of tolls to be charged for the passage of pedestrians, cars and vehicles, shall, before being imposed, first be submitted to and approved of, and may from time to time be amended or modified by, the Governor in Council, but the Company may at any time reduce the same, and a notice showing the tolls to be charged shall at all times be posted up in a conspicuous place on the bridge: Provided that in the event of the Company, or the Pontiac Company, receiving the bonus of one hundred and fifty thousand dollars from the city of Ottawa, voted by the city of Ottawa to the Pontiac Company by by-law No. 1458 of the city of Ottawa, then the provisions of the said by-law and of the agreement between the city of Ottawa and the Pontiac Company in reference thereto, dated the fourteenth day of December, one thousand eight hundred and ninety-three, and of by-laws Nos. 1628 and 1707 of the city of Ottawa, with reference to the said bridge being free from tolls for certain classes of traffic, and as to the rates of tolls or terms for the use of the said bridge, shall be binding upon the Company, except in so far as the same may hereafter be amended or modified by agreement with the said city, or under any Act of the legislature of the province of Ontario.
- Proviso. 5
- Bonus of city of Ottawa. 10
- Plans of bridge to be approved. **12.** Except in so far as the provisions of this section have been complied with, the Company shall not commence the construction of the bridge until it has first submitted to the Governor in Council plans thereof, and of all intended works thereunto appertaining, nor until such plans, and the site of the bridge, have been approved of by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the bridge and works have been complied with, nor shall such plans be altered or any deviation therefrom be allowed except by permission of the Governor in Council, and upon such conditions as he shall impose. 25 35
- Construction of piers. **13.** The Company may construct such piers, abutments, blocks and erections in the Ottawa River, and in the cities of Ottawa and Hull, as may be deemed necessary not only for the construction of the bridge, but which the Company may require or think desirable to protect it from ice and freshets, or for any other purpose in connection with the bridge; and may build the necessary approaches thereto, in, to and upon the lands, streets, roads and grounds lying and being on either side of the said river situate within the limits of the cities of Ottawa and Hull; and may cut, level, or raise the banks of the said river in such manner as may be deemed necessary or proper for building the bridge; and may cut, remove and carry away every impediment which may in any way tend to hinder the construction of the bridge; and may execute all other things necessary or convenient for constructing, working, maintaining and supporting the bridge. 40 45 50
- Alteration of river bank.
- Expropriation of lands. **14.** For the purpose of constructing, maintaining and supporting the bridge the Company may, from time to time,

take, under the provisions of *The Railway Act*, and use all lands reasonably required on either side of the said river in the cities of Ottawa and Hull, and thereon to work up the materials necessary for constructing and repairing the bridge; and may also take, under the provisions of *The Railway Act*, 1888, c. 29, and use all lands in either of the said cities reasonably required for approaches and terminal facilities in connection with the bridge and other works, and the use thereof; first, however, making reasonable compensation for the lands so to be taken or occupied—such compensation to be settled by arbitrators under the provisions of *The Railway Act*.

**15.** If any person shall forcibly pass over or upon the bridge, or shall interrupt or disturb the Company or any person employed by it in building, repairing or using the same, such person so offending shall, for every such offence, forfeit a sum not exceeding ten dollars, to be recovered before any justice of the peace, and in default of payment such person may, in the discretion of such justice, be imprisoned in the common gaol for a period not exceeding ten days.

Interference with bridge.

Penalty.

**16.** So soon as the bridge and approaches are completed and ready for traffic, all railways shall have and be entitled to the same and equal rights and privileges in the passage of the bridge and approaches thereto, so that no discrimination or preference in the passage of the bridge and approaches thereto, or in tariff rates of transportation, shall be made in favour of, or against any railway whose business or cars pass over the bridge.

Equal rights of passage to all railways.

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

Disputes to be determined by Railway Committee.

**18.** The Company may issue bonds, debentures or other securities to an amount not exceeding one million dollars upon the bridge, approaches, terminal and other property of the Company, or any portion thereof, and such bonds may be secured by a deed of mortgage; and such deed or mortgage may contain provisions that all tolls and revenues derived from the use of the bridge, approaches, terminal property and other works by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge, approaches, terminal property and other works by similar corporations, which rates and tolls shall also be charged as security for such bonds.

Bonding powers.

**19.** If the Company issues bonds, debentures or other securities, as provided for in the next preceding section, the holders thereof may annually, at a general meeting called and held in the same manner as is prescribed in *The Railway Act* with reference to special general meetings of shareholders, choose

Bondholders may choose two directors.

two of their number to be directors of the Company ; and such persons shall be members of the board of directors of the Company in addition to, and with the same rights, as the other directors authorised by this Act or by *The Railway Act* ; but such holders of bonds, debentures or other securities shall incur no liability by the appointment of such directors. 5

Arrangements with other companies, etc. **20.** The Company may, with the approval of two-thirds of the votes of the shareholders at a special general meeting duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided in section 239 of *The Railway Act*,—

Union with other companies to build bridge. (a.) unite with any other Company incorporated under the laws of Canada, the province of Ontario, or the province of Quebec, or with any corporation, in building the bridge, approaches, terminal property and other works, and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof ; 20

Agreement with companies, governments, or corporations to lease or sell undertaking. (b.) enter into an agreement with any such company, or with the Governments of Canada, Ontario, or Quebec, or with any of them jointly, or with the corporations of the city of Ottawa or of the city of Hull, or with them jointly, for the leasing or selling of the bridge, approaches, terminal property and other works to such company, government, or corporation, in whole or in part, or any rights or powers acquired by it, and also the franchises, surveys, plans, works, plant, machinery, and other property to it belonging, or for an amalgamation with such company. 25 30

Issue of paid-up stock. **21.** The directors may issue as paid up stock any ordinary stock of the Company, and may allot and pay the same for right of way, plant, rolling stock, or materials of any kind, and also for services of contractors, engineers and other persons, whether directors of the Company or otherwise, who may have been, are, or may be engaged in and about the prosecution of the works hereby authorised. Provided that no such stock shall be allotted to any director of the Company until a resolution authorising the issue thereof shall have been passed and confirmed at a meeting of the shareholders of the Company. 35 40

Allotment of paid-up stock to Pontiac and Gatineau companies. **22.** The directors of the Company may issue paid up and unassessable shares of the capital stock of the Company, whether subscribed for or not, and whether paid up or not, in payment for the said franchises, powers, privileges, bridge, approaches, works, bonuses, subsidies, licenses, surveys, property and assets, and may allot and hand over such shares to the Pontiac Company and the Gatineau Company or either of them, or to their shareholders respectively, as may be agreed upon, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls. 45 50

**23.** *The Railway Act* shall apply to the Company and its 1888, c. 29.  
undertaking.

**24.** The bridge and approaches shall be completed within <sup>Time for</sup>  
five years after the passing of this Act, otherwise the powers <sup>construction</sup>  
5 granted to the Company for such construction shall cease and <sup>limited.</sup>  
be null and void as respects so much thereof as then remains  
uncompleted.

No. 125.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to incorporate the Ottawa  
Interprovincial Bridge Company.

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First reading, April 28th 1898.

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(PRIVATE BILL.)

Mr. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Saskatchewan Railway and Mining Company, and to change its name to the Saskatchewan Pacific Railway and Mining Company.

**W**HEREAS the provisional directors of the Saskatchewan Railway and Mining Company have, by their petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Chapter 56 of the statutes of 1889, chapter 88 of the statutes of 1890, and chapter 78 of the statutes of 1891, being Acts respecting the Saskatchewan Railway and Mining Company, hereinafter called "the Company," are, subject to the provisions of this Act, hereby revived and declared to be in force; and the time for the commencement of the railway of the Company, and for the expenditure of fifteen per cent on the amount of its capital stock, as required by section 89 of *The Railway Act*, is hereby extended for a period of two years from the passing of this Act; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

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

**3.** Subsection 1 of section 6 of chapter 56 of the statutes of 1889 is hereby repealed, and in lieu thereof it is enacted that John A. Dwyer, Wm. J. Hill, B. Wilson Clarke, The Honourable George W. Ross, R. S. Clarke-Lewin, George F. Clarke and Thomas C. Irving, shall be the provisional directors of the Company.

**4.** Subsection 1 of section 2 of chapter 78 of the statutes of 1891, is hereby amended by adding the following thereto:

Branch lines. "or Churchill; and may also lay out, construct and operate branch lines from points at or near Saskatoon as follows:—

"(a.) Easterly by way of Humboldt and the Quill Lakes to Shellmouth, and thence to Brandon; and

"(b.) Westerly by way of Battleford and Fort Saskatchewan 5 to and through the Yellow Head Pass, and thence to a point on Burrard or Bute Inlet; and also

"(c.) Northerly crossing the North Saskatchewan River to Green Lake, and thence by way of the Beaver River Valley to the oil fields of Athabasca, and to 10 Lake Athabasca."

Timber lands and products secured.

5. The Company may acquire timber lands, and manufacture lumber, ties and other products in connection with its business and dispose of the same.

Power of Parliament as to future legislation.

6. Any Act hereafter passed for the purpose of controlling 15 railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon 20 railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

No. 126.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act respecting the Saskatchewan Railway and Mining Company, and to change its name to the Saskatchewan Pacific Railway and Mining Company.

First reading, April 29th, 1898.

(PRIVATE BILL.)

MR. LANDERKIN.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Fisheries Act.

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

1. The subsection substituted for subsection 14 of section 14 of the *The Fisheries Act* by section 4 of chapter 51 of the statutes of 1894, is hereby repealed and the following is substituted therefor :—

R.S.C., c. 95,  
s. 14 amended.

“ 14. From the time of low water nearest six of the clock in the afternoon of every Saturday, to the time of low water nearest six of the clock in the forenoon of every Monday, in tidal waters, and from six of the clock in the afternoon of every Saturday to six of the clock in the forenoon of the following Monday, in non-tidal waters, all sedentary fishing stations and weirs, and all pound and trap nets, seines, gill nets and other apparatus used for catching fish whether under license or not shall be so raised, closed or adapted as to admit of the free passage of fish through, by or out of such apparatus; and during such close time no one shall catch fish in such apparatus, whether under license or not.”

Fish to be  
allowed free  
passage on  
Sunday.

2. Section 14 of the said Act is hereby further amended by adding thereto the following subsection :—

Section 14  
further  
amended.

“ 19. Whenever the size of the meshes of nets or apparatus for the capture of fish is fixed by this Act, or by any fishery regulation under it, it shall be unlawful to so arrange or adapt the nets or fishing apparatus as to practically diminish the size of such meshes.”

Size of meshes  
of nets.

3. The subsection substituted for subsection 1 of section 18 of the said Act by section 7 of chapter 51 of the statutes of 1894, is hereby repealed and the following is substituted therefor :—

Section 18  
amended.

“ 18. Except as herein otherwise provided, every one who violates any provision of this Act, or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and, in default of payment, to imprisonment for a term not exceeding three months; and any fishery officer or justice of the peace may grant a warrant of distress for the amount of such penalty and costs.”

Penalty in  
cases where  
no other is  
provided.

4. The subsection substituted for subsection 3 of the said section 18 by section 8 of chapter 51 of the statutes of 1894, is hereby repealed and the following is substituted therefor :—

Section 18  
further  
amended.

“ 3. All vessels, boats, canoes, rafts, vehicles of any description, nets, fishing gear, materials, implements or appliances used

Forfeiture of  
articles used  
and of fish

taken, etc., in  
contravention  
of this Act.

in violation of this Act or any regulation under it, and any  
fish or other marine animal taken, caught, killed, conveyed,  
bought, sold or had in possession in violation of this Act or  
any regulation under it, and all other fish, shell-fish or marine  
animals otherwise legally taken, caught, killed, conveyed, 5  
bought, sold, or had in possession, and of whatever size and  
description, which are intermixed therewith, shall be confiscated  
to Her Majesty, and may be seized and confiscated, on view,  
by any fishery officer, or taken and removed by any person  
for delivery to any fishery officer or justice of the peace." 10

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No. 127.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Fisheries  
Act.

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First reading, April 29th, 1898.

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Sir LOUIS DAVIES.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the General Inspection Act.

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

1. Subsection 1 of section 19 of *The General Inspection Act* R.S.C., c. 99, s. 19 amended, is hereby repealed, and the following is substituted therefor :—

5 “19. Nothing in this Act shall oblige any person to cause Inspection not compulsory.  
any article to be inspected, unless its inspection is expressly declared to be compulsory ; but, if inspected, it shall be subject to the provisions of this Act, and shall not be branded or  
10 marked as inspected unless the said provisions have been in all respects complied with with regard to such article and the packages in which it is contained.”

2. Section 20 of the said Act is amended by adding thereto Section 20 amended.  
the following subsection :—

15 “2. Every inspector shall cause to be stencilled upon every Package to be marked.  
package inspected by him a representation of a crown with the letters ‘V.R.’ and the words ‘Canada Inspection,’ in such form as is determined by departmental regulations ; and, in cases where the inspector issues a certificate of inspection, such  
20 certificate shall bear upon it the same representation and words ; and every person, not being an inspector or deputy inspector, who causes such marks to be placed upon any package or certificate, shall incur a penalty of one thousand dollars for each such offence.” Certificates. Penalty.

25 3. The section substituted for section 70 of the said Act by section 6 of chapter 23 of the statutes of 1892 is hereby repealed, and the following is substituted therefor :— Section 70 amended.

30 “70. No pot or pearl ashes shall be exported from Canada until they have been duly inspected, and every person who, in Pot and pearl ashes to be inspected.  
contravention of this section, exports or consigns for exportation any pot or pearl ashes shall, for each barrel or package thereof so exported or consigned, incur a penalty of twenty  
dollars.” Penalty.

4. Section 95 of the said Act is hereby repealed, and the Section 95 amended.  
35 following is substituted therefor :—

“95. The inspection of raw hides shall be compulsory at Raw hides to be inspected.  
every place where an inspector or deputy inspector is appointed, and every raw hide which is sold or offered for sale, or exported, offered for export, or laden in any vehicle  
40 for the purpose of being exported, and which has not been first

Penalty. inspected and marked as herein required, shall be forfeited, and the person so selling or offering it for sale, or exporting it, shall incur a penalty of one dollar for every hide so sold, offered for sale, or exported : Provided, that tanners may bring into their tanneries for manufacture therein, but not for sale, uninspected hides, purchased in places at or for which no inspector has been appointed." 5

Fee for inspection. "2. Every inspector shall be entitled for the inspection of hides to a fee of five cents for each hide in lots of under one hundred in number, and four cents for each hide in lots of 10 over one hundred in number."

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No. 128.

3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the General  
Inspection Act.

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First reading, 29th April, 1898.

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Sir H. JOLY DE LOFFBINIÈRE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

K.] **SENATE BILL.** [1898.

An Act to incorporate the Tobique Manufacturing Company.

**W**HEREAS the Honourable John Costigan, of the city of <sup>Preamble.</sup> Ottawa, Frederick H. Hale, of the town of Woodstock, in the province of New Brunswick; George A. Murchie, of the town of Calais, in the state of Maine; James Straton, 5 of the city of Ottawa, and the Honourable George T. Baird, of Perth, in the province of New Brunswick, have by their petition represented that they are desirous of becoming incorporated under the name of The Tobique Manufacturing Company, and have prayed that an Act be passed for that 10 purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The persons named in the preamble to this Act, and <sup>Incorporation.</sup> such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Tobique Manufacturing Company," <sup>Corporate name.</sup> hereinafter called "the Company."

2. The Company may carry on, throughout the Dominion <sup>General business powers.</sup> of Canada and elsewhere, the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and other business incident thereto, or connected therewith, including the manufacture of furniture, doors, sashes, blinds, and any other articles of which wood forms a component part, and the manufacture of pulp, wood-pulp and other 25 products from wood or wood material; and may make brick, cement, lime and gypsum; and may also carry on the business of wharfingers, shippers and vessel owners; and may, for all or any of the said purposes, purchase, hold, lease or otherwise 30 acquire, licenses to cut timber, timber limits, lands, buildings, docks, works, vessels, vehicles, goods, wares, merchandise and other property real and personal, movable and immovable, and may improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account, or otherwise deal in 35 and with the same; and may establish shops or stores, and may purchase and vend general merchandise, and carry on farming and stock-raising, and generally do all such other things as are incidental or conducive to the attainment of the above objects.

40 2. The Company may purchase or otherwise acquire and <sup>Mining rights.</sup> work in Canada, mines, mineral and mining rights and lands containing gypsum and lime, and may burn, grind, calcine,

- crush, smelt, reduce, amalgamate the ore, or otherwise render marketable the produce, and may develop the resources of mines whether belonging to the Company or not.
- Construction of works and buildings. 3. The Company may construct or aid in, and subscribe 5 towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz-mills, mills, and other buildings and works, which may be necessary or convenient for the purposes of the Company.
- Vessels. 4. The Company may construct, charter and employ vessels 10 for the purposes aforesaid, and for the purpose of transporting the produce of the mills, mines and works to any place within Canada or elsewhere.
- Acquisition of similar businesses. 5. The Company may purchase or otherwise acquire any 15 business within the objects of the Company and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same and may let or sublet any property of the Company, and may sell or otherwise dispose of the business, property, or undertaking of the Company or any part thereof, 20 for such considerations as the Company may think fit, and in particularly for shares, debentures, or securities of any other Company having objects altogether or in part similar to those of the Company.
- Construction of dams in the Tobique River. 6. The Company may locate, erect and maintain in the 25 Tobique River, between Ox Island and the head of Plaster Rock Island, in the county of Victoria and province of New Brunswick, a dam or dams for the purpose of holding reserves of water on the Tobique River; provided, that in the construction of such dam or dams, a sufficient opening or sufficient 30 openings, with the necessary slide or slides, for the safe transmission of square timber, saw-logs or other lumber, whether loose or in ratts and boats, shall also be maintained free of charge when required for the use of all persons who may desire to transmit square timber, saw-logs or other lumber, loose 35 or in rafts or boats.
- Construction of booms in the Tobique River. 7. The Company may locate, erect and maintain in the 40 Tobique River, between the said dam or dams and the head of the river, piers, booms and shear booms, for the purpose of holding, collecting, separating, driving and sorting out logs, pulp wood and other lumber coming down the Tobique River,
- Holding of logs, etc., in Company's booms. 8. The Company may hold between the said piers and 45 booms, if situated, erected and maintained as aforesaid, all logs, pulp wood and other lumber coming down the Tobique River which are destined and intended for use and manufacture at the mills of the Company; and may also, by aid of such piers 50 and booms, separate and sort out all the logs, pulp wood and other lumber coming down said river; and may charge a toll of ten cents per thousand superficial feet for sorting out, whenever requested so to do by the owner thereof, the lumber coming down said river belonging to persons or companies other than the Company.
- Sorting. 9. The Company may also boom and hold all logs, pulp 55 wood and other lumber which come within its piers and booms, but the owner thereof shall have the right to take possession of the same without charge; provided, that in so doing the owner shall in no wise prejudice, injure or damage the dams, booms, piers or other property of the Company.
- Toll for sorting.
- As to logs, etc., not the Company's.

10. The Company may enter upon, take and hold such lands Powers to expropriate and right of way over lands.  
 as are necessary for the location, erection or maintenance of its dams and piers and of the booms connecting the same with the shores; and may, with their agents and teams, pass  
 5 and repass over said shores, for the purposes and for the operation and management of its dams, piers and booms; but the Company shall make compensation therefor as provided in case of damage to lands taken in laying out railways under *The Railway Act*; and the Company may also remove rocks 1888, c. 29.  
 10 and make other necessary improvements in the Tobique River, Improvement of Tobique River.  
 subject to the approval of the Governor in Council.
11. The Company may lease or otherwise acquire water-power or other power, and may generate water-power, electric or other power, or electricity for lighting or other purposes;  
 15 and may use, sell, lease or otherwise dispose of such water-power, electric or other power, or electricity. Water-power, electricity, etc.
12. The Company may also, for the purposes of its business and in connection therewith, own or manage hotels or boarding houses. Hotels.
- 20 13. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid. Limitation of acquisition of real estate.
3. The Company may also purchase, take over or acquire Power to purchase or acquire timber limits, mining  
 all or any of the timber limits, gypsum property or mining  
 25 leases on the said Tobique River, by whomsoever owned, including the incorporators or any of them, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the incorporators or other persons in connection with the said businesses, subject to  
 30 the obligations, if any, affecting the same; and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up or partly paid-up shares or stock of the Company, or wholly or partly in debentures of the Company, or otherwise;  
 35 and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said business or businesses so carried on in the said limits, gypsum or other properties, by the said incorporators or other persons, and also obligations affecting the assets and property so purchased from them. Price may be paid in paid-up stock.
- 40 4. The Company may make, endorse, accept or execute Negotiable instruments.  
 cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments: Provided however, that nothing in this section shall be construed Proviso.  
 46 to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.
5. The directors of the Company may from time to time, at Borrowing powers.  
 their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so  
 50 borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

- Debenture issue. **6.** The directors of the Company, under the authority of the shareholders given at any annual or general meeting called for the purpose—at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person or represented by proxy—may also from time to time create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president, or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes set forth in section 3 of this Act; and the directors may sell, or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company: Provided that the total amount of debentures at any time outstanding shall not exceed the amount of the capital stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed; and such mortgage deed may give to the holders of the said debentures, or the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.
- Limitation of amount. Security. Capital. **7.** The capital stock of the Company shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each.
- Provisional directors. R.S.C., c. 118. Meetings. Notice. Quorum. **8.** F. H. Hale, George A. Murchie and the Honourable G. T. Baird shall be the first or provisional directors of the Company, and shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any two of them may call meetings of the provisional directors to be held at Woodstock in the county of Carleton, New Brunswick, at such times as they determine: Provided that notice in writing, signed by at least two of the provisional directors calling any such meeting, with the date and place of holding the same, shall be mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting. A majority of the provisional directors shall form a quorum.
- General meeting for organization. Notice. **9.** At any time within three months after the passing of this Act the provisional directors, or any two of them, shall call a general meeting of the shareholders of the Company to be held at the said town of Woodstock at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by two or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed

by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

**10.** The directors of the Company may act notwithstanding Directors.  
 5 any vacancy in their number: Provided that, if the number falls below three the directors shall not, except for the pur- Quorum.  
 pose of filling vacancies, have power to act so long as the number is below the said minimum.

**11.** The head office of the Company shall be in the parish Head office.  
 10 of Gordon in the county of Victoria, province of New Brunswick; but every place in Canada at or in which the Company has an office or place of business open shall be Domicile of  
 deemed to be a domicile of the Company: Provided that the Company.  
 domicile of the Company in the province of New Brunswick  
 15 shall be in the parish of Gordon aforesaid.

**12.** Section 18 of *The Companies Clauses Act* shall not R.S.C., c. 118,  
 apply to the Company. as to making  
of calls.

K-2

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

*No. 129*  
*K*

An Act to incorporate The Tobique  
Manufacturing Company.

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First reading, Wednesday, 30th March, 1898.

Second reading, Thursday, 31st March, 1898.

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HONOURABLE MR. BAIRD.

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OTTAWA

Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Dominion Lands Act.

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

1. Sub-clause 1 of clause 34 of *The Dominion Lands Act* is hereby amended by striking out the words “or, in his absence, the senior clerk performing his duties,” in the second and third lines, and inserting in lieu thereof the words “or his senior assistant.” R.S.C., c. 54, clause 34 amended.
2. Sub-clause 4 of the said clause 34 is hereby amended by striking out the words “or, in his absence, the senior clerk performing his duties,” in the fifth line, and inserting in lieu thereof the words “or his senior assistant.” Clause 34 further amended.
3. Clause 37 of the said Act is hereby amended by adding the following sub-clause thereto:— Clause 37 amended.
- “2. The Minister may withdraw from general sale and from settlement under the ordinary homestead provisions of this Act, any available Dominion lands, including both odd-numbered and even-numbered sections or parts thereof, in tracts of one or more townships or sufficient part or parts of a township or townships, for associations of settlers who desire to engage in co-operative farming, upon receiving, in the case of each association, an application from ten or more persons who are members thereof,—each of whom as well as every member of the association must be eligible, under the provisions of this Act, to obtain a homestead entry,—stating that they have formed an association for the purpose of engaging in co-operative farming; that for such purpose one or more townships or a part or parts of a township or townships are necessary to be reserved and set aside; that out of such lands, until they have all been entered for by members of the association, each member will be entitled to the privilege of obtaining an entry for a part of the tract so reserved, not exceeding one quarter-section, as his homestead; and that, for the purpose of the association and for the reasons specified in sub-clause 1 of this clause, the members of the association desire to settle together in a hamlet or village within the boundaries of the lands so reserved; and asking that in lieu of the residence and cultivation conditions which a settler has to comply with to obtain letters-patent for the land entered for by him, as a homestead, under the ordinary homestead provisions of this Act, the residence by the settler within the said hamlet or village, for a period of not less than three years within the meaning of this Act, and the cultivation of parcels of land, to be set aside for that purpose by the association, near the village or hamlet, out of the tract
- Case of co-operative farming association.

so reserved for the association, and the improvement of the remainder of the tract by the association, shall be accepted as sufficient to warrant the Minister in issuing to such settler, or his legal representative, letters-patent for the land so entered for by him, as a homestead : Provided that, before any settler who has obtained entry for a homestead under this sub-clause, or his legal representative, is entitled to the issue of letters-patent therefor, the value of his residence within the said hamlet or village, and of the out-buildings and other improvements connected therewith, shall be equal at least to the value of the residence, out-buildings, and other improvements of an ordinary homesteader, and that the total value of all improvements and cultivation done to the tract by the members of the association in connection with its scheme of co-operative farming, shall be equal at least to one hundred and fifty dollars, for each member of the association at the date of the settler's application."

Clause 38 amended.

4. Sub-clause 1 of clause 38 of the said Act is hereby amended by striking out the words "or, in his absence, the senior clerk performing his duties," in the fourth and fifth lines, and inserting in lieu thereof the words "or his senior assistant."

Clause 38 further amended.

5. The sub-clause substituted for sub-clause 5 of the said clause 38, by section 3 of chapter 15 of the statutes of 1892, is hereby amended by striking out all the words after "Interior" in the twelfth line.

Clause 38 further amended.

6. Sub-clause 9 of the said clause 38, as amended by section 4 of chapter 29 of the statutes of 1897, is hereby repealed and the following is substituted therefor :—

Second homestead entry.

"9. If a settler has obtained a patent for his first homestead, or a certificate for the issue of such patent countersigned in the manner prescribed by this Act, and has obtained entry for a second homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by residence upon the first homestead.

"(a.) If the father (or the mother, if the father is deceased) of any person who is eligible to make a homestead entry under the provisions of this Act, resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother; and in the event of the death of the father or mother before the person is entitled to his patent, the requirements of this Act as to residence prior to obtaining patent may be satisfied by such person continuing to reside on the property which was the residence of the father or mother, or by removing to a residence upon his own homestead."

Clause 38 further amended.

7. Paragraph (a) of sub-clause 10 of the said clause 38, as amended by section 4 of chapter 29 of the statutes of 1897, is hereby repealed and the following is substituted therefor :—

"(a.) That he has fulfilled three years' residence within the meaning of this clause."

8. Clause 109 of the said Act is hereby repealed, and the following is substituted therefor :—

“109. Every person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, was or becomes duly qualified by certificate, diploma or commission, to survey lands in any province of Canada, and who, in order to become so qualified, has served a term under articles to a surveyor, similar to the term prescribed by this Act, and has passed an examination in the subjects prescribed by clauses 102 and 113 of this Act, before the board of examiners of such province, shall be entitled to obtain a commission as Dominion land surveyor without further service and without being subjected to any examination other than with respect to the system of survey of Dominion lands; but it shall rest with the board of examiners to decide whether the service of such person is equivalent to that prescribed in this Act for the pupils of Dominion land surveyors, and whether the subjects of examination for the certificate, diploma or commission of a surveyor of Crown lands in such province are sufficiently similar to those set forth in the said clauses to entitle him, under the foregoing provisions, to such commission; and if such service or subjects of examination are, in the opinion of the board, not sufficiently similar to those required by this Act, the board may, in its discretion, require any candidate for admission as a Dominion land surveyor under the provisions of this clause to complete such further term of service or practice in surveying, and may examine him in such of the subjects set forth in clauses 102 and 113 of this Act, as may appear necessary.”

9. Clause 138 of the said Act is hereby amended by adding the following sub-clause thereto :—

“3. Every person who, not being a Dominion land surveyor, knowingly and wilfully has in his custody and possession, and not for any lawful purpose in connection with a survey of Dominion lands, any such post or monument, or any post or monument intended, or apparently intended to be used for the purposes of any such survey, or to mark any such limit, boundary or angle, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding years, or to a penalty not exceeding , or to both such fine and imprisonment.

10. Any person who is entitled to make a homestead entry for land under the provisions of the said Act may select as his homestead one or more of the legal subdivisions of any section which comprise one-quarter section thereof; and if the area so selected and entered for is not greater than eighty acres he may be granted his entry therefor for one-half of the amount of the fee which is exacted for a homestead entry for a whole quarter-section.

11. An exchange of any Crown lands within and now the property of the province of Manitoba, for Dominion lands of equal value, may be made between that province and the Dominion of Canada; and when such exchange has been completed the Crown lands so granted to the Dominion shall be

New clause 109.

As to admission of provincial land surveyors.

Clause 138 amended.

Penalty for illegally having possession of land-mark.

Homesteader may select part of quarter-section.

Fee.

Exchange of Crown lands between Manitoba and Canada.

deemed to be and shall be "Dominion lands" within the meaning of the said Act, and may be administered under its provisions as if title thereto had always remained vested in Her Majesty, as represented by the Dominion.

Disposal of  
arid lands.

**12.** The Minister of the Interior may withdraw from general sale and from settlement under the homestead provisions of the said Act, any lands in the North-West Territories which he believes to be so arid as to be unsuited for proper cultivation without the aid of irrigation, and he may dispose thereof to any person for such price, upon such terms, and subject to such conditions as to the colonization or settlement thereof and as to the cultivation thereof by the aid of irrigation, as the Governor in Council fixes and determines. 5 10

Disposal of  
lands when  
sale has been  
cancelled.

**13.** Any male person, who has attained the age of eighteen years, may select any quantity of land not exceeding one quarter-section which, being of the class of land open for sale, was previously sold to a purchaser who failed to comply with the conditions of sale and whose purchase of the land has therefore been cancelled: provided that any person, or the legal representative of any person, who selects any land under these provisions shall not be entitled to a patent therefor until he has paid to the Minister of the Interior an amount equivalent to a price per acre to be fixed by the Minister, and not less than one dollar per acre, and until he has furnished the proof, required by clause 38 of the said Act, of having duly complied with the ordinary homestead conditions of the said Act as to his residence upon and cultivation of the said land. 15 20 25

Ejection of  
person wrong-  
fully in  
possession of  
Dominion  
lands.

**14.** When any person is wrongfully or without lawful authority in possession of any Dominion lands and refuses to vacate or abandon possession thereof, the Minister of the Interior, or any officer or agent of the Department of the Interior authorized by the Minister for that purpose, may, upon evidence of the facts by solemn declaration made in accordance with provisions of *The Canada Evidence Act, 1893*, apply to the judge of the county court for the county within which the lands are situated, if the lands are in the province of Manitoba, and to the judge of the judicial district in which the lands are situated, if the lands are in the North-West Territories, for a summons directed to such person calling upon him forthwith to vacate or abandon the said lands, or within ..... after service of the said summons to show cause why an order or warrant for his removal from the said lands should not be made; and if, upon the return of the summons, it appears that he has not vacated or abandoned possession of the said lands, or if he does not show good cause to the contrary, the judge shall make an order or warrant for his summary removal from the said land, and the said order or warrant shall be executed by the sheriff, bailiff, constable or other person to whom it is delivered. 30 35 40 45

Service of  
summons.

**15.** It shall be sufficient service of the summons if a copy thereof is left with a grown up person found on the said lands, and another copy is put in some conspicuous place thereon, or, where no grown up person is found on the lands, if a copy is put up in each of two conspicuous places thereon. 50

**16.** The officer or person to whom any order or warrant is addressed under the foregoing provisions shall forthwith remove the person named thereon from the said lands, and in the execution of the said order or warrant shall have all the powers, rights, immunities and privileges enjoyed by a sheriff, constable or other peace officer in the execution of his duty.

Execution of  
warrant.

**17.** Any person remaining upon Dominion lands after having been ordered to vacate them, or returning thereto after having vacated them in obedience to a summons, or after having been removed therefrom under an order or warrant as aforesaid, shall, upon summary conviction thereof before a judge, stipendiary or police magistrate or two or more justices of the peace, be liable to a fine of not less than twenty dollars and not more than one hundred dollars.

Penalty for  
disobeying  
summons,  
etc.

No. 130.

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3rd Session, 8th Parliament, 61 Victoria, 1893

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BILL.

An Act further to amend the Dominion  
Lands Act.

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First reading, May 3rd, 1893.

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Mr. SIFTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1893

No. 131.]

**BILL.**

[1898.

An Act further to amend the Acts respecting the North-West Territories.

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

1. Subsection 1 of section 14 of *The North-West Territories Act*, chapter 50 of the Revised Statutes, is hereby amended by striking out the words "Lieutenant Governor in Council" and substituting therefor the words "Legislative Assembly." R.S.C., c. 50. s. 14 amended

2. Subsection 2 of the said section 14 is hereby repealed. Further amended.

3. Section 49 of the said Act is hereby repealed and the following is substituted therefor:— New section 49.

"49. The court shall sit in banc at such times and places as the Lieutenant Governor in Council appoints; the senior judge present shall preside, and three judges of the court shall constitute a quorum." Sittings of Supreme Court.

4. The section substituted for section 18 of chapter 17 of the statutes of 1894, by section 9 of chapter 28 of the statutes of 1897 is hereby amended by inserting after the word "employment" in the second line thereof the words "under the Government of the Territories." 1894, c. 17. s. 18 amended.

No. 131.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Acts respect-  
ing the North-West Territories.

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First reading, May 3rd, 1898.

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Mr. SIFTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Land Titles Act, 1894.

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

1. In this Act, unless the context otherwise requires, the expression “the said Act” means *The Land Titles Act, 1894*, chapter 28 of the statutes of 1894. Interpretation. s. 2 amended.
2. Paragraph (k) of section 2 of the said Act, is hereby amended by inserting after the words “relating to” in the fifth line thereof the words “or affecting.” 1894, c. 28, s. 2 amended.
3. Section 26 of the said Act is hereby amended by inserting after the word “filed” in the twelfth line thereof the words: “in his office, and the other shall be filed.” Section 26 amended.
4. Subsection 2 of section 33 of the said Act is hereby repealed, and the following is substituted therefor :— Section 33 amended.
- “2. The registrar shall not receive or enter in the day-book, any instrument, except executions against lands, caveats, mechanics’ liens, transfers by a sheriff or by order of a court or a judge, transfers on sale of land for taxes, or certificates or orders of a court or a judge, and except a mortgage before issue of grant pursuant to subsection 2 of section 73, unless required by the order of a court or judge, until the duplicate for the land affected by such instrument is produced therewith to him so as to enable him to enter the proper memorandum thereon.” Duplicate of instrument to be produced.
5. Section 39 of the said Act is hereby amended by adding the following subsection thereto :— Section 39 amended.
- “6. A notification to the registrar from any member of the Executive Council of the North-West Territories, authorized in that behalf by the Lieutenant Governor of the North-West Territories in Council, that the land which is described in such notification and which is part of any road allowance or trail which has been closed by the Lieutenant Governor in Council, has been transferred to the person named as transferee in such notification, or in a transfer attached thereto, shall be accepted by the registrar and be dealt with by him in all respects as if such notification were letters-patent in favour of such person. The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted from the grant.” Notification by Government of N.W.T. to be equivalent to letters-patent.

- Section 41 amended. **6.** Paragraph (d) of subsection 1 of section 41 of the said Act is hereby repealed.
- Section 56 amended. **7.** Paragraph (b) of section 56 of the said Act is hereby repealed, and the following paragraph is substituted in lieu thereof:—  
“(b.) All unpaid taxes.” 5
- Section 56 further amended. **8.** The said section 56 is hereby further amended by adding the following paragraph thereto:—  
“(g.) Any right of way or other easement granted or acquired under the provisions of *The North-West Irrigation Act.*” 10
- Section 73 amended. **9.** Section 73 of the said Act is hereby amended by adding the following proviso thereto:—  
“3. Provided, however, that nothing in this Act contained shall entitle a settler who is entered for a homestead or homestead and pre-emption under the provisions contained in *The Dominion Lands Act*, to mortgage the land entered for by him as a homestead or pre-emption prior to issue of a patent to him therefor or until he has been recommended for patent by the local agent and has received a certificate of recommendation in accordance with the provisions of the said Act; it being hereby declared that notwithstanding anything contained in this Act such mortgage is in the nature of the assignment or transfer which is prohibited by section 42 of the said Act; and for the purpose of preventing the acceptance and registration of any such mortgage, the registrar is hereby empowered to refuse to register any mortgage for land for which the patent is not of record in the Land Titles Office, unless the applicant for the registration of such mortgage first satisfies the registrar that he is entitled to execute such mortgage, by an affidavit, in the form AA in the schedule to this Act, and to be filed by the registrar with the mortgage if the latter is accepted and filed or registered by him.” 15  
20  
25  
30
- Registration prohibited of transfers contrary to R.S.C., c. 54, s. 42.  
Registrar may require affidavit.
- Section 74 amended. **10.** Section 74 of the said Act is hereby amended by striking out all the words therein after the word “charged” in the third line. 35
- New section 75. **11.** Section 75 of the said Act is hereby repealed and the following is substituted therefor:—  
“**75.** Proceedings to enforce payment of moneys secured by mortgage or encumbrance, or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or encumbrance, or for the sale of the lands mortgaged or encumbered, or to foreclose the estate, interest or claim of any person in or upon the land mortgaged or encumbered, as also proceedings to redeem or discharge any land from any such mortgage or encumbrance, shall be had and taken in the Supreme Court of the North-West Territories, under the practice and procedure of the said court.” 40  
45
- Proceedings to foreclose, redeem, etc.
- Sections 76, 77 and 78 repealed. **12.** Sections 76, 77 and 78 of the said Act are hereby repealed.

**13.** Section 89 of the said Act is hereby amended by adding the following subsection thereto:—

“6. Any person interested in or claiming any interest in land belonging to the estate of a deceased owner, who is dissatisfied with any act of the executor or administrator to the estate of the deceased owner, or who has reason to complain of undue delay by such executor or administrator, may submit the matter to a judge, who is hereby empowered to adjudicate thereon.”

Section 89 amended.

Reference of claim to judge.

**14.** Subsection 1 of section 91 of the said Act is hereby amended by adding the following proviso thereto:—

“Provided that no transfer, mortgage or encumbrance of such land made by him shall be valid or take effect, and no registration of such transfer, mortgage or encumbrance shall be made, unless confirmed by the order of a judge, which order shall be registered with such transfer, mortgage or incumbrance.”

Section 91 amended.

Confirmation by judge.

**15.** Section 98 of the said Act is hereby amended by inserting after the word “require” in the ninth line thereof the following words:—“or, if such marriage was solemnized within the Territories, upon production to the registrar of such evidence as would be sufficient to establish the marriage in any court in the Territories.”

Section 98 amended.

**16.** Subsection 1 of section 99 of the said Act is hereby repealed and the following subsection is substituted therefor:—

“99. Any person claiming to be interested under any will, settlement or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or under an execution where the execution creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person, or otherwise, in any land, may lodge a caveat with the registrar to the effect that no registration of any transfer or other instrument affecting the said land shall be made, and that no certificate of title therefor shall be granted, until such caveat has been withdrawn or has lapsed as hereinafter provided, unless such instrument or certificate of title is expressed to be subject to the claim of the caveator as stated in such caveat.”

Section 99 amended.

Who may lodge caveats and for what purposes.

**17.** Subsection 6 of the said section 99 is hereby repealed and the following subsection is substituted therefor:—

“6. Such caveat shall lapse after the expiration of twenty-one days from the service on the caveator or at his address for service, proved to the satisfaction of the registrar, of a notice that such caveat shall lapse, unless the proper proceedings hereinafter in this subsection set forth are taken by the caveator, or, if no such notice is meanwhile served, then after the expiration of three months from the receipt by the registrar of such caveat, unless within such period of twenty-one days or three months, as the case may be, proper proceedings in a court of competent jurisdiction have been taken to establish the caveator’s title to the estate or interest specified in the caveat and an injunction or order has been granted

Section 99 further amended.

Lapse of caveat.

restraining the registrar from granting a certificate of title or otherwise dealing with the land."

Section 115  
amended.

**18.** Subsection 1 of section 115 of the said Act is hereby amended by inserting after the word "encumbered" in the ninth line thereof the words "or conveyed or transferred." 5

Section 115  
further  
amended.

**19.** Subsection 2 of the said section 115 is hereby amended by inserting after the word "land" in the second line thereof the words "or of such other person as the registrar believes to be acquainted with the value of the land, and whose oath or affirmation the registrar is willing to accept." 10

Section 121  
amended.

**20.** Subsection 2 of section 121 of the said Act is hereby amended by inserting after the word "cases" in the fifth line thereof the words "cancellation in whole or in part, or"

Section 138  
amended.

**21.** Section 138 of the said Act is hereby amended by adding the following sub-section thereto:— 15

Security for  
costs by non-  
resident.

"4. Whenever any proceeding is taken under this Act, whether by motion or summons, or by the filing with or the delivery to the registrar of a caveat, mechanics' lien, or copy of an execution against lands, or other such proceeding, and any party to such proceeding or the person in whose behalf or against whose interest such caveat, lien or execution has been so filed or delivered is not a resident in the North-West Territories, a judge may, in his discretion, upon the application of a party to such proceeding or interested therein, or affected by such caveat, lien or execution, grant an order requiring such non-resident to give security for the costs of the applicant of such order in prosecuting or resisting such proceedings, or in removing or maintaining such caveat, lien or execution; and it may be a term of such order that in default such proceeding may be deemed granted or dismissed, or such caveat, lien or execution may be deemed removed or maintained; and such order may also provide for a stay of proceedings. The practice and procedure for obtaining such order and giving such security shall be as nearly as may be as upon an application for security for costs in civil causes in the said Supreme Court, and the judge may direct payment of the costs incident to such application or order to be taxed and recovered as is provided in the case of the costs mentioned in subsection 3 of this section." 20 25 30 35

Extinguishing  
of priorities  
between  
execution  
creditors.

**22.** Any provisions heretofore enacted by the Legislative Assembly of the North-West Territories, and not repealed, with regard to the extinguishing of priorities between execution creditors as against the same execution debtor may be extended by enactment of the said Legislative Assembly to moneys realized by sheriffs under execution as against lands: and it is hereby declared that the said Legislative Assembly had and has the power to legislate as to the disposal of moneys so realized, notwithstanding anything contained in *The Land Titles Act*, 1894. 40 45

Declaratory  
as to power of  
Assembly of  
N.-W. T.

Registration  
of estate for  
life or for

**23.** The owner of any estate, leased or demised to him, or to the person from whom he claims a title, for a life or for lives, or for a term of more than three years, in any land for 50

which the grant from the Crown has been registered, may apply to have his title registered, and to have a certificate of title issued to him therefor under the provisions of the said Act; and all certificates of title heretofore issued for any 5 estate of that nature are hereby confirmed.

24. Any plan which has been prepared in accordance with the provisions of *The Railway Act* or of *The North-West Irrigation Act*, or of any other Act of the Parliament of Canada, and which has been lodged or filed with the registrar under 10 or in accordance with the said provisions, shall be dealt with and recognized by him, in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of *The Land Titles Act, 1894*.

25. Nothing in *The Land Titles Act, 1894*, or in this Act 15 contained shall affect the right of a mortgagee, or his assigns, executors or administrators, to effect or carry out a sale under any power contained in or provided for by any mortgage and agreed to by the mortgagor, or to make all such conveyances 20 of the lands affected thereby as are provided for by the terms of such power of sale, and subject to the terms and conditions therein provided.

26. The form T in the schedule to the said Act is hereby repealed and the following is substituted therefor:—

“FORM T.

“REVOCATION OF POWER OF ATTORNEY.

“I, A.B., of \_\_\_\_\_ hereby revoke the power of attorney given by me to \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and recorded in the Land Titles Office at \_\_\_\_\_ for the \_\_\_\_\_ Land Registration District, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, as Number \_\_\_\_\_.

“In witness whereof I have hereunto subscribed my name this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

“Signed by the above named }  
A.B., in the presence of } (Signature.)”

27. The form V in the schedule to the said Act is hereby repealed and the following is substituted therefor:—

“FORM V.

“CAVEAT.

“To the Registrar \_\_\_\_\_ District.  
“Take notice that I, A. B., of (insert description) claiming (here state the nature of the estate or interest claimed, and the grounds upon which such claim is founded) in (here describe land and refer to certificate of title) forbid the registration of



An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

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

1. Notwithstanding any limits of time prescribed in chapter 5 73 of the statutes of 1885, or in chapter 29 of the statutes of 1886, or in chapter 13 of the statutes of 1891, or in chapter 6 of the statutes of 1892, or in chapter 3 of the statutes of 1893, or in chapter 24 of the statutes of 1894, the Governor in Council may grant a free homestead or scrip, as therein 10 provided, to any person who is entitled thereto under the said Acts, or any of them, but has not already been granted such homestead or scrip; Provided that such person complies 15 within two years after the first day of January, one thousand eight hundred and ninety-eight, with the conditions required by the said Acts or any of them, to be complied with on or before the first day of August, one thousand eight hundred and eighty-six; Provided, also, that the provisions of the said Acts shall, so far as applicable, apply to grants of land or scrip under the authority of this Act.
- Grants of land authorized.  
1885, c. 73 ;  
1886, c. 29 ;  
1891, c. 13 ;  
1892, c. 6 ;  
1893, c. 3 ;  
1894, c. 24.
- Limitation of time.
- Previous Acts to apply.

No. 133.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

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First reading, May 3rd, 1898.

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MR. SIFTON.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

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No. 134.]

**BILL.**

[1898.

An Act further to amend the Criminal Code, 1892.

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

1. Section 872 of *The Criminal Code*, 1892, is amended by <sup>1892, c. 29,</sup>  
5 inserting after the word “months” in the ninth line of the <sup>s. 872</sup> paragraph lettered (a) of subsection 1, the words “with or amended.  
without hard labour;” and by inserting after the word  
“months” in the sixth line of the paragraph lettered (b) of  
the said subsection, the words “with or without hard labour.”

No. 131.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend The Criminal  
Code, 1892.

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First reading, May 4th, 1898.

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Mr. FLINT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting Government Harbours, Piers and Breakwaters.

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

1. Chapter 84 of the Revised Statutes, intituled *An Act* R.S., c. 84,  
section added.  
5 *respecting Government Harbours, Piers and Breakwaters*, is hereby amended by adding thereto the following section immediately after section 4A :—

“4B. If at any time the average annual receipts from any wharf for the three years previous have not exceeded one Lease of  
wharfs to  
municipali-  
ties.  
10 hundred dollars, the Minister of Marine and Fisheries may lease it to the municipality within which it is situated, for a term not exceeding three years, for an annual sum, payable in advance, not less than such average annual receipts, and on such other terms or conditions as to him seem advisable.”

No. 135.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting Government Harbours, Piers and Breakwaters.

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First reading, May 5th, 1898.

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Sir LOUIS DAVIES.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting the  
Protection of Navigable Waters.

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

1. Subsection 1 of section 7 of the *Act respecting the Pro-* R.S.C., c. 91,  
5 *tection of Navigable Waters*, chapter 91 of the Revised Statutes, s. 7 amended,  
is hereby amended by adding thereto the following para-  
graph :—

“(a.) No person shall throw or deposit, or cause or permit  
to be thrown or deposited, any ballast, ashes, cinders, or  
10 material or rubbish which would sink to the bottom, into any  
navigable tidal waters of Canada where there are not at least  
twelve fathoms of water at low tide ; and every person who  
violates the provisions of this paragraph shall, on summary  
conviction, be liable to a penalty not exceeding three hundred  
15 dollars and not less than twenty dollars ; and in any case where  
such things are thrown from a vessel and conviction is obtain-  
ed therefor, such vessel shall be liable for the penalty and may  
be detained by any port warden or collector of customs until  
it is paid.”

No ashes, |  
rubbish, etc., |  
to be thrown |  
into navigable |  
tidal waters.

Penalty.

No. 136.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting the Protection of Navigable Waters.

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First reading, May 5th, 1898.

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Sir LOUIS DAVIES

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the International Radial Railway  
Company.

**W**HEREAS the International Radial Railway Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter  
set forth, and it is expedient to grant the prayer of the said  
petition : Therefore Her Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

**1.** Chapter 49 of the statutes of 1895 and chapter 21 of the 1895, c. 49,  
and 1896 (1st  
Sess.) c. 21  
revived.  
statutes of 1896 (First Session), being Acts respecting the  
International Radial Railway Company, hereinafter called  
10 “the Company,” are, subject to the provisions of this Act,  
hereby revived and declared to be in force ; and the time  
limited for the commencement of the railway of the Company,  
and for the expenditure of fifteen per cent on the amount of Time  
extended for  
commence-  
ment of  
railway.  
its capital stock, as required by section 89 of *The Railway Act*,  
15 is hereby extended for a period of two years from the passing  
of this Act ; and if such expenditure is not so made, and if  
the railway is not completed within five years from the passing  
of this Act, then the powers conferred upon the Company by  
Parliament shall cease and be null and void as respects so  
20 much of the railway as then remains uncompleted.

**2.** Any Act hereafter passed for the purpose of controlling Power of  
Parliament  
as to future  
legislation.  
railway companies incorporated by or subject to Parliament as  
to the issuing of stock or bonds, and as to rates or tolls and  
the regulation thereof, and as to running powers over, or other  
25 rights in connection with the railway of any company by any  
other company, and the exercise of powers conferred upon  
railway companies, shall apply to the Company from the time  
such Act goes into effect ; but this section shall not be con-  
strued to imply that such Act would not apply to the Company  
30 without the enactment of this section.

No. 137.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the International  
Radial Railway Company.

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First reading, May 10th, 1898.

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(PRIVATE BILL.)

Mr. MACPHERSON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

THE SENATE OF CANADA.

PASSED BILL.

An Act further to amend the Companies Act.

[Passed May 9th, 1898.]

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

1. Subsection 5 of section 5 of *The Companies Act* is hereby repealed, and the following substituted therefor:— R.S.C., c. 119, s. 5 amended.

“5. (a.) Such aggregate shall be deposited to the credit of the Receiver General of Canada, and shall be standing at such credit in some chartered bank in Canada, and the applicants shall, with their petition, produce the deposit receipt for such amount so deposited. Disposal of amount paid up on capital stock by applicants for incorporation.

“(b.) At any time after the signing of letters patent incorporating the applicants as a company, the said aggregate, so paid in to the credit of the Receiver General, may be returned to and for the sole use of the company, or in case of failure to incorporate, to the applicants who have paid in or contributed to the same, under regulations from time to time made by the Governor in Council. Return of amount to company or to applicants.

“(c.) In case the object of the company is one requiring that it should own real estate, any portion not exceeding one-half of such aggregate may be taken as paid in, if it is *bona fide* invested in real estate suitable to such object, and such real estate is, by a valid and sufficient registered deed, duly held by two or more trustees for the company, and the applicants shall establish the fact, by oath, affirmation or declaration, that such real estate is of the required value over and above all encumbrances thereon.” Proviso as to portion of amount which may be represented by real estate.

THE SENATE OF CANADA

PASSED BILL

AN ACT further to amend the Companies Act

[Enacted May 27, 1908]

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

- 1. Subsection 5 of section 4 of the Companies Act is hereby repealed, and the following substituted therefor:—
- 2. (a) Each agreement shall be deposited to the credit of the Receiver General of Canada, and shall be standing at such credit in some chartered bank in Canada, and the applicants shall, with their petition, produce the deposit receipt for such amount so deposited.
- 3. (A) At any time after the expiry of three calendar months from the date of the deposit of the said agreement, so far as the credit of the Receiver General, may be returned to and for the use of the company or its agent in relation to the estate, under regulations from time to time made by the Governor in Council.
- 4. (a) In case the object of the company is one requiring that it should own real estate, any person not exceeding one-half of such agreement may be set on foot in it, in bond and invested in real estate, and such real estate shall be by a valid and sufficient registered deed, duly held by two or more trustees for the company, and the applicants shall establish the fact, by oath, affirmation or declaration, that such real estate is of the required value over and above all circumstances therein.

An Act to incorporate the Anglo-French Telegraph  
Company (Limited).

**W**HEREAS a petition has been presented, praying that it  
be enacted as hereinafter set forth, and it is expedient  
to grant the prayer of the said petition : Therefore Her Majesty,  
by and with the advice and consent of the Senate and House  
5 of Commons of Canada, enacts as follows :—

1. The Right Honourable Lord Thurlow and Theodore Van-  
Puten, of the city of London, England ; Edward Friedburg of  
the county of Surrey, England ; William Murray, of the city  
of Vancouver, in the province of British Columbia ; Allen  
10 Haley, of the town of Windsor, in the province of Nova Scotia ;  
and Isaac Burpee, of the city of St. John, in the province of New  
Brunswick ; together with such persons as become share-  
holders in the company, are hereby incorporated under the  
name of " The Anglo-French Telegraph Company (Limited),"  
15 hereinafter called " the Company."
2. The head office of the Company shall be in the city of  
London, England, or at such other place in the United King-  
dom, or in Canada, as the directors from time to time deter-  
mine by by-law.
- 20 3. The persons named in section 1 of this Act are hereby  
constituted the first or provisional directors of the Company,  
and they may forthwith open stock books, and procure sub-  
scriptions of stock, and receive payments on account of stock  
subscribed, and carry on the business of the Company.
- 25 2. Any of the said provisional directors may vote and act  
by proxy, but such proxies shall be held by provisional  
directors only, and no provisional director shall hold more than  
two proxies.
4. The capital stock of the Company shall be one hundred  
30 thousand pounds sterling, divided into shares of one pound  
sterling each. Such capital stock shall be issued in whole or  
in part as the directors determine, and may be called up from  
time to time as they deem necessary.
5. When and so soon as twenty-five per cent of the capital  
35 stock has been subscribed, and ten per cent of that amount  
has been paid into some chartered bank, the provisional direc-  
tors shall call a meeting of the shareholders of the Company at  
some place to be named by the provisional directors, at which  
general meeting the shareholders present or represented by

Preamble.

Incorporation.

Corporate name.

Head office.

Provisional directors.

Proxies.

Capital stock.

First general meeting.

	proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect the board of directors ; but no person other than a shareholder eligible to vote shall be permitted to vote or act as a proxy at any meeting of the Company.	5
Notice of meeting.	2. Notice of such meeting shall be sufficiently given by mailing the same, postage prepaid, to the last known post office address of each shareholder at least six days previous to the date of such meeting.	
Annual general meeting.	6. The annual general meeting of the shareholders shall be held on the first Wednesday in May in each year.	10
Election of directors.	7. At each annual meeting, the shareholders present or represented by proxy, who have paid all calls due on their shares, shall choose not more than nine and not less than three persons to be the directors of the Company.	15
Proxies.	2. Any of the directors may vote and act by proxy, but such proxies shall be held by directors only, and no director shall hold more than two proxies.	
Proxies to be renewed.	3. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.	20
Powers of Company. Telegraph and telephone lines.	8. The Company may— (a.) construct, maintain and operate lines of electric telegraph and telephone, by means of cables, through the waters on the west coast of British Columbia, and the necessary land connections at each end of such cables, and land lines, or by continuous land lines, from some point in or near the city of Vancouver, in the province of British Columbia, by the most feasible route to Dawson City, in the Yukon district ; and in, under, upon and across any water, and the shore or bed thereof, and upon, along, across or under any highway or public place, so as to reach Dawson City ; provided that such lines shall be constructed and maintained so as not to interfere with the public use of such highways, or injuriously interrupt the navigation of any navigable water ; and provided that nothing herein contained shall give the Company the right to build a bridge over any navigable water ;	25 30 35
Proviso.		
Branch lines.	(b.) construct, maintain and operate branch lines and extensions of its electric telegraph and telephone lines ; provided that no such branch or extension shall exceed twenty miles in length in any one case ;	40
Vessels.	(c.) acquire, lease or charter steam and other vessels, implements and plant required for the laying, construction, equipment, maintenance and operation of such lines ;	45
Connect with other lines.	(d.) for the purposes of its business, connect its lines with the lines of any other submarine electric telegraph and other telegraph and telephone companies in Canada ; and may also connect its lines with the lines of any other such companies in the United States at or near any point on the international boundary between British Columbia, or the Yukon District, and the United States ;	50
Construction of works.	(e.) construct, lay, erect, maintain and operate all such cables, works, structures, apparatus, poles, wires, appliances,	

materials, supplies and machinery, as may be used in any way in connection with its business;

(*f.*) acquire and manufacture all such apparatus, poles, cables, wires, telegraph and telephone instruments, and other electrical or magnetic instruments, appliances, materials, supplies and machinery as are or may be used in any way in connection with its business, and dispose of the same;

(*g.*) acquire, use and dispose of any inventions, letters patent for inventions, or the right to use any inventions in any way connected with or pertaining to its business;

(*h.*) acquire shares in the capital stock, debentures and securities of other companies possessing powers similar to those of the Company, as the consideration for goods, wares or merchandise sold to such other companies in the ordinary course of business;

(*i.*) establish offices for the transmission of messages for the public, and collect tolls for so doing;

(*j.*) for the purposes of operating such submarine electric telegraph, and telegraph and telephone lines, enter into contracts with any other company, or lease the Company's lines or any part thereof to such other companies;

(*k.*) enter into arrangements with any other cable, telegraph and telephone company for the exchange and transmission of messages, or for the working in whole or in part of the cables and lines of the Company, or of any such other company.

9. The Company may enter upon the lands of Her Majesty, and of any person or corporation whatsoever, and survey the same, and set out and ascertain such parts thereof as it thinks necessary and proper for the construction and erection of the said lines of telegraph or telephone, and take possession of and use the same for such purpose; and, when the said lines pass through any wood, cut down the trees and underwood for the space of fifty feet on each side of the said lines, doing as little damage as may be in the execution of the several powers hereby granted; and the Company shall make compensation and satisfaction, whenever required so to do, to the owners or proprietors of, or the persons interested in, the lands so entered upon, for all damage by them sustained resulting from the execution of any of the powers granted by this Act.

2. If the Company cannot agree with the owner or occupier of any lands which it may take for the purposes aforesaid, with respect to any damage done thereto by constructing its lines, the Company and such owner or occupier shall each choose an arbitrator, and the said arbitrators shall choose a third, and the decision on the matter in difference of any two of such arbitrators in writing shall be final; and if the said owner or occupier, or the agent of the Company, neglects or refuses to choose an arbitrator within four days after notice in writing, and upon proof of personal service of such notice, or if such two arbitrators, when duly chosen, disagree in the choice of a third arbitrator, then and in any such case the Minister of Public Works may appoint any such arbitrator, or such third arbitrator, as the case may be, and the arbitrator so appointed shall possess the same power as if chosen in the manner above provided.

Rates to be approved.	<b>10.</b> No rates or charges shall be demanded or taken from any person or corporation for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved by the Governor in Council.	5
Power to enter upon highway, etc.	<b>11.</b> With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and, when deemed necessary by the Company for the purpose	10
Erect poles,	of its telegraph and telephone systems, may erect, equip and maintain poles and other works and devices, and stretch wires	
Stretch wires,	and other telephonic or telegraphic or other electrical contrivances thereon, and, as often as the Company thinks proper,	
Break up highway.	may break up and open any highway or public place, subject,	15
Travel not to be obstructed.	however, to the following provisions :— (a.) The Company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building ;	
Height of wires.	(b.) The Company shall not affix any wire less than twenty-	20
Kind of poles.	two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway ;	
Cutting poles or wires in case of fire.	(c.) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any	25
Injury to trees.	by-law of the council ; (d.) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut ;	30
Supervision of municipality.	(e.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ; (f.) The opening up of streets for the erection of poles, or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council	35
Surface of street to be restored.	appoints, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company ;	40
Future legislation as to carrying wires under ground.	(g.) In case sufficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act,	45
Workmen to wear badges.	and the Company shall not be entitled to damages therefor ; (h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by	50
Private rights.	which he can be readily identified ; (i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the	55
	property for the time being ;	

- (j.) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles; and in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are;
- 15 (k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

Temporary removal of wires and poles.

Notice to Company.

Liability for damage.

12. The Company may receive from any government or from any person or municipal corporation, in aid of the construction, equipment or maintenance of any of its works, grants of land, bonuses, loans or gifts of money or securities for money, and may dispose of the same, and may alienate such property as is not required for the purposes of the Company.

Power to receive aid.

13. The Company may issue any portion of its capital stock as preferred stock, on such terms and conditions, and bearing such rate of dividend as may be agreed upon by the ordinary shareholders of the Company at a special general meeting called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

Preferred stock.

14. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting called for that purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect of the same and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit; and for this purpose may mortgage, pledge, hypothecate, or charge all or any or the assets and property of the Company.

Borrowing powers.

15. The directors may make and issue as paid-up stock shares of the capital stock of the Company in payment for the actual and bona fide price of any business, franchise, undertaking, property, right, power, privilege, letters patent, contract, real estate, stock, assets, and other property of any person, company, or municipal corporation, which it may lawfully acquire by virtue of this Act, and may allot and hand over such shares to any such person, company or corporation or to its shareholders; and may also issue as paid-up and un-assessable stock, shares of the capital stock of the Company, and may allot and hand over the same in payment for right of

Issue of paid-up stock.

way, lands, rights, plant, property, letters patent of invention, or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures as to the directors may seem proper. 5

R.S.C., c. 118. **16.** Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 132. **17.** *The Electric Telegraph Companies Act* shall apply to 10 the Company.

Time for construction limited.

**18.** If the construction of one of the lines of submarine electric telegraph, and telegraph and telephone, authorized to be constructed by this Act, is not commenced, and at least fifteen per cent of the amount of the capital stock is not expended thereon, or if one of such lines is not finished and put in operation, within two years from the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of said lines of submarine electric telegraph, and telegraph and telephone, as then remains un-20 completed.

No. 139.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act to incorporate the Anglo-French  
Telegraph Company (Limited.)

First reading, May 11th, 1898.

(PRIVATE BILL.)

Mr. MORRISON.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 140.]

**BILL.**

[1898.

An Act further to amend the Militia Act.

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

1. Section 37 of *The Militia Act*, chapter 41 of the Revised Statutes, is hereby repealed and the following is substituted therefor:—

R.S.C., c. 41,  
new sec. 37.

“ 37. There shall be appointed an officer who holds the rank of colonel or rank superior thereto in Her Majesty’s regular army, who shall be charged, under the orders of Her Majesty, with the military command and discipline of the Militia, and who, while he holds such appointment, shall have the rank of Major General in the Militia, and shall be paid a salary at the rate of four thousand dollars per annum, and in addition thereto, in lieu of allowances, such sum, not exceeding two thousand dollars per annum, as is determined by the Governor in Council.

Qualification  
and appoint-  
ment of com-  
manding  
officer.

Rank and  
pay.

No. 140.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Militia Act.

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First reading, May 11th, 1898.

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Mr. BORDEN.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

Bill L.  
No 141

# THE SENATE OF CANADA.

## PASSED BILL.

An Act respecting the Great North-West Central Railway Company.

[Passed 11th May, 1898.]

**W**HEREAS the Great North-West Central Railway Com-<sup>Preamble.</sup>  
pany have, by their petition, prayed that an Act be  
passed to enable them to raise the capital necessary for the  
payment of certain liabilities and to extend their line, and for  
5 other purposes; and whereas it is expedient to grant the  
prayer of the said petition: Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** For the liquidation of liabilities and for prosecuting the  
10 undertaking, the Great North-West Central Railway Company,  
may from time to time, create and issue preferential bonds or  
debentures, to an amount not exceeding in the whole twelve  
thousand dollars per mile of the Company's railway construct-  
ed or under contract to be constructed, which bonds shall be  
15 called first mortgage bonds and shall bear such rate of interest  
not exceeding five per cent per annum as may be determined  
by the directors of the Company.

Preferential  
bonds may be  
issued.  
Limit \$12,000  
per mile.

**2.** The said preferential bonds or debentures are in this Act  
referred to as "new bonds"; bonds or debentures (if any) is-  
20 sued by the Company before the passing of this Act or alleged  
to have been so issued are in this Act referred to as "old  
bonds."

**2.** The new bonds may be secured by mortgage in the man-<sup>Security.</sup>  
ner and with all the rights mentioned in clause 14 of the  
25 Company's charter as set forth in the schedule to and con-1888, c. 85.  
firmed by chapter 85 of the statutes of 1888.

**3.** The new bonds shall, without registration or formal con-<sup>Ranking of</sup>  
veyance and whether secured by mortgage or not, but subject such bonds.  
to the payment of the working expenses of the railway, be the  
30 first preferential claims and charges, and shall, subject to the  
provisions of section 7 of this Act, have priority to and over  
all old bonds, and to and over any mortgage given to secure  
the same and all other contracts and liabilities of the Company  
whatsoever, upon the Company and the undertaking, tolls,  
35 income, and real and personal property of the Company now

or at any time hereafter acquired, and each holder of new bonds shall be deemed to be a mortgagee or encumbrancer upon the said securities and shall have priority as such.

Such issue not additional to but in lieu of existing power.

4. The power to issue new bonds, to the amount of twelve thousand dollars per mile, shall, to the extent such power is used by the Company, be in substitution *pro tanto* for the power to issue bonds or debentures granted to the Company by its charter and the Acts amending the same: Provided that the new bonds shall, subject to the provisions of section 7 of this Act, have absolute priority as aforesaid over the old bonds and over any mortgage given to secure the same, notwithstanding that old bonds may have been issued to the full amount per mile of the Company's bonding powers under the Company's charter and the Acts amending the same.

Proviso as to priority.

Debenture stock may be issued instead of preference bonds.

5. The Company may, in lieu of issuing new bonds, issue debenture stock, to the same amount and under the same conditions as to their borrowing powers and as to the application of the proceeds, as are in this Act specified in the case of the new bonds, entitling the holders thereof to a dividend of not more than five per cent per annum; such debenture stock to the amount issued within the limits so prescribed shall, subject to the provisions of the charter of the Company as to working expenses, and subject to the provisions of section 7 of this Act, be and become a first charge upon the Company and the undertaking, tolls and income, real and personal property thereof now or at any time hereafter acquired, in priority to all old bonds, but the holders of such debenture stock shall not as among themselves be entitled to any preference or priority.

Priority.

Votes on debenture stock.

6. The holders of the said debenture stock shall be entitled on every occasion when the votes of the ordinary shareholders are to be given to four votes for every one hundred dollars of such debenture stock held by them respectively.

Certain claims and rights to be satisfied out of issue of new bonds or debenture stock.

7. The proceeds of the new bonds or debenture stock shall be first applied in satisfaction of the claims and rights, according to their priority, of every valid holder (if any) and of every valid pledgee or valid chargee (if any) of old bonds, including the claims and rights of Alphonse Charlebois and others in respect of bonds as established by the judgment of the Judicial Committee of the Privy Council, rendered on 1st April, 1898, in the appeal of *The Great North-West Central Railway Company et al vs. Charlebois et al*; and until such satisfaction no such claim or right shall be postponed or prejudiced by any issue made of new bonds or of debenture stock.

Settlement of disputes as to such claims and rights.

2. In case of any dispute as to the claim of any such pledgee, chargee or holder (if any) or when any amount due under the said judgment has been ascertained as provided by the said judgment, the Company may deposit in the High Court of Justice for Ontario, a sum of money equal to the

amount of such claim in dispute, or to the amount so ascertained, or an amount of the new bonds or debenture stock equal at par to the amount of such claim in dispute, or to the amount so ascertained, or such sum of money or amount of new bonds or debenture stock as a judge of the said court may order, from time to time, in a matter to be entitled in the said court. "In the matter of the debentures of the Great North-West Central Railway Company," which deposit shall be subject to the adjudication and determination (by the said court) of the rights of the Company and of the claimant respectively and to the order of the said court in an action to be thereafter brought in the said court by either party for the purpose of determining the rights of the parties.

Deposit to be made.

3. From and after such deposit by the Company, the new bonds or debenture stock and any mortgage to secure the same; shall have absolute priority over any old bonds held by any party claiming to be pledgee, chargee or holder in respect of whose claim such deposit has been made and over any mortgage to secure the same.

New bonds, etc., to have absolute priority when such deposit is made.

4. In case such action is brought by the claimant, he shall, at the time of bringing such action, bring into the said court all old bonds, in respect of which his claim is made, subject to the adjudication and determination aforesaid, and he shall not be entitled to relief until such bonds are so brought into court.

Claimant to bring in old bonds held by him.

5. The claimant shall bring such action within sixty days after receiving notice of the making of such deposit by the Company; and the Company may withdraw such deposit if no action is brought by the claimant within such delay, or if such action is dismissed, or if the claimant does not bring his bonds into court as required by the next preceding subsection, or if a judge of the said court so orders.

Limitation of time for claimant's action.

Withdrawal of deposit.

6. No right other than in respect of old bonds shall be affected by any issue made of new bonds or of debenture stock.

Saving clause for all other rights.

8. Section 1 of chapter 45 of the statutes of 1897 is hereby repealed and the time for finishing and putting in operation to the Rocky Mountains that part of the Company's railway yet unconstructed is hereby extended for seven years from the passing of this Act; provided that the Company shall complete before the end of the year one thousand eight hundred and ninety-nine, and also during each calendar year thereafter until the whole is completed, such a portion of its said railway not less than twenty miles in length as is from time to time prescribed by the Governor in Council, and that in default thereof the powers of the Company in respect of so much of its railway as remains uncompleted at the time of the default shall cease and be terminated.

1897, s. 1 repealed.

Extension of time for construction.

Proviso.

9. The Company may enter into an agreement with the Northern Pacific and Manitoba Railway Company, the Manitoba and North-Western Railway Company, or the Canadian

Power to make agreement with another com-

pany for sale,  
lease or amal-  
gamation.

Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 5 10

Conditions.

Notice of  
application  
for Governor  
General's  
sanction.

1888, c. 29.

**10.** Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act* and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published. 15 20

An Act to authorize the Quebec Harbour Commissioners to borrow money.

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

1. For the purposes of enabling the corporation of the  
 5 Quebec Harbour Commissioners to acquire additional lands upon the river front and to improve the same, and to extend the wharf accommodation for vessels using the harbour of Quebec, or for any or either of such purposes, the said corporation may borrow, in such sums, and for  
 10 such number of years not exceeding thirty years, and at such rates of interest not exceeding four per cent per annum, as is found expedient, an amount not exceeding in the whole three hundred and fifty thousand dollars; and the said corporation may issue, under the hands of three of the said Commis-  
 15 sioners and the seal of the corporation, debentures or bonds, to be countersigned by the secretary of the said corporation, for the sum or sums so borrowed, and may make such bonds or debentures payable at such time or times as are agreed upon, to the bearer thereof, either within the province of Quebec or  
 20 at any place or places without the said province, and either in Canada currency or in sterling, with interest payable semi-annually and with coupons for such interest annexed and signed by one of the said Commissioners, and countersigned by the said secretary, which coupons shall be payable to  
 25 bearer at the times when the said interest is payable; and the said sums so borrowed, together with the said interest thereon, shall be payable by the said corporation out of all its property, assets, tolls, rates, dues, penalties and other sources of revenue and income whatsoever, and shall rank as a charge  
 30 thereon in preference to and next preceding, and shall be paid therefrom in preference to, all claims and charges now outstanding of the Government of Canada on account of moneys borrowed for, or paid or advanced to, the said corporation under the authority of any Acts of the Parliament of Canada  
 35 heretofore enacted; provided however, that, except as to the priority hereby established for the payment of the moneys to be borrowed under the authority of this Act and the interest thereon, nothing herein contained shall in any wise prejudice or affect any claim or charge of the Government of Canada  
 40 for or on account of the moneys so borrowed by the said Government for, or by the said Government advanced to, the said corporation under the authority of any such Acts as aforesaid, or the interest due or to accrue due thereon.

Quebec  
Harbour Com-  
missioners  
may borrow  
\$350,000.

May issue  
bonds.

Priority over  
claims of  
Government.

Proviso.

No. 142.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to authorize the Quebec Harbour  
Commissioners to borrow money.

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First reading, May 16th, 1898.

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Mr. DOBELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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N]

**SENATE BILL.**

[1898.

An Act to amend the Canada Evidence Act, 1893.

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

1. Section 5 of *The Canada Evidence Act, 1893*, is here- 1893, c. 31.  
5 by repealed and the following substituted therefor:—

“5. No witness shall be excused from answering any ques-  
tion upon the ground that the answer to such question may  
tend to criminate him, or may tend to establish his liability to  
a civil proceeding at the instance of the Crown or of any per-  
son; provided, however, that if with respect to any question the  
witness objects to answer upon the ground that his answer may  
tend to criminate him or may tend to establish his liability to  
a civil proceeding at the instance of the Crown or of any per-  
son, and if but for this section the witness would therefore  
15 have been excused from answering such question, then, al-  
though the witness shall be compelled to answer yet the  
answer so given shall not be used or receivable in evidence  
against him in any criminal trial or other criminal proceeding  
against him thereafter taking place other than a prosecution  
20 for perjury in giving such evidence.”

Incriminating  
answers.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

*No 143*

N

An Act to amend the Canada Evidence  
Act, 1893.

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Received and read first time, Monday, 9th  
May, 1898.

Second reading, Thursday, 12th May, 1898.

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HONOURABLE MR. MILLS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Indian Act.

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

1. Section 3 of *The Indian Act*, chapter 43 of the Revised Statutes, is hereby repealed and the following is substituted therefor:—

R.S., c. 43,  
new section  
33.

“**33.** Indians residing upon any reserve shall be liable, if so directed by the Superintendent General, or any officer or person by him thereunto authorized, to perform labour upon the public roads laid out or used in or through, or abutting upon such reserve, which labour shall be performed under the sole control of the Superintendent General, or officer or person aforesaid, who may direct when, where and how and in what manner such labour shall be applied, and to what extent the same shall be imposed upon Indians who are resident upon any of the said lands; and the Superintendent General, or officer or person aforesaid, shall have the like power to enforce the performance of such labour by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in the province or territory in which such reserve is situate, for the non-performance of statute labour; but the labour to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same province, territory, county or other local division, under the laws requiring and regulating such labour and the performance thereof.”

Indians liable  
to labour on  
public roads  
in reserves.

Enforcing  
labour.

Amount of  
labour  
limited.

2. The section substituted for section 38 of the said Act by section 1 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor:—

New section  
38.

“**38.** No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act: provided that the Superintendent General may lease, for the benefit of any Indian, upon his application for that purpose, the land to which he is entitled without such land being released or surrendered, and may, without surrender, dispose to the best advantage, in the interests of the Indians, of wild grass and dead or fallen timber.”

Sale or lease  
of reserves.

3. Subsection (b) of section 39 of the said Act, as amended by section 2 of chapter 30 of the statutes of 1891, is hereby repealed and the following is substituted therefor:—

Section 39  
amended.

“(b.) The fact that such release or surrender has been assented to by the band at such council or meeting shall be

Proof of  
assent.

certified on oath by the Superintendent General, or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, before some judge of a superior, county or district court, stipendiary magistrate or justice of the peace, 5 or, in the case of reserves in Manitoba or the North-West Territories, before the Indian Commissioner for Manitoba and the North-West Territories, and in the case of reserves in British Columbia, before the visiting Indian Superintendent for British Columbia, or, in either case, before some other per- 10 son or officer specially thereunto authorized by the Governor in Council; and when such assent has been so certified, as aforesaid, such release or surrender shall be submitted to the Governor in Council for acceptance or refusal."

New section 56.

**4.** Section 56 of the said Act, is hereby repealed and the 15 following is substituted therefor:—

License must describe land and kind of trees to be cut.

"**56.** Every license shall describe the lands upon which the trees may be cut, and the kind of trees which may be cut, and shall confer, for the time being, on the licensee the right to take and keep possession of the land so described, subject to 20 such regulations as are made; and every license shall vest in the holder thereof all rights of property in all trees of the kind specified, cut within the limits of the license during the term thereof, whether such trees are cut by the authority of the holder of such license or by any other person, with 25 or without his consent; and every license shall entitle the holder thereof to seize, in revendication or otherwise, such trees and the logs, timber or other product thereof, if found in the possession of any unauthorized person, and also to institute any action or suit against any wrongful possessor or trespasser, 30 and to prosecute all trespassers and other offenders to punishment, and to recover damages, if any; and all proceedings pending at the expiration of any license may be continued to final termination, as if the license had not expired."

Rights of licensees as to trespassers.

Continuing proceedings.

New section 66.

**5.** Section 66 of the said Act is hereby repealed and the 35 following is substituted therefor:—

Sale of trees, etc., seized, in default of notice of claim.

"**66.** All trees, logs, timber or other product thereof seized under this Act, shall be deemed to be condemned, unless the person from whom they are seized, or the owner thereof, within one month from the day of the seizure, gives notice to 40 the seizing officer, or nearest officer or agent of the Superintendent General, that he claims, or intends to claim them, and unless within one month from the day of giving such notice he initiates, in some court of competent jurisdiction, proceedings for the purpose of establishing his claim; and in 45 default of such notice and initiation of proceedings, the officer or agent seizing shall report the circumstances to the Superintendent General, who may order the sale, by the said officer or agent, of such trees, logs, timber or other product thereof."

New section 70.

**6.** The section substituted for section 70 of the said Act 50 by section 2 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor:—

Investment and management of

"**70.** The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom, the

moneys arising from the disposal of Indian lands, or of property held or to be held in trust for Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians (with the exception of such sum, not exceeding ten per cent of the proceeds of any lands, timber, or property, as is agreed at the time of the surrender to be paid to the members of the band interested therein), shall be invested from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given; and he may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they have in lands taken from them, for the construction or repair of roads, bridges, ditches and water-courses on such reserves or lands, for the construction of school buildings, and by way of contribution to schools attended by such Indians."

Indian funds may be regulated by Governor in Council.

7. Section 72 of the said Act, as enacted by section 4 of chapter 32 of the statutes of 1894, is hereby repealed and the following is substituted therefor:—

New section 72.

"72. The Superintendent General may stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any Indian who is proved, to the satisfaction of the Superintendent General, guilty of deserting his family, or of conduct justifying his wife or family in separating from him, or who is separated from his family by imprisonment; and the Superintendent General may apply the same towards the support of the wife or family of such Indian. The Superintendent General may also stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply the same to the support of such child."

Payment of annuity may be stopped in case of marital desertion.

8. The section substituted for section 73 of the said Act by section 9 of chapter 33 of the statutes of 1887, is hereby repealed and the following is substituted therefor:

New section 73.

"73. The Superintendent General may also stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any woman who deserts her husband or family and lives immorally with another man, and the Superintendent General may apply the same to the support of the family so deserted."

Similar provision as to Indian woman.

9. The section substituted for section 75 of the said Act by section 3 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor:

New section 75.

"75. Whenever the Governor in Council deems it advisable, for the good government of a band, to introduce the elective system of chiefs and councillors or headmen, he may provide that the chief and councillors or headmen of any band shall be elected, as hereinafter provided, at such time and place as the Superintendent General directs; and they shall in such case be elected for a term of three years. The councillors or head-

Governor in Council may provide for election of chiefs, etc.

Term of office.

Number.	men may be in the proportion of two for every two hundred Indians ; but no band shall have more than one chief and fifteen councillors or headmen : provided, however, that any band composed of at least thirty members may have a chief.	5
As to present life chiefs, etc.	“2. Life chiefs and councillors or headmen now living may continue to hold rank until death or resignation, or until their removal by the Governor in Council for dishonesty, intemperance, immorality or incompetency ; but in the event of the Governor in Council providing that the chief and councillors or headmen of a band shall be elected, the life chiefs and councillors or headmen shall not exercise powers as such unless elected under the provision aforesaid.	10
Reason for which election may be set aside.	“3. An election may be set aside by the Governor in Council, on a report of the Superintendent General, if it is proved by two witnesses before the Indian agent for the locality, or such other person as is deputed by the Superintendent General to take evidence in the matter, that fraud or gross irregularity was practised at the said election ; and every Indian who is proved guilty of such fraud or irregularity, or connivance thereat, may be declared ineligible for re-election for a period not exceeding six years, if the Governor in Council, on the report of the Superintendent General, so directs.	15 20
Punishment of fraud, etc., at election.		20
Grounds on which chief, etc., may be deposed.	“4. Any elected or life chief and any councillor or headman, or any chief or councillor or headman chosen according to the custom of any band, may, on the ground of dishonesty, intemperance, immorality or incompetency, be deposed by the Governor in Council and declared ineligible to hold the office of chief or councillor or headman for a period not exceeding three years.”	25 30

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No. 144.

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3rd Session, 8th Parliament, 61 Victoria, 1898

BILL

An Act further to amend the Indian Act.

First reading, May 17th, 1898.

MR. STYTON.

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OTTAWA

Printed by S. H. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Railway Act.

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

1. All the provisions of sections 223 to 237, both inclusive, 5 of *The Railway Act* shall, so far as applicable, apply to every steamship or line of steamships operated in connection with any line of railway to which the said Act applies, provided that such steamship or line of steamships is under a common ownership or management with such line of railway and plies 10 between any port of a province and any point beyond the limits of the province. 1888, c. 29, sections 223 to 237 to apply to certain steamships.
2. In the application of the said Act to such line of railway and such steamship or line of steamships, the expression "company" shall include any company or person having 15 authority to maintain or operate such railway and steamship or steamships, and the expression "undertaking" shall include the line of railway and the steamship or line of steamships which such company has authority to maintain or operate. Interpretation. "Company." "Undertaking."
3. In any case in which the toll or rate for carriage of 20 passengers or freight by such steamship or line or steamships and such line of railway or any part thereof, or vice versa, is expressed in a single sum, the Railway Committee, in determining whether the toll or rate charged on such railway is discriminatory as against passengers or freight not travelling 25 or being carried by such steamship or line of steamships, or travelling or being carried over the steamship line of any other person or company, shall determine what portion of such single sum is attributable to the railway transportation and what portion is attributable to the transportation by 30 steamship. Through rates, apportionment between railway and steamships operated in connection with it.
4. The Railway Committee shall have power to determine on what terms and conditions and under what regulations any company or person owning or operating any steamship or line of steamships plying between the same ports as any steamship 35 or line of steamships so operated in connection with a line of railway to which the said Act applies, may sell tickets for transportation of passengers and issue checks for delivery of luggage, or enter into contracts for the carriage of freight, over its own steamship line and such railway or any part 40 thereof, and vice versa; and such terms and conditions may include the giving of such security or depositing such amount Transportation rights of owners of other steamships.

Duty of railway company.

as the Railway Committee determines, by way of security for the accounting and paying to the company owning or operating such railway of its proportion of the charges for such transportation or carriage; and the company operating such railway shall be bound to receive, carry and deliver passengers, luggage and freight on presentation of tickets, coupons, checks, bills of lading, or other evidences of contract issued in accordance with any regulations made under the authority of this section. 5

Facilities to be afforded at certain wharfs by railway company.

5. When any steamship or line of steamships calling at the same ports as the steamship or line of steamships operated in connection with a line of railway calls at a wharf which the Railway Committee considers is not unreasonably distant from the railway, the Railway Committee may require the railway company to receive and deliver passengers and freight of or intended for such steamship line as near to such wharf as any tracks and sidings of the railway, or any tracks and sidings which the steamship line shall put down, may permit of, and the Railway Committee may authorize any track or siding connections with the railway necessary for such purpose to be made. 10 15 20

1888, c. 29, s. 52 amended.

6. Section 52 of *The Railway Act* is hereby amended by inserting after the word "directors," in the first line, the words "unless otherwise provided by by-law."

No. 145.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act further to amend the Railway Act.

First reading, May 17th, 1898.

Mr. BLAIR.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

An Act to amend and consolidate the North-West  
Irrigation Acts of 1894 and 1895.

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

1. This Act may be cited as *The North-West Irrigation Act*, 1898. Short title.

2. In this Act, unless the context otherwise requires,—

- (a.) The expression "Minister" means the Minister of the Interior; Interpre-  
tation  
"Minister."
- (b.) The expression "Department" means the Department of the Interior at Ottawa; "Depart-  
ment."
- (c.) The expression "Commissioner" means the Commissioner of Public Works for the North-West Territories; "Commis-  
sioner."
- (d.) The expression "Chief Engineer" means the Chief Engineer and Surveyor of the Department of Public Works for the North-West Territories; "Chief  
Engineer."
- (e.) The expression "Dominion land surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands; "Dominion  
land  
surveyor."
- (f.) The expression "company" means any incorporated company, the object and powers of which extend to or include the construction or operation of irrigation or other works under this Act, or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes, and includes any person who has been authorized or has applied for authority to construct or operate such works or carry on such business, or who has obtained a license under section 11 of this Act, and also includes any irrigation district incorporated under an Ordinance of the North-West Territories; "Company."
- (g.) The expression "works" means and includes any dykes, dams, weirs, flood-gates, breakwaters, drains, ditches, basins, reservoirs, canals, tunnels, bridges, culverts, cribs, embankments, headworks, flumes, aqueducts, pipes, pumps, and any contrivance for carrying or conducting water or other works which are authorized to be constructed under the provisions of this Act; "Works."
- (h.) The expression "duty of water" means the area of land that a unit of water will irrigate, which unit is the discharge of one cubic foot of water per second; "Duty of  
water."
- (i.) The expression "licensee" means any person or company who is granted a license in accordance with the provisions of this Act. "Licensee."

- Application. **3.** This Act shall apply to the North-West Territories, except the provisional districts of Yukon, Mackenzie, Franklin and Ungava.
- Right to use waters. **4.** The property in and the right to the use of all the water at any time in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water shall, for the purposes of this Act, be deemed to be vested in the Crown, unless and until and except only so far as some right therein, or to the use thereof, inconsistent with the right of the Crown, and which is not a public right or a right common to the public, is established; and, save in the exercise of any legal right existing at the time of such diversion or use, no person shall divert or use any water from any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, otherwise than under the provisions of this Act.
- Rights of grantee of Crown lands. **5.** Except in pursuance of some agreement or undertaking existing at the time of the passing of this Act, no grant shall be hereafter made by the Crown of lands or of any estate, in such terms as to vest in the grantee any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, stream or other body of water, or in or with respect to the water contained or flowing therein, or the land forming the bed or shore thereof.
- Right to use waters may be acquired only under this Act. **6.** After the passing of this Act, no right to the permanent diversion or to the exclusive use of the water in any river, stream, watercourse, lake, creek, ravine, cañon, lagoon, swamp, marsh or other body of water, shall be acquired by any riparian owner or any other person by length of use or otherwise than as it may be acquired or conferred under the provisions of this Act unless it is acquired by a grant made in pursuance of some agreement or undertaking existing at the time of the passing of this Act.
- Persons already holding right must obtain license. **7.** Every company or person who holds water rights of a class similar to those which may be acquired under this Act, or who, with or without authority, has constructed or is operating works for the utilization of water, shall obtain a license under this Act before the first day of July, one thousand eight hundred and ninety-eight.
- If license is not obtained within stated time. **2.** If such license is obtained with the time limited, the exercise of such rights may thereafter be continued, and such works may be carried on under the provisions of this Act, otherwise such rights or works, and all the interest of such person therein, shall without any demand or proceeding be absolutely forfeited to Her Majesty and may be disposed of or dealt with as the Governor in Council sees fit.
- Application for license. **3.** Except in case of applications for water for domestic purposes, as hereinafter provided, the applications for such license shall be made in the same manner as for other licenses under this Act and the like proceedings shall be had thereon and like information furnished in connection therewith.
- Application for water rights which **8.** Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes,

upon application therefor as hereinafter provided ; and all applications made in accordance with the provisions of this Act shall have precedence, except applications under section seven, according to the date of filing them with the commissioner.

are vested in the Crown.

2. The purposes for which the right to water may be acquired are of three classes, namely : First, domestic purposes, which shall be taken to mean household and sanitary purposes and the watering of stock, and all purposes connected with the working of railways or factories by steam, but shall not include the sale or barter of water for such purposes ; second, irrigation purposes ; and, third, other purposes.

Water rights classified.

9. No application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes.

Rights of riparian proprietors.

10. Any person contemplating or projecting any works under this Act, may, upon submitting a general description of such works and upon payment of a fee of five dollars, obtain from the chief engineer a license to do the necessary preliminary work in connection with the location of such works ; and after he obtains such license may, with such assistants as are necessary, enter into and upon any public or private lands to take levels, make surveys, and do other necessary work in connection with such location, doing no unnecessary damage.

Preliminary work by licensee.

Entering lands.

11. Every applicant for license under this Act, except as hereinafter provided, shall file with the commissioner the following documents :—

Form of application.

(a.) A memorial, in duplicate, on forms provided by the commissioner, in which the applicant, shall set forth his name, residence and occupation, his financial standing, the source from which water is to be diverted, the point of diversion, the probable quantity of water to be used, the size and character of the works to be constructed, the area and location of the land to be irrigated, the value of such land in its present state, including improvements, the probable number of consumers, and the rate, if any, to be charged for water sold ; but if the applicant is an incorporated company, the memorial shall also set forth the names of its directors and officers and their places of residence, the date of its incorporation, the amount of the Company's subscribed capital, the amount of its paid up capital, the proposed method of raising further funds, if needed, and the purposes of which the Company is incorporated ;

Memorial.

If applicant is an incorporated company.

(b.) An application, on forms provided by the commissioner, for the right to construct any canal, ditch, reservoir, or other works referred to in the memorial, across any road allowance or surveyed public highway, which may be affected by such works ;

Application to cross road allowance or surveyed road.

(c.) A general plan, in duplicate, on tracing linen, drawn to a scale of not less than one inch to a mile, showing the source of supply, the position of the point of in-take, the location of the main canals or ditches, the tract of land to be irrigated, the name of the owner of each parcel of land crossed by the

General plan.

- canal, or ditch, or by any reservoir or other works connected therewith, or to be irrigated therefrom, and the position and area of all ponds, reservoirs and basins intended to be constructed for the storage of water ; and
- Detail plan. (d.) A plan, in duplicate, on tracing linen, showing in detail 5 all headworks, dams, flumes, bridges, culverts or other structures to be erected in connection with the proposed undertaking.
- Additional plans in the case of certain canals. **12.** In the case of all ditches or canals carrying more than 10 twenty-five cubic feet of water per second, in addition to the above informatiod the applicants shall furnish the following maps or plans, in duplicate :—
- (a.) A longitudinal profile of the ditch, showing the bottom and the proposed service water line, the horizontal scale being not less than one inch to four hundred feet, and the vertical 15 scale not less than one inch to twenty feet ;
- (b.) A plan showing cross-sections at a sufficient number of points to fully illustrate all the different forms which the ditch when constructed will take, particularly on side-hills or elsewhere where any portion of the water is to be conveyed in fill. 20 When water is to be conveyed in cut there shall also be shown on this plan cross-sections at points where the shortest horizontal distance from either side of the bottom of the ditch to the surface of the ground is less than double the bottom width of the ditch at that point. This plan shall be drawn on a horizontal 25 and vertical scale of one inch to twenty feet ;
- Plans of works in connection with reservoirs. (c.) Plans of any dams, cribs, embankments or other works proposed to obstruct any river, stream, lake or other source of water supply, or in order to create a pond, reservoir or basin of water anywhere, or which may have that effect prepared 30 on a longitudinal scale of not less than one inch to one hundred feet, and for cross-sections on a scale of not less than one inch to twenty feet, and showing what material is intended to be used and how placed in such works. The timber, brush, stone, brick or other material used in such works shall be shown in 35 detail to a scale of not less than one inch to four feet ;
- Plans of grounds under reservoirs. (d.) Cross-section maps or plans showing the surface of the ground under such pond; reservoir or basin of water, and also the surface of the water proposed to be held therein; the horizontal scale of the said maps or plans shall be not less than 40 one inch to one hundred feet; and the vertical scale shall be not less than one inch to twenty feet; and a sufficient number of lines of levels shall be shown, so that the contents of the pond, reservoir or basin of water may be accurately determined. If the maps or plans show the levels by contour 45 lines, they shall be on a scale sufficiently large that the contour lines shall show a vertical distance between them not exceeding one foot. The maps or plans shall have sufficient information to show clearly the property likely to be affected by the creation of such ponds, reservoirs or basins of water, and 50 the manner in which affected, and shall show in detail on a scale of not less than one inch to four feet the proposed manner of controlling and drawing off the water from any such pond, reservoir or basin.

- 13.** The memorials and plans filed as above prescribed, or a true copy thereof, shall be open for examination by the public at all times in the department and at the office of the commissioner at Regina. Memorials and plans to be open for inspection.
- 5 **14.** In any case in which he thinks proper, the Minister may direct that a copy of the memorial and plans shall be filed in such other place or with such other official or person as he names for that purpose, and such copy also shall be open to public inspection. Filing elsewhere.
- 10 **15.** Public notice of the filing of the memorial and plans shall forthwith be given by the applicant in some newspaper published in the neighbourhood, to be named by the commissioner, not less than once a week for a period of thirty days, within which time all protests against granting the rights applied for shall be forwarded to the Minister, and such notice shall contain a statement of the nature of the rights applied for, and the general character and location of the proposed works ; Public notice of application.
- 15 **2.** The Minister, after considering all protests filed, may authorize, as hereinafter provided, the construction of the proposed works, with such changes or variations as he deems necessary. Protests to be considered by Minister.
- 20 **16.** The memorial and plans filed with the commissioner as herein provided shall be examined by the chief engineer, and, after having been approved by him, one copy shall be forwarded for record purposes in the Department ; and, upon receipt of such memorial and plans, properly approved, together with a certificate that the proper notice of the filing of such memorial and plans has been published, and that permission has been granted by the commissioner to construct such works across road allowances or surveyed public roads affected thereby, the Minister may authorize the construction of the proposed works, fixing in such authorization a term within which the construction of the works is to be completed. Memorial and plans to be examined and approved.
- 25 **2.** Any changes and variations ordered by the Minister regarding the plans of the proposed works must be filed by the applicant in the office of the commissioner and shall form a portion of the record open for public inspection. Changes in plans to be filed.
- 30 **3.** No material deviation from the plans filed shall be made without permission, and any question arising as to whether any deviation is material or otherwise shall be decided by the chief engineer or such other officer as the Minister designates. Deviation from plans.
- 35 **17.** In the case of applications for water for domestic purposes the Minister may, if he sees fit, waive the necessity for filing the plans required by section 11 of this Act, and may require the applicants to file a memorial only, but he may order that such memorial shall contain all the information necessary to a full and complete understanding of the rights applied for. Filing of plans may be waived in certain cases.
- 40 **18.** Any works authorized under this Act shall, if the minister so determines, be constructed subject to inspection during construction by the chief engineer or any other officer to be Inspection of works.
- 50

- named by the minister ; and the cost of such inspection or such portion thereof as the minister decides, shall be borne by the person or company constructing such works.
- Inspection on application of proprietor near works. 2. Should any person residing on or owning land in the neighbourhood of any works, either completed or in course of construction, apply to the minister in writing desiring an inspection of such works, the minister may order an inspection thereof. 5
- Deposit to be made by applicant. 3. The minister may require the applicant for inspection to make a deposit of such sum of money as the minister thinks necessary to pay the expenses of an inspection, and in case the application appears to him not to have been justified may cause the whole or part of the expenses to be paid out of such deposit. 10
- Enforcing payment of costs. 4. In case the application appears to the minister to have been justified, he may order the person or company to pay the whole or any part of the expenses of the inspection, and such payment may be enforced as a debt due to Her Majesty. 15
- Works to be made secure. 5. Upon any inspection under the provisions of this section the minister may order the person or company to make any addition or alteration which he considers necessary for their security to or in any works of the person or company, and non-compliance with such order may be dealt with in the same manner as is provided with respect to an order of the minister under section 40 of this Act. 20 25
- When work may be commenced. 19. The person or company, immediately after the receipt of the authorization, may proceed with the construction of the works authorized, and for the purposes of such construction shall have the powers conferred by *The Railway Act* upon railway companies so far as the same are applicable to the undertaking of the person or company and are not inconsistent with the provisions of this Act or with the authority given to the person or company, the provisions conferring such powers being taken for this purpose to refer to any work of the person or company where in the said Act they refer to the railway. 30 35
- Powers under c. 29 of 1888.
- Time for commencing works limited. 20. The construction of any work authorized under this Act shall be commenced not later than two months after the date of the authorization, unless such two months expire between the first day of November and the first day of May following, in which case the time of commencement shall not be later than the first day of May following, and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose ; and the minister or such officer as he designates, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour. 40 45
- Extension of time in case of disaster. 2. Should any unforeseen disaster intervene to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the minister may authorize an extension of time for the commencement or completion of the works. 50
- Forfeiture of right if works are not 3. Upon the expiration of the time limited for the completion of the works, the rights granted to the person or 55

company shall cease and determine, except in so far as they are necessary for effectually operating the works then completed; and any works at the date of such forfeiture constructed or acquired, may be taken over and operated or disposed of by the minister in the manner and upon the terms hereinafter provided.

**21.** Lands required for the works of the person or company, as shown by the maps and plans filed, in whomsoever they are vested, whether in Her Majesty or in any person or company under this Act, or in any railway company, or in any other person whomsoever, or any interest in or right or privilege with regard to such land which is so required, may be taken and acquired by the person or company; and to this end all the provisions of *The Railway Act* which and so far as they are applicable to such taking and acquisition, shall apply as if they were included in this Act, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals, respectively, wherever in the provisions of the said Act the latter minister and department are referred to: Provided, that the Minister of the Interior may impose such terms and conditions as he thinks proper in the public interest in connection with the acquisition under this section of any lands which are vested in any person or company under this Act, or in any railway company, or of any interest in such lands or any right or privilege affecting such lands.

**2.** All the provisions of *The Railway Act* which are applicable shall in like manner apply to fixing the amount of and the payment of compensation for damages to lands arising out of the construction or maintenance of the works of the person or company or the exercise of any of the powers granted to the person or company under this Act.

**22.** All maps, plans and books of reference showing any lands other than Crown lands necessary to be acquired under the provisions of this Act, by any person or company for right of way or for any purpose in connection with the construction and maintenance of their works must be signed and certified correct by a duly qualified Dominion land surveyor. Such maps, plans and books of reference shall be prepared in duplicate, and one copy shall be filed in the office of the commissioner and the other registered by the applicant in the land titles office for the registration district within which the lands affected by such surveys are situated.

**23.** The minister or such officer as he designates shall, in case of dispute, be the sole arbiter as to the area of land which may be taken by the person or company without the consent of the owner for any purpose in the construction or maintenance of their works.

**24.** Upon the expiration of the time mentioned in the authorization for the construction of any works, or at any time before such date, if the construction is sooner completed, an inspection shall be made by the chief engineer or such other officer as the minister appoints; and a certificate shall be issued

completed  
within time  
limited.

Power to take  
lands.

Compensation  
for damages.

Maps, &c., to  
be certified  
and filed.

Disputes as to  
lands taken.

Inspection of  
works on  
completion  
and issue of  
certificate for  
license.

by the chief engineer and be forwarded to the department setting forth that the works have been completed in accordance with the application, that the right of way for the works has been obtained, that agreements have been entered into for the supply of water for the irrigation of lands which are not the property of the applicant, and that the works as constructed are capable of carrying and utilizing a stated quantity of water. 5

2. Upon receipt of such certificate the minister shall issue a license to the applicant for the quantity of water to which he is entitled, and such license shall be recorded in the office of the commissioner at Regina. 10

Priority of right

**25.** Licensees shall have priority among themselves according to the number of their licenses, so that each licensee shall be entitled to receive the whole of the supply to which his license entitles him, before any licensee whose license is of a higher number has any claim to a supply; and if a complaint is made to the minister, or to an officer authorized by him to receive such complaints, that any licensee is receiving water from a source of supply to which another licensee is entitled by virtue of priority of right, and that the licensee having such priority of right is not receiving the supply to which he is entitled, some officer to be named by the minister or the officer to whom complaint is so made, as the case may be, shall inquire into the circumstances of the case, and, if he finds that there is ground for the complaint, shall cause the head-gates of the ditch or other works of the licensee who is receiving an undue supply of water to be closed, so that the supply to which the other licensee is entitled shall pass and flow to his works. 15 20 25

Settlement of disputes.

Licensee's rights limited by capacity of works.

**26.** When any works for carrying water are not of sufficient capacity to carry the quantity of water acquired by their owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying; and in case of dispute as to such quantity the minister may order an inspection of the works; and the report and finding of the inspecting officer as to the capacity thereof shall, for the purposes of this section, be final and conclusive. 30 35

Cancellation of license and reservation of water right in certain cases.

**27.** When the land to be irrigated by the water granted to a licensee is land for which letters patent from the Crown have not been issued, being held by the licensee under a homestead or other conditional entry or a lease in accordance with the provisions of *The Dominion Lands Act*, or under an agreement to purchase such land, the license for such water shall be cancelled upon receipt by the minister of a certificate of the cancellation of such homestead or other conditional entry, lease or sale agreement; but the water right necessary for the irrigation of such land may be reserved for such time as the minister determines, and may be disposed of, together with all works connected therewith, to the next occupant or purchaser of such land, upon such terms and conditions as the minister determines; and the new license issued for such water shall have the same number and hold the same priority of right as the original or cancelled license. 40 45 50

- 28.** Every person and every company and the officers and directors thereof shall afford to any inspecting officer such information as is within their knowledge and power in all matters inquired into by him, and shall submit to such inspecting officer all plans, specifications, drawings and documents relating to the construction, repair or state of repairs of the works or any portion thereof. Information to be afforded to inspecting engineer.
- 2.** The production of instructions in writing signed by the minister or his deputy or the secretary of the Department of the Interior, shall be sufficient evidence of the authority of such inspecting officer. Proof of his authority.
- 29.** Every person who wilfully obstructs an inspecting officer in the execution of his duty shall be liable, on summary conviction, to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, with or without hard labour, or to both. Penalty for obstructing him.
- 30.** Every person who interrupts, molests or hinders in his work any engineer or Dominion land surveyor engaged in making surveys or levels, or in other operations in connection with any work authorized under this Act, is guilty of an offence, and liable, on summary conviction, to a penalty not exceeding twenty dollars, or to imprisonment for a term not exceeding two months, or both. Penalty for obstructing engineer or surveyor.
- 31.** Every person who, without authority, takes or diverts any water from any river, stream, lake or other waters or from any works authorized under this Act, or who takes or diverts therefrom any greater quantity of water than he is entitled to, is guilty of an offence, and liable, upon summary conviction, to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both, and upon indictment to a fine not exceeding five dollars per day or fraction of a day for each unit or fraction of a unit of water improperly diverted, or to imprisonment for a term not exceeding thirty days, or to both. Penalty for improper diversion by any person.
- 32.** No licensee shall divert more water than the quantity actually granted by his license, and any licensee so doing shall be guilty of an offence punishable on summary conviction by a fine not exceeding five dollars per day, or fraction of a day, for each unit or fraction of a unit of water so diverted. Penalty for improper diversion of water.
- 2.** In case of dispute as to the quantity of water diverted, the minister may order an inspection of the works of the licensee by an officer named by him for that purpose; and for the purposes of this section, the report and finding of such officer as to the quantity diverted shall be final and conclusive. Disputes as to quantity of water diverted.
- 33.** When any licensee abandons or ceases to use or wastes any waters to which his license entitles him and any charge of such abandonment or ceasing to use waste water is made to the minister, such charge may be inquired into by him or by any person or officer appointed by him for that purpose; and the minister if he deems just and proper, may, by order de-
- Forfeiture of licensee's rights by waste or non-user.

clare a forfeiture of the license, and the license so ordered or declared to be forfeited shall be cancelled and shall cease and determine.

- Disposal of surplus water to applicants. **34.** Any licensee shall dispose of any surplus water flowing in his works which is not being utilized or used for the purposes authorized, to any person applying therefor for irrigation purposes and tendering payment for one month in advance at the regular prices. 5
- Payment by applicant. 2. Persons so applying shall pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or shall themselves construct such works; and until this is done the delivery of surplus water need not be made. 10
- Quantity of water to which applicant is entitled. 3. When the necessary works have been constructed and the payment or tender herein provided for has been made, the applicant shall be entitled to the use of so much of the surplus water as such works have the capacity to carry. 15
- Limitation. 4. Nothing in this section shall be construed to give to any person acquiring the right to use surplus water any right to the said surplus water when it is needed by the licensee for the purposes authorized, or to waste or sell or dispose thereof after being used by him, or shall prevent the original owners from retaking, selling or disposing thereof in the usual or customary manner after it has been so used as aforesaid. 20
- No discrimination in prices after stated time. **35.** No licensee undertaking to sell water conveyed by his works shall, subsequent to the first four years after the construction of such works as are necessary to convey the water to the user, discriminate between the users of such water regarding the price thereof. 25
- If supply of water is insufficient. 2. If from any cause the whole amount of water agreed to be supplied by a licensee is not available, then each user shall have furnished to him by the licensee so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished. 30
- Penalty. 3. Any licensee violating these provisions shall be guilty of an offence against this Act and liable upon summary conviction to a fine not exceeding one thousand dollars for each and every such offence, or to imprisonment for a period not exceeding two months, or to both. 35
- Storage of water. **36.** The minister may grant to any licensee the right to store for irrigation purposes during periods of floods or high water, or during those portions of the year when water is not required for irrigation purposes, any water not being used during such periods. 40
- Utilization for that purpose of existing works. 2. Should there be any works for the carriage of water which are not being utilized to their full capacity by their owner, and which can with advantage be utilized to carry the whole or any portion of the water desired to be stored any portion of the distance it is required to be so carried or conducted, without interfering with the use made of the said works by their owner, then the said works shall be placed at the disposal of the licensee desiring to so use it; and if the parties cannot agree upon the compensation to be paid for such service, the minister may fix the rate to be paid therefor. 50

**37.** Any person or company constructing any works under the provisions of this Act, shall during such construction keep open for safe and convenient travel all public highways therefore publicly travelled as such, when they are crossed by such works, and shall, before water is diverted into, conveyed or stored by any such works extending into or crossing any such highway, construct, to the satisfaction of the minister, a substantial bridge, not less than fourteen feet in breadth, with proper and sufficient approaches thereto, over such works; and every such bridge and the approaches thereto shall be always thereafter maintained by such person or company.

Highway crossings.

**38.** Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement of flowing water, and the cubic foot or acre foot, the unit of measurement of quantity. The acre foot is equivalent to forty-three thousand five hundred and sixty cubic feet.

Unit of measurement.

**39.** Companies obtaining a license under this Act shall, on or before the thirty-first day of January in each year, make a return to the minister, attested by the oath of its president and secretary, for the year ending the thirty-first day of December preceding, showing:

Annual return by company.

- The amount expended on construction;
- The amount expended on repairs;
- The amount received from shareholders;
- The amount of bonds issued;
- The amount received for water supplied for irrigation;
- The amount received from other sources;
- The amount of dividend declared and paid;
- The amount of capital stock authorized;
- The amount of capital stock subscribed;
- The amount of capital stock paid up to date;
- The amount of bonded indebtedness;
- The amount bonds sold for;
- The rate of interest bonds bear;
- The amount of indebtedness other than bonds, and the rate of interest such indebtedness is bearing;
- The cost of management;
- A statement of the works, and their extent and character;
- The number of miles of canals, ditches, etc.;
- The number of users;
- The number of acres actually under irrigation;
- The number of acres of irigable land in the system;
- The names of officers and employees;
- The proposed extensions during ensuing years and the acreage to be covered thereby;
- Such other *data* as the Governor in Council sees fit to order.

2. Attached to such annual return shall be a copy of the by-laws of the company, showing all amendments thereto during the year covered by the said return.

Copy of by-laws.

3. The returns required by this section may be waived by the minister in the case of a private person supplying water solely to himself.

Exception.

**40.** When a complaint, under oath of the complainant and of at least one witness, is made to the minister or the commis-

Order by minister in

case of  
complaint  
against  
licensee.

sioner by a consumer of water who has paid his rates, that a licensee who has engaged or is under obligation to supply him with water is failing to do so, or is failing to keep his works in proper condition, the minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint, and if he considers the complaint established may order and direct that the licensee shall take forthwith such action as he considers necessary in order as far as possible to remove the cause of complaint. 5 10

Reference to  
judge.

2. If the licensee fails to obey such order, the minister shall forthwith issue a certificate to that effect, reciting all the facts, which certificate being presented to the judge of the Supreme Court for the judicial district within which such works lie, the judge shall hear and determine the matter in a summary manner, and shall order the licensee to proceed with all despatch to take such measures as he considers necessary in the premises; and refusal or neglect to obey any order made by a judge under this section may be treated and punished as contempt of court, and such other proceedings may be had and taken thereon as in the case of non-compliance with any other mandatory order of the said court or a judge thereof. 15 20

Refusal to  
obey order  
of judge.

Amalga-  
mation of  
companies.

41. The Governor in Council may authorize two or more companies whose works are contiguous, to unite and form one company with a view to providing increased water supply and extending their works, when he is satisfied that the holders of more than fifty per cent of the capital stock of each company are in favour of the union, that users dependent upon the water supply will not be injured, and that the companies to be united have the necessary financial means for carrying out the proposed undertaking,—the same particulars being furnished to the Governor in Council as are required to be furnished upon an application for authorization to construct works under this Act; and public notice of the authorization of the united companies and their proposed works shall be given in the manner prescribed under section 15. 25 30 35

Minister  
may issue  
summons.

42. The minister or any one specially authorized by him may, when he deems it necessary for the satisfactory carrying out of the provisions of this Act or the regulations to be framed under it, summon before him any person by subpoena, examine such person under oath, and compel the production of papers and writings; and for neglect to obey such summons or refusal to give evidence, or to produce the papers or writings demanded of him, the minister or the person authorized may, by warrant under his hand, order the person in default to be imprisoned in the nearest common jail as for contempt of court, for a period not exceeding fourteen days. 40 45

Penalty for  
disobeying it.

Before whom  
affidavits may  
be taken.

43. All affidavits, oaths, solemn declarations or affirmations required to be taken under this Act or any regulations made thereunder, may be taken before the Chief Engineer, or any persons specially authorized by the minister to take them, or any other persons authorized to take affidavits in the North-West Territories; and the minister may require any statement called for under this Act, or under any such regulation, to be verified by oath, affidavit, affirmation or declaration. 50 55

44. The minister may take such steps as he deems necessary at any time to secure a complete or partial survey of the sources of the water supply for irrigation and other purposes, with an estimate of the extent and location of irrigable lands, and of the site or sites suitable for ponds, basins and reservoirs for water storage, and may reserve lands forming such sites from general sale and settlement and dispose thereof by sale or lease to be utilized for purposes within the purview of this Act. He may also take such steps as he thinks necessary to protect the sources of water supply and to prevent any act likely to diminish or injure the said supply.

The Minister may order surveys, etc.

45. The minister may from time to time authorize the establishing in rivers, streams, lakes, and other waters, water gauges for computing the approximate volume and discharge of waters, the placing of high water marks on rivers and streams, lakes and other waters when in flood, the taking of steps for securing analyses of the water of rivers, streams, lakes and other waters, and the adopting of such other measures and proceedings for promoting the beneficial use of water, and for controlling and regulating the diversion and the application thereof as he finds necessary and expedient and as are consistent with the provisions of this Act.

High water marks, analysis of water, etc.

46. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over and operate or otherwise dispose of the works of any licensee authorized under this Act: Provided, that compensation shall be paid for such works at their value,—such value to be ascertained by reference to the Exchequer Court, or by arbitration, one arbitrator to be appointed by the Governor in Council, the second by the licensee, and the third by the two so appointed, or in case these cannot agree as to the third arbitrator, by the Exchequer Court,—and in estimating such value the court or the arbitrators may take into account the expenditure of the licensee and interest on such expenditure, and the value of his property, works and business: Provided also, that no person who at such date is using the water of the said works, shall be deprived of the quantity of water he is entitled to: Provided further, that in any such case the Governor in Council shall have due regard to the claims to consideration of any persons who have prepared or have in course of preparation any land to be supplied with water by the works taken over.

Expropriation of works by Government.

Proviso.

Proviso.

Proviso.

47. The by-laws and regulations of companies operating under this Act shall not contain anything contrary to the true intent and meaning of this Act, and shall be subject to revision and approval by the minister; and no tariff of charges for water furnished by any licensee shall come into operation until it has been approved by the minister.

By-laws of company.

48. Any company authorized under this Act may issue bonds, debentures or other securities to the amount of its subscribed capital, or double the amount of its paid-up capital, whichever is the smaller amount.

Issue of bonds by company.

Acquisition of  
lands by  
company.

Exceptions.

**49.** Any company authorized under this Act may acquire land by purchase or lease for improvement by irrigation, and shall dispose thereof within fifteen years after its acquisition, otherwise such land shall revert to the Crown; excepting however such lands as are actually under cultivation or are being used for farming, gardening, stock-raising, dairying, horticulture, tree-planting and forestry: Provided that the lands so excepted do not comprise more than ten per cent of the total area of land brought under irrigation by the company. 5

Company may  
construct  
telegraph and  
telephone  
lines, etc.

**50.** Any company authorized under this Act may for the purposes of its undertaking construct or acquire electric telegraph and telephone lines or any other contrivances for the transmission of messages through or along wires, rods, tubes or other appliances, and may acquire any land necessary for the construction and operation of such lines or contrivances, and the lands necessary to be taken and acquired for this purpose may be acquired under the provisions of section 21 of this Act. 10 15

General  
powers of  
minister.

**51.** The minister may—  
 Define the manner in which the measure of water shall be arrived at; 20  
 Define the duty of water according to locality and soil;  
 Define the portion of the year during which water shall be supplied for irrigation;  
 Fix the fee or charge to be paid for licenses issued under this Act,—which fees or charges may be varied according to the capital employed or volume of water diverted; 25  
 Regulate the extent of diversion from rivers, streams, lakes or other waters;  
 Regulate the passage of logs, timber and other products of the forests through or over any dams or other works erected in rivers, streams, lakes and other waters under the authority of this Act; 30  
 Regulate from time to time the water rates which may be charged by licensees, and the publication of tariffs of rates; 35  
 Prescribe forms to be used in proceedings under this Act;  
 Impose penalties for violations of any regulation made under the authority of this Act,—which penalties shall in no case exceed a fine of two hundred dollars or three months' imprisonment, or both; 40  
 Regulate the manner in which water is to be supplied to persons entitled thereto, whether continuously or at stated intervals, or under both systems;  
 Authorize some person or officer, whose decision shall be final and without appeal, to decide in cases of dispute as to what constitutes surplus water as mentioned in this Act; 45  
 Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise and for which no provision is made in this Act; and further, make any regulations which are considered necessary to give the provisions of this Act full effect. 50

Publication of  
Orders in  
Council.

**52.** All regulations made and forms prescribed by the minister under this Act shall be published in the *Canada*

*Gazette* and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

**53.** Any companies already formed to promote irrigation shall be subject to all the provisions of this Act, except so far as the powers mentioned in section 48 are concerned. Application of Act to companies now existing.

**54.** The provisions of sections 41, 48 and 49 of this Act shall not apply to any irrigation district incorporated under an Ordinance of the North-West Territories. Exemption.

10 **55.** The North-West Irrigation Act, being chapter 30 of the statutes of 1894, and chapter 33 of the statutes of 1895, in amendment thereof, are hereby repealed. Repeal.

No. 146.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend and consolidate the  
North-West Irrigation Acts of 1894  
and 1895.

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First reading, May 17th, 1898.

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Mr. SIFTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

D.]

**SENATE BILL.**

[1898.

An Act for the relief of James Pearson.

**W**HEREAS James Pearson, of the city of Toronto in the province of Ontario, barrister-at-law, has by his petition set forth that on the third day of June, one thousand eight hundred and eighty-four, he was lawfully married to Minnie Holcombe, of the city of Brooklyn, in the state of New York, one of the United States of America, at the said city of Brooklyn; that they lived together as husband and wife at the said city of Toronto until in the year one thousand eight hundred and ninety-one, when he, on discovering that she had been guilty of adultery in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety-one, ceased to live with her; that after he ceased to live with her, she continued to live an irregular life, and on divers occasions committed other acts of adultery; and whereas he has humbly prayed that the said marriage may be dissolved, and has proved the said allegations of his petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 **1.** The said marriage between the said James Pearson and Minnie Holcombe, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

25 **2.** The said James Pearson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Minnie Holcombe had not been solemnized. Right to marry again.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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*Bill 147*

SENATE BILL.

D

An Act for the Relief of James Pearson.

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Received and read a first time Wednesday,  
9th March, 1898.  
Second reading, Thursday, 24th March, 1898.

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HONOURABLE MR. CLEMOW.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Transport Contract between Her Majesty and the Winnipeg Great Northern Railway Company.

**W**HEREAS, under the authority of chapter 8 of the statutes Preamble.  
of 1895, a transport contract, dated the twelfth day of May, one thousand eight hundred and ninety-six, was entered into between Her Majesty and the Winnipeg Great Northern  
5 Railway Company, for payment to that Company of the moneys therein mentioned on the completion by the Company of the line of railway therein mentioned; and whereas it is in the public interest that instead of the said line being constructed to the mouth of the Saskatchewan River it should be con-  
10 structed as hereinafter defined, and the Company is willing so to construct it: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Instead of a line to the Saskatchewan River, the Winni-  
15 peg Great Northern Railway Company may, before the thirty-  
first day of December, one thousand eight hundred and ninety-  
nine, construct a line of railway commencing on the Lake  
Manitoba Railway and Canal Company's line at a point between  
Dauphin Station and Lake Winnipegosis, thence towards the  
20 Swan River district northerly and westerly for one hundred  
and twenty-five miles, the location to be approved by the Gov-  
ernor in Council; and, upon the Company giving its assent  
thereto, the contract mentioned in the preamble shall apply to  
the line hereby authorized instead of to the line mentioned in  
25 the said contract, and upon such assent the construction  
of the line hereby authorized shall entitle the Company to the  
payments under the said contract to which it would be entitled  
upon the construction of the line therein mentioned, and  
the Company's land subsidy shall apply to the line hereby  
30 authorized.

Change  
in location  
of railway.

Application of  
contract and  
land subsidy.

No. 148.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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**BILL.**

An Act respecting the Transport Contract  
between Her Majesty and the Winni-  
peg Great Northern Railway Company.

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First reading, May 20th, 1898.

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Mr. BLAIR.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 149.]

**BILL.**

[1898.

An Act to authorize certain contracts with steamship companies for Cold Storage accommodation.

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

1. The Governor in Council may enter into contracts with  
5 Furness, Withy and Company, Limited, and with the Manchester Steamship Liners, Limited, to provide cold storage on steamships from Montreal, St. John and Halifax, to the United Kingdom, during the seasons of one thousand eight hundred and ninety-eight, one thousand eight hundred and ninety-nine,  
10 and one thousand nine hundred, on such terms and conditions as the Governor in Council deems expedient,—the sum to be paid for such cold storage not to exceed twelve thousand dollars in any one year.
- Contracts authorized for cold storage on certain steamships to Great Britain.
- Limitation of amount to be paid.

No. 149.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to authorize certain contracts  
with steamship companies for Cold  
Storage accommodation.

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First reading, 23rd May, 1898.

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Mr. FISHER.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting the judges  
of Provincial Courts.

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

1. Subsection 1 of section 2 of the *Act respecting the Judges* R. S. C. c. 138,  
5 of the *Provincial Courts*, chapter 138 of the Revised Statutes,  
is hereby repealed and the following is substituted therefor :—  
“2. Every judge of a county court in any of the provinces  
of Canada shall, subject to the provisions of this Act, hold  
office during good behaviour and his residence within the  
10 county or union of counties for which the court is established :  
Provided that no person shall hold or retain office as such judge  
after he has completed the seventy-fifth year of his age.”  
2. The subsection so substituted shall apply as well to judges  
now holding office as to judges to be hereafter appointed. Application  
of this section.  
15 3. This section shall come into force on the first day of  
October, one thousand eight hundred and ninety-eight. Coming into  
force.
2. Section 3 of the said Act is hereby amended by striking  
out the fourth line thereof and substituting the following  
therefor :—  
20 “Four Justices of Appeal, each.....\$5,000 per annum.”  
Section 3  
amended.
3. Section 4 of the said Act, as amended by chapter 15 of  
the statutes of 1887, by section 1 of chapter 39 of the statutes  
of 1889, and by section 1 of chapter 56 of the statutes of 1894,  
is hereby repealed and the following is substituted therefor :—  
25 “4. The salaries of the judges of the Court of Queen’s  
Bench and of the Superior Court, in the Province of Quebec,  
shall be as follows :—  
The Chief Justice of the Queen’s Bench...\$6,000 per annum. New section 4.  
Five puisné judges of the said court, each.. 5,000 “  
30 The Chief Justice of the Superior Court... 6,000 “  
Fourteen puisné judges of the said court,  
whose residences are fixed at Montreal or  
Quebec (including the judge to whom the  
district of Terrebonne is assigned), each... 5,000 “  
35 Fourteen puisné judges of the said court,  
whose residences are fixed within dis-  
tricts other than Bonaventure and Gaspé  
or Saguenay, each..... 4,000 “  
40 Two puisné judges of the said court, whose  
residences are fixed within the districts  
of Bonaventure and Gaspé or Saguenay,  
each..... 3,500 “
- Salaries  
of judges of  
Queen’s Bench  
and Superior  
Court,  
Quebec.

	If the Chief Justice of the Superior Court resides at Quebec, the judge residing at Montreal who is appointed by the Governor in Council to perform the duties of chief justice in the district of Montreal as it is comprised and defined for the Court of Review,—or, if the chief justice resides at Montreal, the judge residing at Quebec who is appointed by the Governor in Council to perform the duties of chief justice in the district of Quebec as it is comprised and defined for the Court of Review,—in addition to his other salary..\$1,000 per annum.	5
New section 10A.	<b>4.</b> Section 10A, added to the said Act by section 1 of chapter 38 of the statutes of 1895, is hereby repealed and the following is substituted therefor :—	15
Salaries of judges of Montreal Circuit Court.	“ <b>10A</b> The salaries of the judges of the Circuit Court of the district of Montreal shall be as follows :— “Three judges of the said court, each . . \$3,000 per annum.”	
Section 10B added	<b>5.</b> The said Act is further amended by inserting the following section immediately after section 10A :—	20
Judge of Yukon Territory.	“ <b>10B.</b> The salary of the judge of the Supreme Court of the Yukon Territory shall be \$4,000 per annum.”	
Section 11 amended.	<b>6.</b> The paragraph relating to Ontario of section 11 of the said Act is hereby amended by striking out the third, fourth, fifth and sixth lines thereof and substituting the following :—	25
Salaries of judges of County Courts Ontario.	“The judges and junior judges of the county courts, each \$2,000 per annum during the first three years of service, and after three years of service, each \$2,400 per annum.”	
Nova Scotia.	2. The paragraph of the said section relating to Nova Scotia is hereby amended by substituting the figures “\$3,000” for “\$2,400” in the second line thereof.	30
Prince Edward Island.	3. The paragraph of the said section relating to Prince Edward Island is hereby repealed and the following is substituted therefor : “The judge of the county court of Queen’s County, \$3,000 per annum; two other county court judges, each \$2,000 per annum, during their first three years of service, and after three years of service, each \$2,400 per annum.”	35
Coming into force of this section.	4. This section shall not come into effect until the first day of July, one thousand eight hundred and ninety-eight.	40
Section 11 further amended.	<b>7.</b> The paragraph relating to Manitoba of the said section 11, as enacted by section 1 of chapter 33 of the statutes of 1897, is hereby repealed and the following is substituted therefor :—	
County court judges, Manitoba.	“Six county court judges, each \$2,000 per annum during the first three years of service, and after three years of service, each \$2,400 per annum.”	45
Retroaction.	2. The said paragraph hereby substituted shall be construed as if it had originally been enacted by the said chapter 33 of the statutes of 1897, instead of the paragraph hereby repealed.	50
Section 13 amended.	<b>8.</b> Section 13 of the said Act is hereby amended by inserting the following paragraph between the twelfth and thirteenth lines :—	50

“To each of the judges of the Court of Queen’s Bench, for  
attending the Court of Queen’s Bench (appeal side or criminal  
side) for a part only of a term, or for the purpose of disposing  
of cases already heard, or for attendance for the performance  
5 of any other judicial duty, or attending at Montreal or Quebec,  
at the written request of the Chief Justice or judge performing  
the duties of Chief Justice, for the purpose of conference and  
*délibéré* as to appeals heard, six dollars for each day’s absence  
from his place of residence, provided that three days’ absence  
10 at least shall always be allowed.”

Travelling  
allowances,  
Court of  
Queen’s  
Bench,  
Quebec.

9. The sixteenth, seventeenth, eighteenth and nineteenth  
lines of the said section 13 are hereby repealed, and in lieu  
thereof it is hereby enacted that to each of the judges of the  
Superior or Circuit Courts of the Province of Quebec attending  
15 as such, at the request in writing of the Chief Justice or judge  
discharging the duties of Chief Justice in the district, any  
court held at any other place than that at which he resides,  
for each day he is absent from such place of residence there  
shall be paid, for travelling allowances, six dollars; but no  
20 travelling allowance shall be granted to any judge requested  
to sit in review under section 1 of chapter 20 of the statutes  
of 1898 of the Legislature of Quebec, unless it is certified by  
the Chief Justice or judge discharging the duties of Chief  
Justice in the district, that the attendance of such judge was  
25 necessary by reason of the illness, incapacity or absence of one  
of the judges resident at Montreal or Quebec, as the case may  
be.

Section 13  
further  
amended.

Travelling  
allowances  
Superior and  
Circuit  
Courts,  
Quebec.

10. The said section 13 is hereby further amended by  
inserting immediately after the paragraph making provision for  
30 the travelling allowances of the judges of the Supreme Court of  
the North-West Territories, the following paragraphs:—

Section 13  
further  
amended.

“In the Yukon Territory,—

“To the judges of the Supreme Court, such travelling allow-  
ances as the Governor in Council determines;

Travelling  
allowances,  
judges of  
Yukon  
Territory and  
of district  
Courts,  
Ontario.

35 “In the Province of Ontario,—

“To each judge of a District Court, an annual sum of five  
hundred dollars.”

No. 150.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Act respecting  
the judges of Provincial Courts.

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First reading, May 26th, 1898.

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Pacific and Yukon Railway,  
Navigation and Mining Company.

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

1. The Right Honourable Horace Brand Townsend, Baron Incorporation.  
Farquhar, the Honourable Herbert Cokayne Gibbs, Francis  
Alfred Lucas, Joseph Harry Lukach, Rochfort Maguire, Harry  
10 Mosenthal, Lionel Phillips, John Edward Dudley Ryder,  
Gerald Dudley Smith, Hamilton Smith, together with such  
persons as become shareholders in the company hereby incor-  
porated, are hereby constituted a body corporate under the  
name of "The Pacific and Yukon Railway, Navigation and Corporate  
15 Mining Company," hereinafter called "the Company." name.

2. The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.

3. The head office of the Company shall be in the city of Head office.  
London, England, or in such other place in Great Britain, or  
20 in Canada, as the directors from time to time determine by  
by-law.

4. The Company may lay out, construct and operate a rail- Line of  
way of the gauge of three feet, or such other gauge as may be railway  
adopted by the Company, from a point at or near Pyramid described.  
25 Harbour, near the head of Lynn Canal, or from a point on or  
near the international boundary between Canada and the  
United States, in the vicinity of Lynn Canal, thence through  
the Chilkat Pass, thence to Dalton's Post, on the Alsek River,  
and thence by the best feasible route to a point below Five  
30 Finger Rapids on the Lewes River; and may vary the said  
route if necessary or advisable.

5. The Company may, for the purpose of its business,— Powers of  
(a.) construct, equip, acquire, charter, navigate and dispose Company.  
of steam and other vessels upon the rivers, lakes and streams Vessels.  
35 in the territory served by the said railway or tributary thereto,  
or connecting with, and upon other inland waters of the North-  
West Territories and British Columbia, connecting therewith or  
adjacent to the proposed line of railway, and carry on gener-  
ally the business of transportation in connection with the said  
40 railway and vessels;

Running rights.	(b.) acquire and work mines, mineral and mining rights in British Columbia and the North-West Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;	5
Roads, docks, etc.	(c.) construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills and other buildings and works which are necessary or convenient for the purposes of the Company ;	10
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	15
Water and steam power.	(e.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works ;	20
Carriers.	(f.) carry on in the province of British Columbia, and in the North-West Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainment of the above objects ;	25
Property.	(g.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking, and again dispose of such rights ;	30
Storekeepers.	(h.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches ;	35
Mineral products.	(i.) enter into traffic and other arrangements with other railway and transportation companies ; and issue preference stock and bonds.	40
Patent rights.		45
Water supply.		50
Traffic arrangements.		55
Issue of preference stock.		
Telegraph and telephone lines.	6. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay sub-	50 55

marine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.

7. If the Company requires land for wharfs, docks and  
5 elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land and all the provisions of sections 107 to 111 both inclusive, of *The Railway Act* shall apply to the subject-matter of this section, and to the obtain-  
10 ing of such land and determining the compensation therefor.

Proceedings  
when extra  
land required.

8. The Company may receive, either by grant from any  
government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for  
15 in this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such of the said property as is not required for the purpose of the Company in carrying out the provisions of this  
20 Act.

Power to  
receive grants  
and subsidies.

9. The said Francis Alfred Lucas, Joseph Harry Lukach,  
Lionel Phillips, John Edward Dudley Ryder and Gerald  
Dudley Smith, shall be the first or provisional directors of  
25 the Company. The said directors may deposit in any recognized bank in London, England, or chartered bank of Canada, moneys received by them on account of stock subscribed, which moneys shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional  
directors.

10. The capital stock of the Company shall be eighteen  
30 millions of dollars, and may be called up by the directors from time to time and in such amounts as they deem necessary.

Capital stock.

11. The directors under the authority of the shareholders  
35 given at any annual meeting or at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may convert ninety thousand shares, representing nine million dollars, or any less number of shares of the capital stock of  
40 the Company, into preference stock; and the holders of such preference stock shall be entitled to receive a preferential dividend at such rate and have such priority as regards capital and dividend, and such privileges as to voting or otherwise, as the directors may, by resolution, determine; and the direc-  
45 tors shall have power to give such preference stock the right of participation in any surplus there may be after payment of such a rate of dividend on the ordinary shares as the directors may decide.

Preference  
stock.

12. The annual meeting of the shareholders shall be held  
50 on the first Tuesday in the month of May in each year.

Annual  
meeting.

Election of directors.

**13.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, one or more of whom may be paid directors.

5

Powers as to navigation and transportation.

**14.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

10

1888 c. 29.

**15.** *The Railway Act* shall extend and apply to the railway undertaking of the Company and shall be incorporated with and form part of this Act in so far as is not inconsistent with any of the provisions hereinbefore contained.

15

Time for construction limited.

**16.** If the railway mentioned in section 4 of this Act is not finished and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void.

20

Power of Parliament as to future legislation.

**17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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3rd Session, 8th Parliament, 61 Victoria, 1898

SENATE BILL.

*Bill 151*

F

An Act to incorporate the Pacific and Yukon Railway, Navigation and Mining Company.

Received and read a first time, Thursday, 10th March, 1898.  
Second reading, Monday, 25th March, 1898.

Honourable Mr. LOUGHEED.

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Customs Act.

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

1. Section 105 of *The Customs Act*, chapter 32 of the Revised Statutes, is hereby repealed and the following is substituted therefor :—

R.S.C., c. 32,  
new section  
105.

“105. Warehoused goods may be delivered as ship’s stores for any vessel of the registered tonnage of fifty tons and upwards, bound on a voyage to a port out of Canada, or engaged in trade between an Atlantic port and a Pacific port of Canada, or in trade on inland waters along the international boundary between the United States and Canada, or for any vessel bound for and engaged in the deep sea-fishing, proof being first made by affidavit of the master or owner, or his agent, to the satisfaction of the proper officer, that the stores are necessary and intended for the purposes aforesaid : Provided, that the Minister of Customs may define and limit the kind, quantity and class of goods which may be so delivered as ship’s stores; and provided also, that he may define and limit the kind, quantity and class of articles arriving in Canada as stores of vessels which may be used free of duty on board such vessels in Canadian waters, or which shall be treated as surplus stores of vessels.

As to warehoused goods taken as ship’s stores.

Proviso.

“2. If such stores or any part thereof are or is re-landed, sold or disposed of in Canada without due entry and payment of duty, such stores and the vessel for or from which they were delivered shall be seized and forfeited.”

Forfeiture for re-landing, etc., without paying duty.

2. Section 245 of the said Act is hereby amended by adding the following paragraphs thereto immediately after the word “regulations” in the fourth line of paragraph (p) :—

Section 245 amended.

“(q.) For prescribing the allowance which shall be made for deficiencies on wines and spirits in cask, in bonded warehouse, arising from natural causes; provided, however, that the scale shall not exceed that allowed in the United Kingdom for deficiencies on wines and spirits in bond;

Regulations by Governor in Council as to deficiencies on spirits.

“(r.) For fixing and establishing uniform standards of purity, quality and fitness for consumption of all kinds of teas imported into Canada, and for determining the places where the duplicates of such standards shall be kept, and the conditions on which such standards shall be supplied to importers and dealers in tea, and the manner in which imported teas shall be examined and tested and their fitness for use finally decided; provided that all teas or goods described as tea, of

Fixing standards for tea.

purity, quality and fitness for consumption inferior to such standards, shall be deemed within the prohibition of the laws relating to the Customs;

As to transportation of goods in bond or duty paid.

“(s.) For prescribing the rule and conditions under which goods imported in bond or duty paid, and products or manufactures of Canada, may be transported from one port or place in Canada to another port or place therein, over any territory or waters outside the limits of Canada; provided that the goods so transported shall, upon arrival in Canada from any place beyond the limits of Canada, be treated with regard to the liability to, or exemption from duty, as if the transportation had taken place entirely within the limits of Canada.”

No. 152.

3rd Session, 8th Parliament, 61 Victoria, 1898

BILL.

An Act further to amend the Customs Act.

First reading, May 30th, 1898.

Mr. PATERSON

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to protect the Customs and Fisheries.

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

1. If any ship, vessel or boat liable to seizure or examination  
5 under any Act of the Parliament of Canada does not bring to  
when required so to do, in the Queen's name, by any commis-  
sioned officer of Her Majesty's navy, or any officer of Customs  
or of the Fishery Protective Service or person employed as  
such, or any stipendiary magistrate, on board of any cruiser or  
10 vessel belonging to, or in the service of, the Government of  
Canada and employed in the service of protecting the Customs  
or Fisheries, or upon signal made by any such Government  
vessel or cruiser, by hoisting the pendant and ensign approved  
and appointed for such purpose by order of the Governor in  
15 Council, the master or officer in charge of such ship, vessel or  
boat shall incur a penalty of four hundred dollars, and the ship,  
vessel or boat may be seized and detained until such penalty  
is paid. Resistance to  
lawful seizure  
or examina-  
tion of ship.
2. On any such ship, vessel or boat so failing to bring to  
20 when required being chased by any such Government vessel  
or cruiser having such pendant and ensign hoisted, the captain,  
master or other person in charge of such Government vessel or  
cruiser may, after first causing a gun to be fired as a signal,  
fire at or into such ship, vessel or boat; and such captain,  
25 master or other person, as well as any person acting in his aid  
or by his direction, is hereby indemnified and discharged from  
any indictment, penalty, action, or other proceeding for so  
doing. Chase by  
Government  
cruiser.
3. If during chase by such Government vessel or cruiser, or  
30 before such ship, vessel or boat brings to, any person on board  
of such ship, vessel or boat throws overboard, or staves or  
destroys, any part of her cargo to prevent seizure, such ship,  
vessel or boat shall be forfeited. Penalty for  
destroying  
cargo during  
chase.
4. Any ship, vessel or boat liable to seizure or detention  
35 under this Act may be seized or detained by any officer of  
customs or any other officer mentioned in this Act; and suits  
and proceedings for the forfeiture or sale of such ship, vessel or  
boat, or for the recovery and enforcement of any penalty impos-  
ed by this Act, may, in addition to any other remedy provided  
40 by law, be had, commenced and completed as if this Act were  
an amendment of *The Customs Act*; and the proceeds of such  
penalties and forfeitures shall be dealt with in the same manner  
as the proceeds of penalties and forfeitures under the laws  
relating to the Customs. Who may  
seize.  
  
Procedure.  
  
R.S.C., c. 32.  
  
Penalties and  
forfeitures.

No. 153.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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**BILL.**

An Act further to protect the Customs  
and Fisheries.

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First reading, May 30th, 1898.

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**Mr. PATERSON.**

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**OTTAWA**

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to provide for the Government of the Yukon District.

[NOTE.—*In the references under the sections N.-W.T. Act is the North-West Territories Act, R.S.C., chapter 50 ; K. Act is The Keewatin Act, R.S.C., chapter 53.*]

[NOTE.—*The words in square brackets are printed for information only and are intended to be inserted when the Bill is before the House of Commons.*]

1. This Act may be cited as *The Yukon Territory Act*. Short title.
  
2. The Yukon Judicial District, as constituted by the proclamation of the Governor in Council bearing date the sixteenth day of August, one thousand eight hundred and ninety-seven, and contained in the schedule to this Act, is hereby constituted and declared to be a separate territory under the name of the Yukon Territory, and the same shall no longer form part of the North-West Territories. The Yukon Territory defined and constituted.
  
3. The Governor in Council may, by instrument under the great seal appoint for the Yukon Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. Commissioner.
  
4. The Commissioner shall administer the government of the territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior. N.-W.T. Act, s. 4 ; K. Act, s. 4. Administration of Government.
  
5. The Governor in Council by warrant under his privy seal may constitute and appoint such and so many persons from time to time not exceeding in the whole six persons, as may be deemed desirable to be a Council to aid the Commissioner in the administration of the territory, and such persons so appointed to the Council shall before entering upon the duties of their offices take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. Council.
  
2. The majority of the Council including the Commissioner shall form a quorum. N.-W.T. Act, s. 7. Quorum.
  
6. The Commissioner in Council shall have the same powers to make ordinances for the government of the territory as are at the date of this Act possessed by the Lieutenant Governor of the North-West Territories, acting by and with the advice and consent of the Legislative Assembly thereof to Powers to make ordinances.

make ordinances for the government of the North-West Territories, except as such powers may be limited by order of the Governor in Council.

- 7.** A copy of every such ordinance made by the Commissioner in Council shall be despatched by mail to the Governor in Council within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter, and any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. 5 10
- 8.** Subject to the provisions of this Act, the Governor in Council may make laws for the peace, order and good government of the territory and of Her Majesty's subjects and others therein, but no law made by the Governor in Council or the Commissioner in Council shall, 15
- (a.) impose any tax or any duty of customs or excise or any penalty exceeding one hundred dollars, or
- (b.) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence, or 20
- (c.) appropriate any public money, lands or property of Canada without authority of Parliament :
- Provided that this section shall not apply to any law extending or applying or declared applicable to the territory by any Act of the Parliament of Canada. K. Act s.7, subs. 3. 25
- 9.** Subject to the provisions of this Act, the laws relating to civil and criminal matters as the same exist in the North-west Territories at the time of the passing of this Act, shall be and remain in force in the said Yukon Territory in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any law or ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. 30
- 10.** There is hereby constituted and appointed a Superior Court of record in and for the said territory, which shall be called a Territorial Court. 35
- The said court shall consist of one or more judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.
2. Any person may be appointed judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the North-West Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the North-West Territories. 40
3. A judge of the court shall not hold any other office or emolument under the Government of Canada, or of any province of Canada or of the said territory, but this provision shall not prevent a judge from being eligible for appointment as a member of the Council of the said territory. 45
- 11.** The law governing the residence, tenure of office, oath of office, rights and privileges of the judge or judges of the court, and the power, authority and jurisdiction of the court 50

Disallowance by Governor in Council.

Governor in Council may make certain laws.

Restrictions as to such laws.

Proviso.

Existing laws to remain in force until altered by the proper legislative authority.

Territorial Court constituted.

Judges.

Their qualifications.

Their dis-qualifications.

Law as to judges and jurisdiction of the court.

shall be the same, *mutatis mutandis*, as the law governing the residence, tenure of office, oath of office, rights and privileges of the judges, and the power, authority and jurisdiction of the Supreme Court of the North-West Territories, except as the same are expressly varied in this Act.

**12.** Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council or the Commissioner in Council shall appoint. N.W.T. Act, s. 55. Sitting of the court.

**13.** The Governor in Council may appoint such officers of the court as may be deemed necessary, and may define and specify the duties [and emoluments] of the officers so appointed. Officers of the Court.

**14.** The judge of the Supreme Court of the North-West Territories assigned to the Yukon Judicial District at the time this Act comes into force, and the officers of that court for the said district shall be the judge and officers of the supreme Court of the Territorial Court until otherwise provided, but the said judge may at his option, at any time within twelve months after this Act comes into force, resume his office as one of the judges of the Supreme Court of the North-West Territories, his transfer to that court being in such case made by Order of the Governor in Council. Provisional appointment of judge and officers.

**15.** The procedure in criminal cases in the Territorial Court shall, subject to the provisions of any Act of the Parliament of Canada, conform as nearly as possible to the procedure existing in like cases in the North-West Territories at the time of the passing of this Act. N.W.T. Act, s. 65. Procedure in criminal cases.

**16.** While in the said Yukon Territory the Commissioner of the territory, each member of the Council thereof, every judge of the court, and every commissioned officer of the North-West Mounted Police, shall *ex officio* have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the said territory, and the Governor in Council may, by commission, appoint such other persons as justices of the peace or police commissioners, having the authority of two justices of the peace within the said territory, as may be deemed desirable. Justices of the Peace.

**17.** No person shall be summoned or sworn as a juryman on any trial in the Territorial Court unless he is a British subject. Jurymen to be British subjects.

**18.** Every lock-up, guard-room, guard-house or place of confinement provided by or for or under the direction of the North-West Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the territory, shall be a penitentiary, jail, and place of confinement for all persons sentenced to imprisonment in the territory, and the Commissioner of the territory shall direct in which such penitentiary, jail or place of confinement any person sentenced to imprisonment shall be imprisoned. Penitentiaries, jails and places of confinement.

Governor in Council to make rules and regulations as to penitentiaries, etc.

2. The Governor in Council shall have power to make rules and regulations respecting the management, discipline and policy of every penitentiary, jail or place of confinement used as such in the territory.

Coroners.

19. All persons possessing the powers of two justices of the peace in the territory shall also be coroners in and for the said territory. 5

Appointment of necessary officers, fixing of fees, etc.

20. The Governor in Council may appoint such officers as are necessary for the due administration of justice in the territory, [may fix the fees or emoluments of such officers and may fix the fees or emoluments of coroners, justices of the peace, jurors, witnesses and other persons attending or performing duties in relation to the administration of criminal justice and provide the manner in which such fees and emoluments shall be paid.] 10 15

## SCHEDULE.

### ABERDEEN.

[L.S.]

### CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come or whom the same may in anywise concern,—GREETING :

### A PROCLAMATION.

E. L. NEWCOMBE, }  
Deputy of the Minister of }  
Justice, Canada. } WHEREAS it is in and by the  
Revised Statutes, chapter 50,  
and intituled "An Act respecting  
the North-West Territories" in effect enacted, that the Governor in Council may at any time by Proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner from time to time, alter the limits and extent of such districts.

And whereas by an Order of Our Governor in Council, bearing date the 16th day of August A.D. 1897, the establishment of a judicial district in the said Territories was authorized, to be known as the Yukon Judicial District, and to be bounded as hereinafter mentioned :

Now Know Ye, that We do hereby and by virtue of the authority vested in Us by the said Act, and the said Order in Council respectively establish and set apart a judicial district in the North-West Territories to be named and known as the "Yukon Judicial District," the boundaries of such judicial district to be as follows :—

Beginning at the intersection of the 141st Meridian of West Longitude from Greenwich with a point on the coast of the Arctic Sea, which is approximate north latitude, 69° 39', and

named on the Admiralty charts "Demarcation Point;" thence due south, on said meridian (which is also the boundary line between Canada and Alaska) for a distance of about 650 miles, to a point in latitude about  $60^{\circ} 10'$  north, at which it will intersect the disputed boundary between Canada and the United States on the North Pacific coast; thence in an easterly direction, along the said undetermined boundary, for a distance of about 55 miles (in a straight line) to its intersection with the 60th parallel of north latitude; thence due east along the parallel of latitude (which is also the north boundary of British Columbia) for a distance of about 550 miles, to the Liard River, in approximate longitude  $123^{\circ} 30'$  west; thence northerly along the middle line of said river, for a distance of about 10 miles till opposite the highest part of the range of mountains which abuts upon the river near the mouth of Black River; thence to follow the summit of said range in a north-westerly direction to the southernmost source of the Peel River; thence to follow northward the summit of the main range of mountains which runs approximately parallel to Peel River, on the west, as far as the intersection of the said range with the 136th meridian; thereafter to run due north to the Arctic Ocean, or to the westernmost channel of the Mackenzie Delta, and along that channel to the Arctic Ocean; thence north-westerly following the windings of the Arctic Coast (termination of the mainland of the Continent), including Herschel Island, and all other islands which may be situated within three (3) geographical miles, to the place of beginning.

Provided, that in respect to that part of the line, between the Liard River and the southernmost source of the Peel River, the summit to be followed is the water-shed summit separating streams entering the Liard River below Black River, or flowing directly into the Mackenzie further north, from streams flowing westward either to the Yukon or to upper branches of the Liard River.

Provided, that in respect to the part of the boundary described as following northward the main range of mountains on the west side of Peel River, the line shall run along the watershed between streams flowing eastwardly to the Peel River, and those flowing westwardly to branches of the Yukon, Porcupine, etc., except where such water-shed shall be more than 20 miles distant from the main stream of the Peel, when the highest range within that distance shall be the boundary.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Right Well-Beloved Cousin and Councillor the Right Honourable Sir JOHN CAMPBELL HAMILTON-GORDON, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Knight Grand Cross of Our most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada.

At Our Government House, in Our City of Ottawa, in Our said Dominion, this sixteenth day of August, in the year of Our Lord one thousand eight hundred and ninety-seven, and in the sixty-first year of Our Reign.

By Command,

JOSEPH POPE,  
Under-Secretary of State.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

P

An Act to provide for the Government  
of the Yukon District.

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Received and read a first time, Wednesday, 18th  
May, 1898.  
Second reading, Wednesday, 25th May, 1898.

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Honourable Mr. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend chapter 11 of the Statutes of 1897, intituled "An Act to restrict the importation and employment of Aliens."

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

1. Section 9 of chapter 11 of the statutes of 1897, is here- 1897, c. 11, s. 9.  
5 by amended by adding thereto the following subsection:—

"2. Evidence of any such law or ordinance of a foreign country may be given.

"(a.) By the production of a copy thereof purporting to be  
"printed by the Government Printer or at the Government  
10 "Printing Office of such foreign country or contained in a  
"volume of laws or ordinances of such country purporting to  
"be so printed, or

"(b.) By the production of a copy thereof purporting to be  
"certified to be true by some officer of state of such foreign  
15 "country who also certifies that he is the custodian of the  
"original of such law or ordinance, in which case no proof  
"shall be required of the handwriting or official position of  
"the person so certifying."

How evidence  
may be given  
as to countries  
to which the  
Act applies.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

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An Act to amend chapter 11, of the Statutes of 1897, intituled "An Act to restrict the importation and employment of Aliens."

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Received and read first time, Tuesday, 17th  
May, 1898.  
Second reading, Wednesday, 18th May, 1898.

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HONOURABLE MR. MILLS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the identification of Criminals.

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

1. Any person in lawful custody, charged with, or under  
 5 conviction of an indictable offence, may be subjected, by or  
 under the direction of those in whose custody he is, to the  
 measurements, processes and operations practised under the  
 system for the identification of criminals commonly known as  
 the Bertillon Signaletic System, or to any measurements, pro-  
 10 cesses or operations sanctioned by the Governor in Council  
 having the like object in view. Such force may be used as is  
 necessary to the effectual carrying out and application of such  
 measurements, processes and operations; and the signaletic  
 cards and other results thereof may be published for the pur-  
 15 pose of affording information to officers and others engaged in  
 the execution or administration of the law.

Systems for  
 identifying  
 criminals  
 authorized.

Bertillon  
 system.

Or others.

Use of force.

Publication  
 of results.

2. No one having the custody of any such person, and no  
 one acting in his aid or under his direction, and no one concern-  
 ed in such publication shall incur any liability, civil or criminal,  
 20 for anything lawfully done under the provisions of section 1  
 of this Act.

Non-liability  
 of persons  
 concerned in  
 operation.

3. This Act may be cited as *The Criminals Identification* Short title.  
*Act, Canada, 1898.*

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2nd Session, 8th Parliament, 60 Victoria, 1897

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SENATE BILL.

R

An Act respecting the identification of  
Criminals.

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Received and read a first time, Wednesday,  
25th May, 1898.  
Second reading, Friday, 27th May, 1898.

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Honourable Mr. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1897

An Act respecting the repayment of the moneys advanced to the Saint John Bridge and Railway Extension Company.

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

- 5   **1.** The Governor in Council may extend the time for the repayment of the moneys advanced by the Government of Canada to the Saint John Bridge and Railway Extension Company, under and by virtue of chapter 26 of the statutes of 1883, for a period of fifteen years from the expiration of the present  
10 term of fifteen years, mentioned and provided in the said statute and the schedule thereto, such extension to be subject to all the conditions and provisions of this Act. Governor in Council may extend time for repayment of advances to Company.
- 15   **2.** Interest shall be computed during such extended period on the said moneys so advanced at the rate of four per cent per annum, and shall be paid by the Company at that rate, and shall be payable annually on or before the thirtieth day of June. Interest.
- 20   **3.** The said advances and interest thereon shall remain and be during such extended period, as now, a first charge and lien on all the property, real and personal, of the Company, and  
25 on all their rights, franchises, easements and privileges; and all the provisions of the indenture or mortgage deed, dated the tenth day of December, in the year one thousand eight hundred and eighty-three, and made and executed by the Company under the provisions of and in accordance with the said statute, shall continue and remain in full force and effect during such extended period. Security.
- 30   **4.** The Government may, if it is found advisable, take possession of the bridge, railway and appurtenances of the Company at any time within five years from the date of the beginning of such extended period, on payment of the difference between the amount then due to the Government for advances and interest and the sum of the total amount expended by the Company as the cost of the said bridge, railway and works, and ten per cent on such amount. Government may take over bridge, etc.
- 35   **5.** The Company shall execute, to the satisfaction of the Minister of Justice, any deeds, mortgages, or instruments necessary for the proper carrying into effect of the terms and provisions of this Act. Deeds to be executed.

No. 157.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act respecting the repayment of the moneys advanced to the Saint John Bridge and Railway Extension Company.

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First reading, June 1st, 1898.

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MR. FIELDING.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

BILL No. 158.

An Act respecting the London and Lake Huron  
Railway Company.

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

1. The Act of the present Session intituled *An Act to incorporate the London and Lake Huron Railway Company*, is hereby amended by adding the following section thereto immediately after section 13:—

1898, c.  
amended,  
Section  
added.

13A. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the Company may enter thereon for the purpose of constructing and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power, and, when deemed necessary by the Company for the purpose of its telegraph and telephone systems, and its system for supplying electric power, may erect, equip and maintain poles and other works and devices, and stretch wires and other telephonic or telegraphic or other electrical contrivances thereon; and, as often as the Company thinks proper, may break up and open any highway or public place, subject, however, to the following provisions:—

Power to  
enter upon  
highway.

Erect poles.

Break up  
highway.

(a) The Company shall not interfere with the public right of travel, nor in any way obstruct the entrance to any door or gateway, or free access to any building;

Travel not to  
be obstructed.

(b) The Company shall not affix any wire less than twenty-two feet above the ground, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

Height of  
wires.

(c) All poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council;

Kind of poles.

(d) The Company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Cutting poles  
or wires in  
case of fire.

(e) The Company shall not cut down or mutilate any shade, fruit or ornamental tree;

Injury to  
trees.

(f) The opening up of streets for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council ap-

Supervision of  
municipality.

points, and shall be done in such manner as the said council directs ; the council may also designate the places where such poles shall be erected ; and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the Company.

5

Surface of street to be restored.

Future legislation as to carrying wires under ground.

(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the Company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, 10 and the Company shall not be entitled to damages therefor ;

Workmen to wear badges.

(h.) Every person employed upon the work of erecting or repairing any line or instrument of the Company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the Company and a number by 15 which he can be readily identified :

Private rights.

(i.) Nothing herein contained shall be deemed to authorize the Company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the 20 property for the time being ;

Temporary removal of wires and poles.

(j.) If for the purpose of removing buildings or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the Company shall, at its own expense, upon reasonable 25 notice in writing from any person requiring it, remove such wires or poles ; and, in default of the Company so doing, such person may remove such wires and poles at the expense of the Company. The said notice may be given either at any office of the Company, or to any agent or officer of the Company in 30 the municipality wherein are the wires or poles required to be removed, or in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the Company in the nearest or any adjoining municipality to that in which such wires or poles are ; 35

Notice to Company.

Liability for damage.

(k.) The Company shall be responsible for all damage which it causes in carrying out or maintaining any of its said works.

PASSED BY HOUSE OF COMMONS, 1898.

BILL No. 159.

An Act to amend the Act to provide for Bounties on  
Iron and Steel made in Canada.

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

1. The provisions of chapter 6 of the statutes of 1897,  
5 intituled *An Act to provide for Bounties on Iron and Steel  
made in Canada*, shall be held to have come into force on the  
twenty-third day of April, in the year one thousand eight  
hundred and ninety-seven.

Date of  
coming into  
force of c. 6  
of 1897.

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No. 160.] **BILL.** [1898.

An Act respecting the north-western, northern and north-eastern boundaries of the Province of Quebec.

WHEREAS in and by *The British North America Act*, 1871, c. 28 (Imperial.) 1871, it is enacted that the Parliament of Canada may, from time to time, with the consent of the legislature of any province, increase, diminish or otherwise alter the limits of  
5 such province, upon such terms and conditions as may be agreed to by the said legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected thereby; and whereas it has  
10 been agreed between the Governments of the Dominion of Canada and the province of Quebec that the north-western, northern and north-eastern boundaries of the province of Quebec shall be those hereinafter described, and the Legislature of Quebec has, by chapter 6 of the statutes of 1898,  
15 expressed its consent that the Parliament of Canada should declare the said boundaries to be the north-western, northern and north-eastern limits of the said province: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 1. The north-western, northern and north-eastern boundaries of the province of Quebec are hereby declared to be the following:—

Boundaries described.

Commencing at the head of Lake Temiscamingue, thence along the eastern boundary of the province of Ontario due  
25 north to the shore of the part of Hudson Bay commonly known as James Bay, and thence north-easterly following upon the said shore to the mouth of the East Main River, and thence easterly ascending along the middle of the said river up to the confluence of the branch thereof flowing from Patamisk  
30 Lake, and thence ascending along the middle of the said branch up to Patamisk Lake, and thence along the middle of the said lake to the most northerly point thereof, the said point being about fifteen miles south from the Hudson Bay Company's post on Lake Nichigun, and approximately in latitude  
35 fifty-two degrees fifty-five minutes north, and longitude seventy degrees forty-two minutes west of Greenwich; thence due east along the parallel of latitude of the said point to the intersection of the river discharging the waters of Lake Ashuanipi, which river is known under the names of Hamilton or  
40 Ashuanipi or Great Esquimaux River, and thence descending along the middle of the said river through Menihek, Marble, Astray and Dyke Lakes to the most southerly outlet of Dyke Lake, and thence along the middle of the said outlet

to Birch Lake, and thence along the middle of Birch and Sandgirt Lakes to the most southerly outlet of Sandgirt Lake, and thence along the middle of the southern channel of the Hamilton River to Flour Lake, and thence along the middle of Flour Lake to its outlet, and thence along the middle of the Hamilton River to the Bay du Rigolet or Hamilton Inlet, and thence easterly along the middle of the said bay or inlet until it strikes the westerly boundary of the territory under the jurisdiction of Newfoundland, and thence southerly along the said boundary to the point where it strikes the north shore of the Anse Sablon, in the Gulf of St. Lawrence, the said line being shown in red as far as Hamilton Inlet, upon the plan accompanying the copy of the Order of the Governor General in Council number two thousand six hundred and twenty-three, dated the eighth of July, one thousand eight hundred and ninety-six, transmitted to the Lieutenant-Governor of Quebec, and now deposited among the archives of the Provincial Secretary of that province.

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No. 160.

3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the north-western, northern and north-eastern boundaries of the Province of Quebec.

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First reading, June 3rd, 1898.

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Mr. SIMON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

No. 161.]

**BILL.**

[1898.

An Act respecting the payment of grants in aid of the construction of public works.

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

1. Whenever by an Act of Parliament a grant in aid of the construction of any work has been made payable on the completion of sections thereof, or otherwise, the Governor in Council may authorize payment on account thereof according to progress estimates to be furnished by the engineers of the Department of Railways and Canals, notwithstanding that the work so aided, or any section thereof, has not been wholly completed, where the non-completion thereof is not due to delay on the part of the contractors, or to pecuniary causes, or to causes within the reasonable control of the contractors, and where the amount proposed to be paid as having been earned by the contractors will not be less than sixty-four thousand dollars, after withholding from the amount which would be earned by the completion a sum sufficient, in the opinion of the Minister of Railways and Canals, to cover the cost of completing the whole of such work or the section thereof with respect to which payment is being made.

Mode of payment of parliamentary grants in certain cases of uncompleted public works.

No. 161.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the payment of grants  
in aid of the construction of public  
works.

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First reading, 3rd June, 1898.

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Mr. BLAIR.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

BILL No. 162.

An Act to confirm a certain award in favour of the  
Dominion Atlantic Railway Company.

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

1. The award of the Honourable George Wheelock Burbidge,  
5 judge of the Exchequer Court of Canada, a copy of which  
forms the schedule to this Act, is hereby ratified and con-  
firmed

Award in  
schedule  
confirmed.

2. There may be paid to the Dominion Atlantic Railway  
10 Company, out of the Consolidated Revenue Fund, the sum of  
one hundred thousand two hundred and seventy-six dollars and  
twenty cents, for the commutation and release of the right or  
privilege referred to in the said award, and in full satisfaction  
and discharge of all claims and demands of the said Company  
under the said award, including the costs thereof.

Payment of  
\$100,276.20 to  
Dominion  
Atlantic  
Railway  
Company  
authorized.

SCHEDULE.

TO ALL TO WHOM THESE PRESENTS SHALL COME: I, George  
Wheelock Burbidge, of the City of Ottawa, in the Province of  
Ontario, judge of the Exchequer Court of Canada, send  
greeting:

Whereas by a Memorandum of Agreement made on the  
twenty-fifth day of February, in the year of Our Lord one  
thousand eight hundred and ninety-six, between the Honour-  
able William Bullock Ives, Her Majesty's then Minister of  
Trade and Commerce for Canada, acting for and on behalf of  
His Excellency the Governor in Council of the one part, and  
the Dominion Atlantic Railway Company of the other part,  
after reciting that "By a contract or agreement entered into  
between the Chief Commissioner of Railways for the  
Province of Nova Scotia and William Henry Punchard,  
Frederick Barry and Edwin Clark, dated on or about the  
twenty-second day of November, one thousand eight hundred  
and sixty-six, and the Act of the Legislature of Nova Scotia,  
30th Victoria, chapter 36, incorporating the Windsor and  
Annapolis Railway Company and confirming the said agree-  
ment, the Windsor and Annapolis Railway Company was

granted a drawback of the amount of Customs or import duties paid upon all materials and stores required for the construction and working of the railway belonging to that company ;” and that, “by an Act of the Parliament of Canada, passed in the 58th and 59th years of Her Majesty’s reign, chapter 47, incorporating the Dominion Atlantic Railway Company, the said Company was given power to purchase all the property in Canada of the Windsor and Annapolis Railway Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances”; And that “On the twentieth day of September in the year of our Lord one thousand eight hundred and ninety-five the Dominion Atlantic Railway Company entered into an Agreement to purchase the said lands, privileges, franchises, and other property of the Windsor and Annapolis Railway Company and the transfer thereof was or was about to be made thereunder”; And that “By the said last-mentioned Act it was also provided that the Governor in Council might enter into an Agreement with the Dominion Atlantic Railway Company for the commutation and release of any right or privilege with respect to the drawback of Customs or import duties granted to the Windsor and Annapolis Railway Company as aforesaid, and also that the said Company might so agree with Her Majesty”; And that “The Dominion Atlantic Railway Company and the Governor in Council have agreed to enter into an agreement for the future commutation and release of the said right or privilege to take effect as thereafter provided;” And that “The Dominion Atlantic Railway Company had demanded the sum of one hundred thousand dollars for the commutation and release of the said right or privilege and the Governor in Council considered the sum of seventy-five thousand dollars as sufficient to fully compensate the Dominion Atlantic Railway Company therefor:”

It was thereby, amongst other things, agreed by and between the said parties to refer the matter in difference respecting the amount which should be paid by Her Majesty to the Dominion Atlantic Railway Company for the commutation and release of the right or privilege with respect to the drawback of Customs or import duties granted to the Windsor and Annapolis Railway Company as aforesaid to the sole award, order and final determination of me the said George Wheelock Burbidge, Judge of the Exchequer Court of Canada, I the said Arbitrator to make and publish my award in writing and signed by me of and concerning the matters referred ready to be delivered to the parties or either of them on or before the thirty-first day of March then next, or on or before any other day to which I, the said Arbitrator, should by any writing signed by me endorsed on the said Memorandum of Agreement of Submission from time to time enlarge the time for making my award, and that the costs of the reference and award should be in the

discretion of me, the said Arbitrator, who might tax or settle the amount thereof and might direct to and by whom and in what manner the same or any part thereof shall be paid.

And whereas on the twenty-fourth day of March in the year of Our Lord one thousand eight hundred and ninety-six I the said Arbitrator, by a writing signed by me endorsed on the said submission did extend the time within which my award might be made and published in the premises to the first day of June then next.

And whereas on the nineteenth day of May in the year of our Lord one thousand eight hundred and ninety-six I, the said Arbitrator, by a writing signed by me, endorsed on the said submission, did further extend the time within which my award might be made and published in the premises to the first day of November then next.

And whereas on the twenty-fourth day of October in the year of our Lord one thousand eight hundred and ninety-six, by a writing signed by me endorsed on the said submission, I, the said Arbitrator, did further extend the time within which my award might be made and published in the premises to the first day of May in the year of our Lord one thousand eight hundred and ninety-seven.

And whereas on the twenty-ninth day of April in the year of our Lord one thousand eight hundred and ninety-seven, by a writing signed by me, endorsed on the said submission, I, the said Arbitrator did further extend the time within which my award might be made and published in the premises to the first day of November in the year of our Lord one thousand eight hundred and ninety-seven.

Now know ye that I, the said Arbitrator, having taken upon me the said award and arbitrament, and having been attended by the said parties, and their respective solicitors, and having heard and considered the allegations and evidence of both the said parties and their witnesses concerning the premises, do award as follows, that is to say :—I do award and determine that Her Majesty shall pay to the Dominion Atlantic Railway Company the sum of one hundred thousand dollars (\$100,000) for the commutation and release of the said right or privilege with respect to the drawback of Customs or import duties granted to the Windsor and Annapolis Railway Company as aforesaid.

And I do further award and determine that the costs of the award, the amount of which I hereby settle at the sum of two hundred and seventy-six dollars and twenty cents (\$276.20) be borne and paid by Her Majesty, and in case the same should in the first instance be discharged by the Dominion Atlantic Railway Company, that Her Majesty repay the same to the said Company; and as to the other costs of the reference I do award and determine that each party bear its own costs thereof.

In witness whereof I the said Arbitrator have hereunto set my hand the third day of September, in the year of Our Lord one thousand eight hundred and ninety-seven.

Signed and published  
in the presence of }  
CHAS. MORSE.  
DUNCAN CLARK.

GEO. W. BURBIDGE.

No. 163.]

**BILL.**

[1898.

An Act to grant further aid to the Harbour Commissioners of Montreal.

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

1. The Governor in Council may from time to time advance 5 and pay to the Corporation of the Harbour Commissioners of Montreal, hereinafter called "the Corporation," and in addition to the sum of two million dollars authorized to be advanced by the Governor in Council to the Corporation by chapter 10 of the statutes of 1896 (first Session), such sums of 10 money, not exceeding in the whole the sum of two million dollars, as are necessary to enable the Corporation to complete the works now in progress and to construct any further works required in the Harbour of Montreal. \$2,000,000 may be advanced to Montreal Harbour Commissioners.
2. The Corporation shall, upon an advance being made to 15 them under this Act, deposit with the Minister of Finance and Receiver General, debentures of the Corporation issued under the authority of this Act (which debentures the Corporation are hereby authorized to issue) equal in par value to the advance so made,—such debentures to be of such 20 amounts as the said Minister determines, and to bear date the day when such advance is made, and to be repayable within twenty-five years from the date of their issue, and in the meantime to bear interest at the rate of three per cent per annum, such interest to be payable half-yearly on the first day 25 of July and the first day of January in each year. Debentures to be deposited with Minister of Finance.
3. The sums of money advanced to the Corporation under this Act shall, subject to the provisions of the next following section, be applied by the Corporation towards the completion, construction, extension, or improvement of wharves, structures 30 and other accommodations in the harbour of Montreal, in such manner as the Corporation have, by a plan of the said harbour works known as plan 12 A, signed by the Harbour Commissioners and their engineer, and approved of by the Minister of Public Works, determined upon and defined, 25 subject, however, to such modifications thereof as the said Harbour Commissioners, with the consent and approval of the Minister of Public Works, may make,—such works to be commenced forthwith and prosecuted continuously until completion. Expenditure of moneys on harbour works.

\$700,000 to be on works below St. Mary's current.

4. The Corporation shall, out of the advance authorized to be made to them under this Act, apply the sum of seven hundred and fifty thousand dollars towards the building or the improvement of the wharves, structures and other accommodations, including the building of a dry dock, in that part of the harbour of Montreal below the point known as St. Mary's Current. 5

Plans to be submitted.

2. The plans, specifications and estimates for all such works, shall be submitted to the Minister of Public Works within two months from the passing of this Act, and shall be subject to his approval; and on such approval being given, the said works shall be commenced forthwith and be carried on concurrently with the works on plan 21 A mentioned in section 3. 10

Payment of loans.

5. The principal and interest of the sums which are advanced to the Corporation under this Act shall be paid by the Corporation out of the revenue provided for in section 8 of chapter 10 of the statutes of 1896 (first Session) for the payment of the principal of, and the interest due on, all sums of money received by the Corporation under that Act, and shall be a charge upon the said revenue in the same manner and to the same extent as if the sums advanced to the Corporation under this Act had been borrowed by the Corporation under the said chapter 10 of the statutes of 1896 (first Session). 15 20

Charge on loans.

3rd Session, 8th Parliament, 61 Victoria, 1898

No. 163.

BILL

An Act to grant further aid to the Harbour Commissioners of Montreal.

First reading, June 4th, 1898.

MR. FIELDING.

OTTAWA

Printed by S. L. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

162

Q.]

**SENATE BILL.**

[1898.

An Act respecting Loan Companies.

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

- 1.** This Act may be cited as *The Loan Companies Act, Canada, 1898*; and in this Act the expression "Company which is subject to the provisions of this Act" means a company incorporated by charter under this Act, or brought by letters patent under its provisions, or an amalgamated company mentioned in section 45 hereof.

Short title.  
Interpretation.
- 2.** *The Companies Clauses Act*, being chapter 118 of the Revised Statutes of Canada, except such parts thereof as are inconsistent with this Act, and such parts as by the charter or letters patent issued under this Act are declared not to apply, shall apply to a company which is subject to the provisions of this Act.

Application of R.S.C., c. 118.
- 3.** The Governor in Council may, from time to time, make regulations with respect to the following matters, viz. :—

  - (a.) The cases in which notice of application for charter or letters patent or certificate under this Act must be given, and the evidence and information in support of such application;
  - (b.) The forms of charter, letters patent, petitions, notices, certificates and other instruments and documents relating to applications and proceedings under this Act;
  - (c.) The form and manner of giving and the length of any notice required by this Act or by regulations made under it;
  - (d.) The persons before whom any affidavit, affirmation, or other evidence required by this Act, or by regulations made under it, may be taken.
  - (e.) The departmental or other officers to be charged with receiving and reporting upon applications under this Act, and otherwise administering the same.

Regulations which may be made by Governor in Council.  
Notice of application.  
Forms of documents.  
Forms of notice.  
Making affidavits, etc.  
Officers.
- 4.** Any five or more persons of the full age of twenty-one years may apply to the Governor General in Council for a charter under the great seal incorporating them as a loan company under this Act.

Persons who may apply for charter.
- 5.** Any company incorporated otherwise than by or under the authority of an Act of the Parliament of Canada, whose main business consists in lending money upon the security of mortgages or hypothecs upon freehold or leasehold real estate or other immovables within Canada and upon other securities,

Companies which may apply for charter.

may apply to the Governor General in Council for a charter under the great seal incorporating its shareholders as a loan company under this Act.

Companies which may apply to be brought under Act.

**6.** Any company incorporated by or under the authority of an Act of the Parliament of Canada, whose main business is as mentioned in section 5 hereof, may apply to the Governor General in Council for letters patent under the Great Seal bringing such company under the provision of this Act. 5

Conditions on which application may be granted.

**7.** Upon the terms of this Act and of any regulations made hereunder being complied with, and unless it appear that the granting of an application under sections 4, 5, or 6 hereof would not be in the public interest, the Governor General in Council may grant such application and issue the charter or letters patent as the case may be. 10

Company to show itself solvent.

**8.** If the application be made under sections 5 or 6 hereof, the company applying shall show to the satisfaction of the Governor in Council that it is in a solvent condition. 15

Particulars of application under section 5.

**9.** If the application be made under section 5, the applicants shall show, (a) the proposed name of the new company, (b) the place where its head office is to be established, (c) the amount of the proposed capital stock, the number of shares and amount of each share, (d) such other information as may be required by regulations made under this Act. 20

Application under section 4.

**10.** If the application be made under section 4 hereof, the applicants shall show in addition to the particulars mentioned in section 9, the number of the proposed board of directors, and the names of not less than three of the applicants, who are to be the provisional board. 25

Provisions possible by by-law may be embodied in charter, etc.

**11.** Any provision which might be made by by-law of a company which is subject to the provisions of this Act may be embodied in the charter or letters patent, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Governor in Council. 30

As to naming company.

**12.** The name given to a company incorporated under this Act may differ in whole or part from that asked for by the petition, provided that the name given shall not be that of any known company or partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive or cause confusion. Provided, however, that a subsisting name may be given in whole or part with the consent of the company or person entitled thereto. Provided also that, where the company applying under section 5 hereof has been using its name before the name of the other company, partnership, individual or business above referred to was used, the first proviso to this section shall not apply. 35 40 45

Change of name of company applicant.

**13.** The name of a Company applying under section 6 hereof may be changed in whole or part by the letters patent bringing it within the provisions of this Act, subject, however, to the provisos of section 12. 50

14. The decision of the Governor in Council as to questions arising under sections 5, 6, 12, 13, 44 and 45 hereof, shall be final, and the provisions of this Act relating to matters preliminary to the issue of a charter, or of letters patent, or of  
 5 any certificate, order, or other proceeding by or on behalf of the Governor in Council, or Treasury Board, or of any Minister or Departmental or other officer under this Act, shall be deemed to be directory only, and the same shall not be void or voidable on account of any irregularity or otherwise in respect  
 10 of any matter preliminary thereto done or omitted to be done.

Governor in Council's decision as to certain questions final.

Certain matters directory only.

15. By virtue of a charter issued upon an application made under sections 4 or 5 hereof, the persons thereby incorporated and such others as may thereafter become shareholders in such corporation shall be a body corporate, with the rights  
 15 and powers conferred by law upon corporations, and with the rights and powers and subject to the obligations and restrictions hereinafter declared.

Effect of charter.

Powers of corporation.

16. The name of the said corporation, the place of its head office, the amount of its capital stock, the number of shares  
 20 and amount of each share, the number of its board of directors, and its provisional board shall be as declared in its charter, subject to such changes as may be lawfully made.

Name and organization.

17. The provisional directors of a company incorporated upon an application under section 4 hereof may receive sub-  
 25 scriptions for stock in the capital of the company, and so soon as a sum not less than one hundred thousand dollars of such capital stock has been subscribed and a sum not less than fifty thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General of Canada, the pro-  
 30 visional directors may call a meeting of the subscribers to said stock, to be held in the place of the company's head office, at which meeting the board of directors of the company shall be elected, who shall hold office until their successors are duly appointed; upon the election of such board the functions of  
 35 the provisional directors shall cease. Two weeks' notice of said meeting shall be given by advertisement in a newspaper published in the place of the head office, and by circular to each subscriber of stock sent through the post office to his last known address. Provided that if all of said subscribers are pre-  
 40 sent in person or represented by proxy, said meeting may be held at any time and at any place without notice.

Subscriptions for stock and proceedings to organize company.

Subscription of stock.

Deposit.

First meeting and election of directors.

Notice.

Proviso.

18. The company referred to in section 17 shall not borrow or lend money or otherwise carry on business until it has  
 45 obtained from the Minister of Finance a certificate permitting it to do so, and no application for such certificate shall be made, and no certificate shall be given, until the board of directors have been elected as provided in section 17 and until it has been shown to the satisfaction of the Minister of Finance that the provisions of the said section have been complied with, and no  
 50 such certificate shall be given unless application therefor be duly made within one year after the issue of the company's charter, or within such extended period as the Governor in Council may, before the expiration of said one year, allow. Provided

Conditions of commencing business.

Certificate.

Subscription of stock payment thereon, and deposit.	that no such certificate shall be given to a company authorized to receive money on deposit unless at least three hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General as above provided. 5
Charter void if certificate not obtained.	<b>19.</b> Should application for such certificate not be duly made within the proper time, or if made should such certificate be refused, the company's charter shall thereupon cease and become void, except in so far as it may be necessary to wind up its affairs and return to the subscribers the amounts paid upon the subscribed stock or so much thereof as they may be entitled to. 10
Return of deposit.	<b>20.</b> Upon the issue of the said certificate, or upon the refusal thereof, the Minister of Finance and Receiver General shall pay over to the company the amount deposited with him pursuant to section 17 hereof, without interest. 15
Charter under section 5 and letters patent under section 6 to be subject to approval by shareholders of company applying.	<b>21.</b> A charter issued upon an application under section 5 hereof, and letters patent issued upon an application under section 6, shall not take effect unless and until, at a special general meeting of the shareholders of the company applying, duly called for considering the same, a resolution accepting and approving thereof and fixing the date or event upon which the same shall take effect has been passed by shareholders present or represented by proxy at such meeting and holding not less than two-thirds of the subscribed capital stock of the company represented at such meeting, but upon such resolution being passed the charter or letters patent, as the case may be, shall take effect and speak from the time or event fixed by such resolution. Provided always, that prior to the time or event so fixed, the provisional board may pass the necessary by-laws for the organization of the company and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 25 hereof, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the company in any part of Canada. 20 25
Date of effect.	30
Powers of provisional board.	35
Effect of charter as to shareholders in old company.	<b>22.</b> Upon the taking effect of a charter issued upon an application under section 5 hereof, by an existing company (hereinafter referred to as the old company), incorporating its shareholders as a company under this Act (hereinafter referred to as the new company), the then shareholders of the old company shall thereupon become and be holders respectively of shares in the new Company to the same extent and with the same amounts paid up thereon, and with the same liabilities, preferences and privileges (if any) with respect thereto, as they are then holders respectively of shares in the old company; but no shares in the new company shall be terminating or liable to be withdrawn, and (unless the charter otherwise provides) the president, vice-presidents and directors of the old company shall thereupon become and be president, vice-presidents and directors of the new company until their successors are appointed, and the by-laws, rules and regulations of 40 45
Proviso as to "terminating shares." Officers.	50
By-laws,	

the old company lawfully enacted shall thereupon become and be the by-laws, rules and regulations of the new company, subject to repeal, amendment or other change lawfully made.

- 23.** The new company shall be and is hereby declared to be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old company; and any person having any claim, demand, right, cause of action or complaint against the old company, or to whom the old company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new company, its directors and shareholders, as such person has against the old company, its directors and shareholders.
- 24.** The new company may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form "A" in the schedule to this Act or to the like effect, shall be sufficient.
- Upon the taking effect of letters patent issued upon an application under section 6 hereof, bringing a company under the provisions of this Act, this Act shall (subject to the terms and exceptions contained in such letters patent) from thenceforth apply to such company and to the business carried on by it, and, subject as aforesaid, the borrowing and lending powers of the Company shall thenceforth be governed by the provisions of this Act, and, subject as aforesaid, any provision in the company's charter or Act of incorporation or of any other Act applicable to the company which is inconsistent with the provisions of this Act shall from thenceforth cease to have effect.
- Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old company or its directors or shareholders, or shall relieve the old company, its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.
- 27.** A company which is subject to the provisions of this Act shall, subject to the terms and exceptions contained in its charter or the letters patent applying thereto, have power to carry on in Canada the business of lending money on the security of or purchasing or investing in, (a) mortgages or hypothecs upon freehold or leasehold, real estate or other immovables, (b) the debentures, bonds and other securities of any government or of any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by Canada or any former or present or future province of Canada.

Rights and obligations of new company.

And of their creditors, etc.

Power to acquire assets of old company.

Form of conveyance,

Effect of letters patent bringing a company under this Act.

Rights against old company not prejudiced.

Business powers of company subject to this Act.

Proviso as to powers of companies brought under the Act.

Provided that a company incorporated by charter on an application under section 5 hereof, and a company brought by letters patent under the provisions of this Act, may on addition to the foregoing lend money upon the security of or purchase or invest in the stocks of any such chartered bank or incorporated company, if the old company or the company so brought under the provisions of this Act, had, at the time of the issue of the charter or letters patent as the case may be, power to lend money upon the security of the stock of any incorporated company. 5 10

Proviso as to amalgamated companies.

Provided also that an amalgamated company mentioned in section 44 hereof may also lend money upon the security of or purchase or invest in the stocks of any such chartered bank or incorporated company if any of the companies so amalgamated had at the time of amalgamation, power to lend money upon the security of the stock of any incorporated company. 15

Borrowing powers.

**28.** Except as otherwise provided by such charter or letters patent, a company which is subject to this Act, may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed. Provided always that the total of such company's liabilities to the public outstanding, from time to time, shall not exceed four times the amount paid up upon its capital stock; but the amount of cash on hand or deposited in chartered banks and belonging to such company shall be deducted from such total liabilities for the purposes of this section. 20 25

Limitation of liabilities.

Limitation of amount of deposits.

Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of such company's then actually paid-up and unimpaired capital and of its cash actually on hand or deposited in any chartered bank or banks in Canada and belonging to the company. 30

Liabilities to be reckoned in computation.

**29.** The liabilities of the old company assumed by the new company, and the liabilities of a company brought by letters patent under the provisions of this Act, shall form part of the total liabilities to the public for the purposes of the last preceding section. 35

As to locking up assets in real estate.

**30.** So long as a company which is subject to the provisions of this Act is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall not, from time to time, exceed such a percentage of its total assets as will leave the balance of said assets over said percentage equal to at least fifty per cent of the company's indebtedness in respect of money received upon deposit. 40 45

Issue of debenture stock.

**31.** The directors of a company which is subject to the provisions of this Act may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company, and shall be included in estimating the company's liabilities to the public under 50

To be included in estimating liabilities.

section 28 hereof, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the company.

Rank and powers.

**32.** The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head Office of the company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bond holder, debenture stock holder and shareholder of the company without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors may determine.

Debenture stock to be registered.

Perusal of register.

Transfer of debenture stock.

**33.** All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere; but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland, as the company appoints for that purpose, for transmission to the company's head office for registration.

Registry of transfers

**34.** The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of debentures for debenture stock.

**35.** The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Cancellation of debenture stock.

**36.** The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of shareholders present, or represented by proxy, at a special meeting to be called for that purpose; and holding not less than two-thirds of the issued capital stock of the Company represented at such meeting; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Agencies in United Kingdom.

**37.** The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or

Trusts, company not liable for execution of.

not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Increase of capital stock.

**38.** The directors, at any time after ninety per centum of the capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, may by by-law provide for the increase of the capital stock of the Company to any amount which they consider requisite. 5

Decrease of capital stock.

**39.** (1.) The directors at any time may by by-law provide for the decrease of the capital stock of the company to any amount which they may consider sufficient. 10

(2.) The by-law shall declare the number of the shares of the stock so decreased, and the allotment thereof or the rule or rules by which the same is to be made.

(3.) The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the stock had not been decreased. 15

Conditions of such increase or decrease.

**40.** No by-law for increasing or decreasing the capital stock of the company shall have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two thirds of the issued capital stock of the company represented at such meeting and has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board. 20 25

Minister of Finance to be satisfied as to *bona fides* of increase or decrease.

**41.** Upon an application to the Minister of Finance for a certificate confirming such by-law, the company shall satisfy him of the *bona fide* character of the increase or decrease of capital thereby provided for, and, unless it appear that the granting of such certificate would not be in the public interest, the said Minister, with the approval of the Treasury Board, may grant the same. Provided always that, with the consent of the company, the amount of such increase or decrease of capital may by said certificate be changed and the increase or decrease made subject to such conditions as the Treasury Board may think proper. 30 35

Preference stock.

**42.** (1.) The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. 40

Effect as to control of affairs.

(2.) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient; 45

Conditions for effect of by-law creating.

(3.) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or 50

- unanimously sanctioned in writing by the shareholders of the company. Provided, however, that if at such meeting the by-law be sanctioned by shareholders holding three-fourths of the issued capital stock of the company and present or represented by proxy at such meeting, the company may petition the Minister of Finance for an order approving the said by-law, and the Minister may, with the approval of the Treasury Board, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon ;
- 10 (4.) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act. Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law ;
- 15 (5.) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of any company.
- 20 **43.** No parcel of land, or interest therein at any time acquired by the new company and not acquired for its actual use and occupation, or not held by way of security, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security. Provided that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which shall be held by the company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada. Provided also that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years. And further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture ; and it shall be the duty of the company to give the Minister of Finance, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisos.
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- 44.** (1) Any two or more companies which are subject to the provisions of this Act, or which are incorporated by or under the authority of an Act of the Parliament of Canada, and whose main business is as mentioned in section 5 hereof, may, in the manner herein provided, amalgamate the one with the other or others, and may enter into all agreements and do all acts necessary or convenient for the purposes of such amalgamation.
- (2.) Any one or more of the companies mentioned in subsection (1) of this section may alone or together purchase the entire assets of any other or others of such companies which may sell said assets, and the companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purposes of such purchase and sale.

Rights of preference stockholders.

Savings clause.

Limitation of time for holding real estate.

Forfeiture.

Enforcement of forfeiture.

Statement to be furnished.

Amalgamation of companies.

Agreements for amalgamation.

Purchase of assets.

Provided always that specified assets may be excepted from such purchase and sale.

Contents of agreement,

(3.) The agreement shall prescribe the terms and conditions of the amalgamation or purchase, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn. 5 10 15

Approval of agreement.

(4.) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into consideration, and, if at each such meeting the same is accepted and approved by resolution passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreement may be executed under the corporate seals of the companies, and an application may be made to the Governor General in Council by the companies for letters patent confirming the same. 20 25

Confirmation by Governor in Council.

(5.) Upon the terms of this Act, and of any regulations made hereunder, being complied with, and, unless it appear that the granting of said application would not be in the public interest, the Governor in Council may grant the same and issue letters patent under the great seal confirming said agreement. 30

Effect of letters patent confirming agreement.

(6.) On, from and after the date of such letters patent confirming an agreement of amalgamation, the said companies shall be amalgamated and shall form one company by the name in said agreement provided, and, upon the terms and conditions thereof, subject to the provisions of subsection (8) of this section, the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to each of the said companies or to which it may be or become entitled, and shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of each of said companies; and any person having any claim, demand, right, cause of action or complaint against any of said companies, or to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the amalgamated company as such person has against such other company. 35 40 45 50

Preservation of rights, etc.

(7.) Nothing in said agreement of amalgamation or in this Act contained or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, or its directors or shareholders, or shall 55

relieve such company, its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

5 (8.) No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof.

Non-abatement of suits.

10 (9.) Subject to the terms and exceptions contained in said letters patent, the provisions of this Act shall apply to the amalgamated company and to the business carried on by it, and, subject as aforesaid, the borrowing and lending powers of such company shall be governed by the provisions of this Act, and, subject as aforesaid, any provision in the charter or Act of incorporation, or of any other Act, applicable to any of the amalgamated companies which is inconsistent with the provisions of this Act, shall cease to have effect.

Application of this Act to amalgamated company.

20 (10.) On, from and after the date of such letters patent confirming an agreement of purchase and sale, the assets purchased and sold shall, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the company or companies purchasing, but the selling company shall from time to time (subject to the terms of said agreement) execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to vest in the purchasing company or companies the full title and ownership of the assets purchased and sold.

Vesting of assets conveyed.

30 45. Any company of any of the kinds mentioned in subsection (1) of section 44 hereof may pass a bylaw providing, upon such terms as may be thought best, for the conversion into fully paid up shares, of shares in its capital stock which have been only partly paid up, but such by-law shall not have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such meeting, and has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board.

Conversion of shares into paid-up shares.

Confirmation by Minister of Finance.

45 46. Upon an application to the Minister of Finance for a certificate confirming such by-law unless it appear that the granting of such certificate would not be in the public interest, the said Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate the said bylaw shall come into force and take effect and may be acted on according to its terms. Provided, however, that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall effect or impair the rights of creditors of the company.

Conditions of confirmation.

Savings clause.

50 47. Every company which is subject to the provisions of this Act, shall transmit, on or before the first day of March in

Statements to be transmitted.

To whom. each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the company and the proportion thereof paid up, the assets and liabilities of the company, the amount and nature of the investments made by the company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the company as the Minister of Finance and Receiver General requires, and in such form and with such details as he from time to time requires and prescribes; but the company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

R.S.C., c. 119.  
Effect of this Act upon.

48. The Companies Act, chapter 119 of the Revised Statutes of Canada, is hereby repealed so far as regards the formation or incorporation hereafter of any loan company or the amalgamation of any two or more loan companies by virtue of any of the provisions thereof; but every such Company incorporated or formed by virtue of the said Act shall so remain and no provision of the said Act shall as touching any such Company, be in any wise affected by this Act.

SCHEDULE.

FORM "A"

THIS INDENTURE made, &c., between (*the old company*), hereinafter called "the old company," of the first part; and (*the new company*), hereinafter called "the new company," of the second part.

Whereas the shareholders of the old company have accepted and approved of the charter of the new company issued pursuant to "The Loan Companies Act, Canada, 1898," and by the resolution of shareholders duly passed in that behalf the .....day of.... (or the execution hereof, or as the case may be), was fixed as the date (or event) from which the said charter should take effect and speak:

And whereas by the said Act the new company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old company:

And whereas the old company has agreed to convey and assign the same to the new company:

Now this indenture witnesseth that, in consideration of the said Act and of the shares in the capital stock of the new company, which are thereby vested in the shareholders of the old company; and in consideration of the covenants by the new company hereinafter contained, the old company does hereby grant, assign, transfer and set over unto the new company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company, or to which it is or may be or may become entitled.

To have and to hold unto the new company, its successors and assigns, to and for their sole and only use for ever.

And the old company covenants with the new company to execute and deliver, at the expense of the new company, 5 all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new company, its successors and assigns, the full legal and equitable and beneficial title and interest to and in the said assets, 10 rights, credits, effects and property and each and every part thereof.

And in consideration of the foregoing, the new company covenants with the old company, its successors and assigns, to pay, discharge, carry out and perform all the debts, liabilities, obligations, contracts and duties for or in respect of which 15 the old company is now liable or which it should pay, discharge, carry out or perform; and to indemnify and save harmless the old company in respect thereof.

Q—3

*Bill*  
164

SENATE BILL.

Q

An Act respecting Loan Companies.

Received and read the first time, Wednesday,  
18th May, 1898.  
Second reading, Wednesday, 25th May, 1898.

Honourable Mr. MILLS.

OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act to amend the Companies Act.

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

1. Any joint stock company or corporation duly incorporated under the laws of the Parliament of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on mining operations or of buying, selling, leasing and operating mines of all kinds may, on receiving a license from the Secretary of State of Canada, carry on mining operations in that part of the North-west Territories of Canada known as the Yukon Judicial District, and may buy, sell, lease and operate mines of all kinds situate in the said district, and shall be entitled to all the rights and privileges of a free miner, subject to the regulations governing and affecting free miners.
2. Every company desirous of obtaining such license as aforesaid shall first file in the office of the Secretary of State of Canada a certified copy of the charter or Act incorporating the company.
3. Notice of the issue of such license shall be published in the *Canada Gazette*.
4. The fees payable for the license shall, from time to time, be fixed by the Governor in Council.

British and Foreign mining corporations may obtain license to mine in Yukon District.

Copy of charter to be filed.

Notice of license.

Fees.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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*Bills*

165

SENATE BILL.

S

An Act to amend the Companies Act.

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Received and read the first time, Thursday,  
26th May, 1898.  
Second reading, Friday, 27th May, 1898.

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Honourable Mr. Scott.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

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No. 166.]

**B I L L .**

[1898.

An Act in further amendment of the Fisheries Act.

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

1. Subsection 2 of section 15 of *The Fisheries Act*, as enacted by section 1 of chapter 27 of the statutes of 1895, shall not apply or be deemed to have applied to the owners or employees of any saw-mill constructed and in operation on the twenty-ninth day of June, one thousand eight hundred and ninety-seven, with respect to putting or permitting to pass before the first day of May, one thousand eight hundred and ninety-nine, any saw-dust or mill rubbish from such saw-mill into any waters which were on the thirtieth day of April, one thousand eight hundred and ninety-eight, excepted from the operation of the said subsection.
- Exception from application of R.S.C., c. 95, s. 15.

No. 166.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act in further amendment of the  
Fisheries Act.

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First reading, June 6th, 1898.

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Sir LOUIS DAVIES

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 167.]

**BILL.**

[1898.

An Act in further amendment of the Post Office Act.

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

1. Subsection 1 of section 9 of *The Post Office Act*, chapter 35 of the Revised Statutes, as amended by section 1 of chapter 26 of the statutes of 1897 and by section 2 of chapter — of the statutes of 1898, is hereby amended by adding thereto the following paragraph :—

R.S.C., c. 35,  
s. 9 amended.

“(t.) Make regulations establishing a system of special delivery of mailable matter, fixing rates of charges for such special delivery, and the method of payment thereof, and providing such other details as may be deemed necessary for the carrying out of such system, including payment of messengers, notwithstanding anything in *The Civil Service Act*.”

Special  
delivery.

No. 167.

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3rd Session, 8th Parliament, 61 Victoria, 1893

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BILL.

An Act in further amendment of the Post  
Office Act.

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First reading, 8th June, 1898.

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Mr. MULOCK

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Manitoba School Fund.

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

1. The Governor in Council may, from the moneys invested  
5 under the provisions of subsection 3 of section 25 of *The Dominion Lands Act*, chapter 54 of the Revised Statutes, forming the school fund for the province of Manitoba, pay from time to time to the Government of Manitoba, on the request of the said Government, such sum or sums as he thinks  
10 proper, not exceeding in the whole the sum of three hundred thousand dollars, the sum or sums so paid to be expended by the said Government of Manitoba in the support and maintenance of the public schools in that province; provided always that not more than two hundred thousand dollars shall  
15 be so paid to the said Government for the purpose aforesaid during the present calendar year.
- Payment to province of Manitoba authorized.

No. 168.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Manitoba School  
Fund.

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First reading, June 8th, 1898.

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Mr. FIELDING.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act respecting the Manitoba Debt Account.

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

1. The Governor in Council may direct that the sum of two hundred and sixty-seven thousand and twenty-six dollars and forty-three cents, being the cost of the erection of the legislative buildings and Government House at Winnipeg, which sum was charged against the "Province of Manitoba Debt Account," be, on or from the first day of July, one thousand eight hundred and ninety-eight, credited to the said account, and that the interest payable to the said province on the said first day of July, one thousand eight hundred and ninety-eight, on the balance at the credit of the said debt account be calculated on the balance at the credit of the said account after the said sum of two hundred and sixty-seven thousand and twenty-six dollars and forty-three cents has been credited as herein provided.
2. The Governor in Council may, on or after the said first day of July, one thousand eight hundred and ninety-eight, pay to the Government of the province of Manitoba the sum of two hundred and thirty-one thousand five hundred and seventy-five dollars and forty-seven cents, being the total of the amounts which would have been payable to the province of Manitoba by the Dominion, in excess of the amounts actually paid, as interest from time to time payable on the balances at the credit of the said debt account, had the cost of the erection of the said legislative buildings and Government House at Winnipeg not been charged against the said debt account, together with interest at the rate of five per cent per annum on each of the amounts so payable in excess of the amounts actually paid, from the date when they would have been payable to the said first day of July, one thousand eight hundred and ninety-eight.

Cost of legislative buildings and Government House.

Payment of interest to Manitoba.

No. 169.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act respecting the Manitoba Debt  
Account.

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First reading, June 8th, 1898.

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Mr. FIELDING.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting Public Officers.

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

1. Section 22 of the Revised Statute respecting Public Officers, as said section is enacted by chapter 9 of the statutes of 1887, is hereby repealed and the following is substituted therefor :—

R.S.C., c. 19, s. 22 and 1887, c. 9, s. 1 amended.

- “22. The Governor in Council may direct that whenever any person is required to give security as aforesaid, for the due performance of his office, trust or employment, and for his duly accounting for all public moneys entrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the bond or policy of guarantee of any incorporated or joint stock company, incorporated and empowered to grant guarantees, bonds, covenants or policies, for the integrity and faithful accounting of public officers or other like purposes, and named in the Order in Council, or a conditional assignment of a deposit standing in the name of such public officer in the books of the Post Office or any other Government Savings Bank, may be accepted as such security, upon such terms as are determined by the Governor in Council; but in the case of an assignment of a deposit as aforesaid, the interest shall be payable to the depositor, until forfeiture of the security, in like manner as if no such assignment had been made.

Acceptance of certain securities may be authorized by Governor in Council.

Guarantee bonds or policies.

Assignment of deposit in Government Savings Bank.

- “2. The Governor in Council may direct that in all cases, or in any case or class of cases in which the bond or policy of guarantee of an incorporated or joint stock company is accepted as such security, the money necessary to pay the premium upon such bond or policy may be deducted from the salary or pay of the person or persons for whom the security is given, either by monthly instalments or otherwise.

Premiums may be deducted from officer's salary.

- “3. The Governor in Council may from time to time make regulations for the establishment and maintenance of a fund to be derived from moneys contributed by, or deducted from the salaries or pay of, the persons concerned, wherewith to make good to the Crown any loss sustained by reason of the failure of any person required to give security as aforesaid to duly discharge the duties of his office, trust or employment, or to duly account for public moneys entrusted to him or placed under his control.

Indemnification fund may be established

Application  
of regulations  
as to indemni-  
fication fund.

“ 4. Such regulations may apply generally to all persons required to give security as aforesaid, or to any class or classes of such persons, and, if the Governor in Council thinks fit, may provide as to all or any of the persons or classes of persons affected by them that the security afforded by such fund shall be in substitution or in partial substitution for the security so required to be given as aforesaid.” 5

3rd Session, 8th Parliament, 61 Victoria, 1898

170

SENATE BILL.

T

An Act further to amend the Act  
respecting Public Officers.

Received and read a first time, Thursday,  
2nd June, 1898.  
Second reading, Monday, 6th June, 1898.

Honourable Mr. MILLS.

OTTAWA

Imprimé par S. E. DAWSON  
Imprimeur de Sa Très Excellente Majesté la Reine  
1898

## An Act to amend the Customs Tariff, 1897.

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

1. Section 6 of *The Customs Tariff*, 1897, is hereby repealed <sup>1897, c. 16,  
new s. 6.</sup> and the following is substituted therefor :—

“6. The importation into Canada of any goods enumerated, <sup>Prohibited  
goods.</sup> described or referred to in schedule C to this Act is prohibited; and any such goods imported shall thereby become forfeited to the Crown and shall be destroyed or otherwise dealt with as <sup>the</sup> Minister of Customs directs; and any person importing any such prohibited goods, or causing or permitting them to be imported, shall for each offence incur a penalty not exceeding two hundred dollars.”

2. On and after the first day of August, one thousand <sup>New s. 17.</sup> eight hundred and ninety-eight, section 17 of the said Act shall be repealed and the following shall be substituted therefor :—

“17. Articles which are the growth, produce or manufacture of any of the following countries may, when imported direct <sup>British  
preferential  
tariff.</sup> into Canada from any of such countries, be entered for duty or taken out of warehouse for consumption in Canada at the reduced rate of duty provided in the British preferential tariff set forth in schedule D to this Act :—

- (a.) The United Kingdom;
- (b.) The British colony of Bermuda;
- 25 (c.) The British colonies commonly called the British West Indies, including the following :—
  - The Bahamas;
  - Jamaica;
  - Turks and Caicos Islands;
  - 30 The Leeward Islands (Antigua, St. Christopher, Nevis, Dominica, Montserrat, and the Virgin Islands);
  - The Windward Islands (Grenada, St. Vincent and St. Lucia);
  - Barbados;
  - 35 Trinidad and Tobago;
  - (d.) British Guiana;
  - (e.) Any other British colony or possession the customs tariff of which is, on the whole, as favourable to Canada as the British preferential tariff herein referred to is to such
  - 40 colony or possession.

Provided, however, that manufactured articles to be ad- <sup>Application  
to certain  
articles only.</sup> mitted under such preferential tariff shall be *bona fide* the manufactures of a country or countries entitled to the benefits

of such tariff, and that such benefits shall not extend to the importation of articles into the production of which there has not entered a substantial portion of the labour of such countries. Any question arising as to any article being entitled to such benefits shall be decided by the Minister of Customs, whose decision shall be final. 5

Raw sugar. "2. Raw sugar, including all sugar described in item 436 of schedule A, may, when imported direct from any British colony or possession, be entered for duty or taken out of warehouse for consumption in Canada at the reduced rate of duty provided in the British preferential tariff. 10

Application to certain colonies, how determined. "3. The Minister of Customs, with the approval of the Governor in Council, shall determine what British colonies or possessions shall be entitled to the benefits of the preferential tariff under paragraph (e) of subsection 1 of this section. 15

Regulations. "4. The Minister of Customs may, with the approval of the Governor in Council, make such regulations as are deemed necessary for carrying out the intention of this section."

New item 221. "3. Item 221 in schedule A to the said Act is hereby repealed and the following substituted therefor:— 20

"221. India rubber boots and shoes; rubber belting, rubber cement and all manufactures of India rubber and gutta percha, n.o.p., twenty-five per cent *ad valorem*.....25 p.c."

New items 435 and 436. "4. Items 435 and 436 in schedule A to the said Act are hereby repealed and the following are substituted therefor:— 25

"435. All sugar above number sixteen Dutch standard in colour, and all refined sugars of whatever kinds, grades or standards, testing not more than eighty-eight degrees by the polariscope, one dollar and eight cents per one hundred pounds, and for each additional degree one and one-half cent per one hundred pounds. Fractions of five-tenths of a degree or less not to be subject to duty, and fractions of more than five-tenths to be dutiable as a degree. 30

"436. Sugar n.e.s. not above number sixteen Dutch standard in colour, sugar drainings or pumpings drained in transit, melado or concentrated melado, tank bottoms and sugar concrete, testing not more than seventy-five degrees by the polariscope, forty cents per one hundred pounds, and for each additional degree one and one-half cent per one hundred pounds. Fractions of five-tenths of a degree or less not to be subject to duty, and fractions of more than five-tenths to be dutiable as a degree. The usual packages in which imported to be free" 35 40

Items 445 and 446 repealed. "5. On and after the first day of July, one thousand eight hundred and ninety-eight, items 445 and 446 in schedule A to the said Act shall be repealed 45

New item 616. "6. On and after the said first day of July, the following item shall be inserted in schedule B to the said Act instead of item 616:— 50

"616. Tobacco, unmanufactured, for excise purposes under conditions of the Inland Revenue Act."

7. On and after the first day of August, one thousand eight hundred and ninety-eight, schedule D to the said Act shall be <sup>New schedule</sup> repealed and the following substituted therefor :—<sup>D.</sup>

“SCHEDULE D.

5

“BRITISH PREFERENTIAL TARIFF.

“On articles entitled to the benefits of this preferential tariff under section seventeen, the duties mentioned in schedule A shall be reduced as follows : The reduction shall be one-fourth 10 of the duty mentioned in schedule A, and the duty to be levied, collected and paid shall be three-fourths of the duty mentioned in schedule A.

Provided, however, that this reduction shall not apply to any of the following articles and that such articles shall in all 15 cases be subject to the duties mentioned in schedule A, viz. : wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol ; toba co, cigars and cigarettes.

Provided further, that the reduction shall only apply to refined sugar, when evidence satisfactory to the Minister of 20 Customs is furnished that such refined sugar has been manufactured wholly from raw sugar produced in the British colonies or possessions.”

8. Except as herein otherwise provided, this Act shall be held to have come into force on the sixth day of April, in the 25 present year, one thousand eight hundred and ninety-eight. Commence-  
ment of Act.

No. 171.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act to amend the Customs Tariff,  
1897.

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First reading, June 9th, 1898.

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Mr. FIELDING.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Inland Revenue Act.

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

1. Section 258 of *The Inland Revenue Act*, as amended by R.S.C., c. 34, s. 258 amended.

5 further amended by adding thereto the following subsections:—  
 “2. On and after the first day of July, one thousand eight hundred and ninety-eight, the weight upon which the duty on raw leaf tobacco shall be computed, as provided by paragraphs 10 (*m*) and (*n*) of subsection one of this section, shall be the weight with reference to the standard mentioned in paragraph (*c*) of section 247. Duty on raw leaf tobacco.

15 “3. The provisions of the said paragraphs (*m*) and (*n*) shall apply to foreign raw leaf tobacco in excise warehouse on the twenty-third day of April, one thousand eight hundred and ninety-seven, or transferred thereto thereafter free of customs duties.”

2. Section 14 of chapter 19 of the statutes of 1897 is hereby 1897, c. 19, s. 14 repealed.  
 repealed.

20 3. In amendment of a clerical error in section 4 of chapter 19 of the statutes of 1897, the words “section 1 of chapter 25 of the statutes of 1895” are hereby substituted for the words 1897, c. 19, s. 4 amended.  
 “section 4 of chapter 46 of the statutes of 1891”; and the said section 4 shall be construed as if it had been originally  
 25 enacted as hereby amended.

No. 172.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL.

An Act further to amend the Inland  
Revenue Act.

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First reading, 9th June, 1898.

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Mr. FIELDING.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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No. 173.]

**BILL.**

[1898.

An Act further to amend the Act respecting the Senate and House of Commons.

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

1. For the present session of Parliament, and for each  
5 session of Parliament hereafter held, the deduction of eight  
dollars per day mentioned in section 26 of the *Act respect-* Days of  
*ing the Senate and House of Commons*, being chapter 11 of absence of  
the Revised Statutes, shall not be made for fifteen days in members.  
the case of a member who has been absent from a sitting of  
10 the House of which he is a member, or of some committee Proviso.  
thereof, during such number of days; but this provision shall  
not operate to extend the maximum amount mentioned in  
section 25 of the said Act, nor in the case of a member elected  
since the commencement of a session shall it apply to days  
15 prior to his election.

No. 173.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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BILL

An Act further to amend the Act  
respecting the Senate and House of  
Commons.

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First reading, June 10th, 1898.

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MR. FIELDING.

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OTTAWA

Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

BILL No. 174.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial years ending respectively the 30th June, 1898, and the 30th June, 1899, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by Messages from His Excellency Preamble.  
the Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Governor General of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and ninety-eight, and the thirtieth day of June, one thousand eight hundred and ninety-nine, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

15 **1.** This Act may be cited as *The Appropriation Act, 1898.* Short title.

**2.** From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole one million four hundred and twenty-five thousand four hundred and twelve dollars and \$1,425,412.91 granted for financial year 1897-98.  
20 ninety-one cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and ninety-seven, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and ninety-eight, not  
25 otherwise provided for, and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned.

**3.** From and out of the Consolidated Revenue Fund of Canada \$28,677,233.08 granted for financial year 1898-99.  
30 in the whole twenty-eight million six hundred and seventy-

seven thousand two hundred and eighty-three dollars and eight cents, towards defraying the several charges and expenses of the public service of Canada, from the first day of July, in the year of Our Lord one thousand eight hundred and ninety-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and ninety-nine, not otherwise provided for, and set forth in schedule B to this Act, and also for the other purposes in the said schedule mentioned. 6

As to private secretaries not in the permanent civil service.

4. If the private secretary of the head of a department, or of the Solicitor General, is not a member of the permanent civil service, there may be paid to him the salary payable to a private secretary under *The Civil Service Act*; and, out of the amount granted by this Act for the contingencies of the department, there may be paid to him a further salary not exceeding nine hundred dollars a year; provided the combined salaries of 15 such secretary shall not exceed fifteen hundred dollars a year.

Special provision as to N. W. T.

5. The amounts granted by this Act for the Government of the North-West Territories shall not be deemed to have lapsed if not expended within the year for which they are granted. 20

Declaratory as to certain loans authorized but not raised.

6. And whereas there remained on the thirty-first day of May, one thousand eight hundred and ninety-eight, unborrowed and negotiable, of the loans authorized by Parliament for the construction of public works, and for general purposes, the following sums:— 25

Authorized and guaranteed by the Imperial

Parliament for the Intercolonial Railway..	\$ 1,946,666 67
For public works and general purposes.....	14,543,069 58

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\$16,489,736 25

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Such sums may be raised under R.S.C., c. 29.

Therefore it is declared and enacted, that the Governor in 30 Council may authorize the raising of the several sums above mentioned, as they are required for the purposes aforesaid, respectively, under the provisions of *The Consolidated Revenue and Audit Act*, and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Application of such sums.

# SCHEDULE A.

Sums granted to Her Majesty by this Act for the Financial Year ending 30th June, 1898, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.	\$ cts.	\$ cts.
Printing Dominion notes, further amount .....		10,000 00
<b>CIVIL GOVERNMENT.</b>		
<i>Governor General's Secretary's Office</i> —Further amount for contingencies:—		
Printing and Stationery .....	\$ 150 00	
Sundries .....	2,700 00	
	2,850 00	
<i>Queen's Privy Council for Canada</i> —Allowance for private secretary to Hon. R. R. Dobell, to be paid notwithstanding anything in the Civil Service Act .....		
		600 00
<i>Department of Inland Revenue</i> —Further amount for contingencies .....		
		150 00
<i>Department of Indian Affairs</i> —Additional amount for payment of extra clerks and messengers .....		
	\$ 475 00	
Gratuity to the widow of James Kearns, messenger, equal to two months' pay .....		
	55 00	
	530 00	
<i>Department of Railways and Canals</i> —J. L. Payne, second-class clerk, difference between the amount of F. Beard's salary of \$1,100 as a second-class clerk, and J. L. Payne's salary of \$1,250 which he received when transferred from the Department of Militia and Defence to the Department of Railways and Canals .....		
		150 00
<i>Department of Justice</i> —Salary of Hector Verret at \$200 per annum for 44 days from 3rd February, 1898, to 18th March, 1898, both inclusive .....		
	\$ 24 11	
Increase of salary of messenger G. R. Cleland to \$360 per annum from 1st January, 1898 .....		
	30 00	
Further amount for contingencies .....		
	2,500 00	
	2,554 11	
<i>Department of Agriculture</i> —J. C. Farmer and C. Thompson difference in salary between \$400 and \$600 for ten months, to 30th June, 1898, notwithstanding anything in the Civil Service Act .....		
		333 34
<i>Department of Public Works</i> —C. O. Beauchemin & fils, for 12 volumes, entitled "Rapports Judiciaires Revisés du Juge Mathieu" .....		
	\$ 72 00	
Further amount for printing and stationery .....		
	700 00	
	772 00	
<i>Department of Marine and Fisheries</i> —Clerical assistance .....		
	\$ 700 00	
Printing and stationery .....		
	1,000 00	
Sundries .....		
	500 00	
	2,200 00	
<i>Department of Militia and Defence</i> —Lt.-Col. D. A. Macdonald, difference in salary between that of 1st class clerk at \$1,800 per year and that of Chief Clerk and Chief Superintendent of Stores at \$2,800, from 1st October, 1897 (date of taking over the work), to 30th June, 1898, notwithstanding anything in the Civil Service Act .....		
	\$ 750 00	
$1\frac{1}{2}$	174—3	

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
<b>CIVIL GOVERNMENT—Concluded.</b>		
	\$ cts.	\$ cts.
Contingencies—		
Clerical and other assistance.....\$ 1,000 00		
Printing and stationery..... 1,400 00		
Sundries..... 500 00		
	\$ 2,900 00	
<i>Post Office Department</i> —Clerical and other assistance.....\$ 1,500 00	3,650 00	
Printing and Stationery..... 3,000 00		
	4,500 00	
<i>Office of the High Commissioner for Canada in London</i> —		
To provide for a salary of \$3,300 for J. G. Colmer.....	300 00	
		18,589 45
<b>ADMINISTRATION OF JUSTICE.</b>		
Additional salary to Mr. Justice McGuire as Judge of the Yukon Judicial District, at the rate of \$1,000 per annum from 16th August, 1897, to 30th June, 1898.....	873 97	
Additional amount for circuit allowances, British Columbia.....	2,000 00	
Additional amount for circuit allowances, Manitoba.....	500 00	
Mr. Justice Drake for services as Deputy Local Judge in Admiralty for District of British Columbia from 7th March, 1898, at \$1,000 per annum.....	320 54	
Salary of G. Neilson, Sheriff of Saskatchewan Judicial District, from 20th November, 1897, to 7th December, 1897.....	21 92	
Two District Court Judges, Ontario, one month's salary.....	333 33	
		4,049 76
<b>PENITENTIARIES.</b>		
Balance required to meet expenses of Commissioners:—		
Kingston.....	1,817 00	
St. Vincent de Paul.....	17,727 76	
Manitoba.....	2,402 55	
British Columbia—		
D. D. Bourke, difference in salary as Deputy Warden of Manitoba Penitentiary and that of British Columbia Penitentiary, from 5th Aug., 1895, to 1st April, 1896, notwithstanding anything in the Penitentiary Act.....\$ 326 00		
Allowance for fuel for above period..... 50 00		
	376 00	
		22,323 31
<b>UNPROVIDED ITEMS, 1896-97.</b>		
Amount required to cover unprovided items as per Auditor General's Report, 1896-97 (Page A-2).....		38,018 61
<b>LEGISLATION.</b>		
<i>Senate.</i>		
Unforeseen expenses of Special Committees of the Senate during the present session of Parliament, printing debates and other contingencies..	5,000 00	
<i>House of Commons.</i>		
Additional amount for publishing debates.....\$ 20,000 00		
Additional expenditure during recess for French Translation (including Experimental Farm Report, \$468, and Report of Dairy Commissioner, \$250.....	3,000 00	
Additional amount for sessional clerks, including two clerks for Whips' Rooms.....	3,568 00	
Additional amount for Committees:—Witnesses, shorthand writers, etc.....	1,000 00	
Additional amount for newspapers.....	300 00	
Sessional indemnity of the late F. Dupont.....	1,000 00	

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
<b>LEGISLATION—Concluded.</b>		
<i>House of Commons—Concluded.</i>		
To pay sessional indemnity and balance of travelling expenses of the late S. F. Perry, the amount to be paid as the Treasury Board may apportion and determine.....	\$ 1,105 80	
To pay balance of the sessional indemnity of the late Dalton McCarthy .....	975 00	
Leather trunks delivered since last session .....	1,298 00	
10 trunks for new members .....	220 00	
Sessional messengers .....	4,185 00	
Pages .....	974 00	
Allowance to restaurant steward at \$2.50 per day .....	312 50	
Servant's bathrooms, washrooms, etc .....	213 00	
Sessional charwomen .....	306 00	
Gasman .....	32 50	
James Akister, deputy returning officer, general election in South Victoria, amount withheld by the returning officer .....	11 10	
Additional amount for sessional clerks and translators .....	488 00	
Additional for Committees .....	400 00	
Additional for Sessional messengers, pages, charwomen, etc..	693 00	
	40,081 90	
<i>Library of Parliament.</i>		
Pay of the following sessional messengers, during the session of 1898, viz.:—		
H. J. Meiklejohn, from 3rd February to 30th June, 148 days at \$2.50 per day.....	\$ 370 00	
Phileas Huot, from 7th February to 30th June, 144 days at \$2.50 per day.....	360 00	
	\$730 00	
John Smith, difference between \$1,000 and \$1,100 per annum, from 1st October, 1896, to 1st April, 1897.....	50 00	
	780 00	
		45,861 90
<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
Further amount to pay outstanding accounts in connection with Territorial Exhibition held at Regina, 1894.....	4,000 00	
Further amount to promote the establishment and maintenance of creameries in the North-West Territories .....	10,000 00	
Gratuity equal to three months' salary to the widow of the late J. Kirkpatrick.....	100 00	
Experimental Farms.....	2,500 00	
Omaha Trans-Mississippi Exhibition.....	5,000 00	
W. H. Lynch, for 12,000 copies of "Scientific Dairying".....	720 00	
		22,320 00
<b>QUARANTINE.</b>		
Gratuity to W. McK. McLeod, late Inspecting Physician at Sydney, N.S.	500 00	
Further amount for salaries and contingencies of organized districts, and public health in other districts.....	12,500 00	
Further amount for compensation for the slaughter of hogs and sheep, and all expenses connected therewith.....	12,000 00	
		25,000 00
<b>IMMIGRATION.</b>		
Further amount for the following services:—		
Salaries of agents and employees in Canada .....	5,000 00	
Salaries of agents in foreign countries.....	3,800 00	
Contingencies in Canadian, British and Foreign Agencies and general immigration expenses and for salaries of extra clerks at head office .....	60,000 00	
		68,800 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
<b>MILITIA.</b>		
(Chargeable to Income.)		
Salary of Major Cartwright, A.A.G. at headquarters, from 15th February, 1898, to 30th June, 1898, at \$2,800.....	1,050 00	
Pay of Permanent Corps, Schools of Instruction, etc., further amount ...	25,000 00	
Salaries and wages of civil employees, Outside Service—Further amount.	5,500 00	
Provisions and supplies for Permanent Corps—Further amount .....	10,000 00	
Supplies, transport and expenses of militia force sent to Yukon.....	100,000 00	
Transport—Further amount.....	10,000 00	
Dominion Cartridge Factory—Further amount for wages and general expenses.....	10,000 00	
		161,550 00
<b>RAILWAYS AND CANALS.</b>		
(Chargeable to Capital.)		
<b>RAILWAYS.</b>		
<i>Intercolonial.</i>		
Land claims and damages, and engineers and other charges in connection with Indiantown Branch.....	4,000 00	
Improvements to Dalhousie Wharf.....	3,600 00	
Increased accommodation at Moncton.....	40,000 00	
Replacing a wooden trestle by masonry culvert and solid embankment.....	2,450 00	
Dredging at deep water terminus at St. John.....	5,000 00	
To complete increased accommodation at Causapscah.....	250 00	
Snow plough for Cape Breton district.....	2,500 00	
*To lengthen engine stalls and turntables.....	5,000 00	
Pictou Harbour Commissioners for a wharf, and costs in connection therewith, viz.:—		
Property purchased.....	\$2,500 00	
Costs.....	221 50	
		2,721 50
Stewart & Jones interest at 6 p.c. on \$38,915.37, amount of finding of commissioner <i>re</i> "Hard-pan claims," viz.: On \$38,055.37, from 7th January, 1893, date of finding, to 20th September, 1893, date of payment; and on \$860 from 7th January, 1893, date of finding, to 9th October, 1894, date of payment, amounting in all to .....		1,694 99
		67,216 49
<b>RAILWAYS AND CANALS.</b>		
(Chargeable to Income.)		
<b>RAILWAYS.</b>		
<i>Crow's Nest Pass..</i>		
Salary and expenses of superintending engineer.....	\$ 2,500 00	
<i>Drummond County.</i>		
Salary and expenses of inspecting engineer.....	2,000 00	
		4,500 00
<b>CANALS.</b>		
<i>Trent.</i>		
To complete work at Burleigh.....	\$ 1,400 00	
<i>Rideau.</i>		
J. K. Read, late lockmaster at Hogsback, for certain outbuildings and improvements to lockhouse done by him at his own expense.....	\$200 00	
To rebuild sill of rock No. 2 at Long Island.....	750 00	
To take down and rebuild upper wing wall at Burritts .....	30 00	
To repair bulkhead at Old Sly's .....	450 00	
To complete payment for land damages at Kingstons Mills.....	350 00	
	1,780 00	
		3,180 00

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
RAILWAYS AND CANALS— <i>Concluded.</i>	\$ cts.	\$ cts.
(Chargeable to Income)— <i>Concluded.</i>		
MISCELLANEOUS.		
Towards expenses of an exploratory survey to ascertain the most practical route for an all-Canadian railway from some point on an existing railway into the Yukon district .....	5,000 00	12,680 00
PUBLIC WORKS.		
(Chargeable to Income.)		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Halifax Dominion Building—Remodelling present system of electric lighting, overhauling gas pipes, etc.....	\$ 1,000 00	
Windsor Public Building—Reconstruction of building destroyed by fire on 17th Oct., 1897.	15,000 00	
Windsor Drill Shed—Reconstruction of building destroyed by fire on 17th October, 1897.....	3,000 00	
	<u>\$19,000 00</u>	
<i>Quebec.</i>		
Rimouski—Post office and custom-house, etc., to complete .....	1,500 00	
<i>Ontario.</i>		
Toronto Inland Revenue Building—To pay Toronto city corporation the Dominion government's share of the cost of paving the lanes around this building with asphalt, as per agreement .....	\$ 534 29	
Toronto Post Office—Fitting up rented rooms at Grand Trunk Railway, Union Station.....	1,000 00	
Public Buildings, Ottawa—Scoria block pavement in tramway to boiler house, Parliament Building, etc. ....	2,033 50	
	<u>3,567 79</u>	
<i>North-West Territories.</i>		
Prince Albert court house and jail accommodation—New works and repairs .....	\$ 6,900 00	
Regina Council Buildings, etc.—Refund to the Territorial Government amount expended for repairs, renewals, etc. ....	855 69	
	<u>7,755 69</u>	
<i>Rents, Repairs, Furniture, Heating, etc.</i>		
Dominion Quarantine Buildings Maintenance—Partridge Island .....	\$ 4,265 00	
Public Buildings, Ottawa—Increased heating apparatus and gas fixtures, etc., Langevin Block .....	1,700 00	
Geo. Bailey, for locksmith's, tinsmith's, blacksmith's and brass founder and finisher's work in the Langevin Block, 1889 to 1896, inclusive of fittings, etc., supplied....	1,560 00	

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>PUBLIC BUILDINGS—Concluded.</i>		
<i>Rents, Repairs, Furniture, Heating, etc.—Concluded</i>		
Repairs, materials, furniture, etc., urgent and unexpected amounts expended for works not provided for when estimates were prepared for fiscal year 1897-98, viz.:		
Printing Bureau—Repairs to roof, etc. . . . . \$	727 00	
Supreme Court—Repairs to walls, ceilings, etc.	500 00	
Geological Museum—Fitting up rented building (Baskerville), partitions, tables, furnace, etc..	1,800 00	
French Translator's Offices, Sussex St.—Additional accommodation, etc. . . . .	300 00	
Secretary of State—Document cabinet files..	330 00	
Privy Council—Pigeon holes, double windows, etc. . . . .	825 00	
Langevin Block—Interior Department, partitions, furniture, double windows in attic, alterations, etc. . . . .	3,390 00	
Agriculture Department—Partitions, fitting large room with iron shelving for archives, leather covering for shelves, removal of models from Langevin Block to Slater's Block, Sparks St., etc., fitting up post office in messenger's room. . . . .	3,380 00	
Customs Department—Combination cabinet files, etc. . . . .	250 00	
Post Office Department—Furniture, etc., steel netting and iron shelving in the treasury vaults for storing supply of postage stamps, etc. . . . .	950 00	
Langevin Block—Fire escape in the attic. . . . .	600 00	
Eastern Block—Linoleum in the passages. . . . .	886 79	
Summer House—Repairing and painting, etc.	600 00	
Marine Department—Fitting up rooms over Molsons Bank. . . . .	100 00	
Inland Revenue Department—Alterations in electric testing room. . . . .	100 00	
Additional amounts for replacing furniture destroyed and repairing damages by fire of the 11th February, 1897, of the various departments of the Western Block, viz.:		
Customs Department. . . . .	950 00	
Marine and Fisheries Department. . . . .	1,040 00	
Trade and Commerce Department. . . . .	350 00	
North-West Mounted Police Rooms. . . . .	800 00	
Public Works Department. . . . .	800 00	
Militia and Defence Department. . . . .	2,340 00	
Sundry urgent works in various Departments in May and June . . . . .	2,750 00	
Dominion Public Buildings—Electric and other power used for running elevators, stamp cancelling machines, etc. . . . .	1,500 00	
	\$ 32,793 79	
		64,617 27

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
PUBLIC WORKS—Concluded.		
(Chargeable to Income)—Concluded.		
HARBOURS AND RIVERS.		
<i>Nova Scotia.</i>		
Grand Etang (Inverness Co.) for work done . . . . \$	1,000 00	
Georgeville—Extension of wharf, additional amount for work done . . . . .	700 00	
Yarmouth Harbour—Repairs to breakwater . . . .	234 51	
Meteghan — Breakwater repairs, additional amount for work done . . . . .	42 00	
	<u>\$ 1,976 51</u>	
<i>New Brunswick.</i>		
St. John Harbour—Hydrographic Survey, additional amount for disbursements in 1897-98 . . . . .	178 72	
<i>Quebec.</i>		
Coteau Landing—Dredging . . . . .	11,000 00	
<i>Ontario.</i>		
Kingston Harbour—Dredging . . . . .	6,000 00	
<i>British Columbia.</i>		
Stikine River and other rivers in the Yukon—Examination, improvements, etc. . . . .	14,000 00	
	<u>33,155 23</u>	
DREDGING.		
Nova Scotia, Prince Edward Island and New Brunswick. \$	8,000 00	
Quebec and Ontario . . . . .	3,000 00	
	<u>11,000 00</u>	
ROADS AND BRIDGES.		
Bow River Bridge at Banff, repairs . . . . .	2,500 00	
TELEGRAPH LINES.		
Telegraph line between Margaree and Cheticamp—Re-poling . . . . .	1,228 00	
MISCELLANEOUS.		
W. C. Harris, Architect, professional services 1887 to 1894, in connection with the construction and maintenance of public buildings, harbour works, etc., in Prince Edward Island . . . . . \$	142 05	
Widow of the late William Comper a gratuity equal to three months of his salary as caretaker of the Public Buildings at St. Johns, P.Q. . . . .	37 50	
Widow of the late D. McFarlane, Deputy Slide-master at the Chats Station on the Ottawa River, a gratuity equal to three months of his salary . . . . .	140 00	
Widow of the late William Byrne, messenger at the Dominion Building, Charlottetown, a gratuity equal to three months of his salary . . . . .	112 50	
	<u>432 05</u>	
		112,932 55

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.</b>		
Line of steamers to run between St. John, Halifax and London .....	25,000 00	
Line of steamers to run during the winter season of 1897-98, between St. John and London, Liverpool or Manchester. ....	15,000 00	
Steam service between Halifax, St. John's, Newfoundland, and Liverpool, in the year ended 30th June, 1897. ....	15,000 00	
Steam and mail service between Liverpool and Canada. One extra trip in July, 1897. ....	1,216 67	
		56,216 67
<b>OCEAN AND RIVER SERVICE.</b>		
Repairs to steamer "Stanley" .....	5,000 00	
Department of Printing and Stationery for Registration Books to replace those destroyed by the fire. ....	436 40	
Further amount for Seal Island Life-boat Station, and to reimburse the British Government for gratuities for services rendered Canadian seamen. ....	600 00	
Further amount for winter mail service. ....	2,800 00	
Further amount for Tidal Service for current year. ....	500 00	
		9,336 40
<b>SCIENTIFIC INSTITUTIONS.</b>		
Purchase money for land for the new observatory near Toronto. ....	400 00	
Additional amount to pay salaries of officers of Meteorological Service. ....	500 00	
		900 00
<b>FISHERIES.</b>		
Repairs to Fishery Protection Service steamers. ....	10,000 00	
Customs and other officers, for services in compiling and forwarding daily reports in connection with the Fisheries Intelligence Bureau for season, 1897, viz.: \$15 each to J. P. Brennan, C. P. Lelacheur, E. G. Randall, T. C. Cook, J. M. Veits, R. McLean, Chas. Owen, J. C. Bourinot, J. H. Dunlop, J. R. Ruggles, P. O'Toole, L. McKeen, J. M. McNutt, M. A. Dunn, Geo. Rowlings, A. G. Hamilton, P. T. Fougere, E. D. Tremaine, J. W. Taylor, E. E. Letson, D. Murray, J. A. D'Entremont, R. H. Bolman, W. S. Henley, D. McCaulay, D. Urquhart; \$10 to C. E. Aucoin, and \$5 each to S. Aucoin and J. Clarke. ....	410 00	
Collectors of customs for services in connection with issuing of fishing licenses to United States vessels during 1897. ....	244 57	
Compensation to parents of Weldon Outhouse, one of the crew of the cruiser "Curlew," drowned while on duty, 12 months' pay. ....	180 00	
Balance of legal expenses of Fisheries Reference Appeal to Privy Council. ....	5,608 38	
Further amount for Behring Sea Claims Commission. ....	20,000 00	
		36,442 95
<b>DEPARTMENT OF INDIAN AFFAIRS.</b>		
<b>ONTARIO AND QUEBEC.</b>		
Repayment to the Seminary of St. Sulpice, the value, at 50 cents an acre, of 21,209 acres of land not used for Indian occupation in the Township of Gibson, Ontario, with interest from 26th January, 1892, to 30th June, 1898. ....	\$14,696 05	
To restore to the account for the payment of Robinson Treaty annuities the amount at 5 per cent overdrawn, viz.:—		
Ojibbewas of Lake Huron .....	\$826 46	
do Lake Superior. ....	576 68	
	1,403 14	
Cooking ranges and desks for the Shingwauk Home. ....	330 20	
Additional amount for relief and seed grain, Province of Quebec. ....	1,000 00	
		17,429 39

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
DEPARTMENT OF INDIAN AFFAIRS— <i>Concluded.</i>		
NOVA SCOTIA.		
Additional amount for medical attendance and medicines... \$ 1,000 00		
Fence between the Indian Reserve, County of Antigonish, and the lands of D. Chisholm..... 100 00	1,100 00	
NEW BRUNSWICK.		
Additional amount for medical attendance and medicines.....	500 00	
PRINCE EDWARD ISLAND.		
Further sum for medical attendance.....	300 00	
MANITOBA AND THE NORTH-WEST TERRITORIES.		
Salary of J. H. Antliff, D.L.S., from 1st July to 30th Sept- ember, 1897..... \$ 300 00		
Additional amount for destitute Indians..... 6,000 00		
Additional amount for surveys..... 1,600 00	7,900 00	
GENERAL.		
Additional amount for the travelling expenses of Inspectors Macrae and Chitty.....	500 00	27,729 39
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Further amount for expenses connected with the Lieutenant Governor's office..... 750 00		
Further amount for insane patients in Manitoba asylums..... 6,000 00	6,750 00	
GOVERNMENT OF THE YUKON PROVISIONAL DISTRICT.		
Salaries and expenses connected with the administration of the District, including \$5,000 for the purpose of paying a gratuity to William Ogilvie, D.L.S., in recognition of his distinguished public services in connection with the survey and exploration of the District .. 50,000 00		
To maintain a force of mounted police in the District..... 500,000 00	550,000 00	
DOMINION LANDS.		
( <i>Chargeable to Capital.</i> )		
Further amount for surveys, examination of survey returns, printing of plans, etc..... 40,000 00		
Gratuity to the late J. I. Dufresne..... 250 00	40,250 00	
DOMINION LANDS.		
( <i>Chargeable to Income.</i> )		
Further amount for salaries of extra clerks at Ottawa, advertising, etc.... 700 00		
Further amount for salaries of clerks, etc., in the outside service..... 3,200 00	3,900 00	
MISCELLANEOUS.		
Fencing, etc., in the Rocky Mountains Park of Canada..... 2,500 00		
Expenses in connection with the settlement of land claims in the Island Railway Belt, etc., British Columbia..... 1,150 00		
To recoup the North-West Mounted Police for assistance to destitute half- breeds during the years 1896-97 and 1897-98..... 500 00	500 00	

SCHEDULE A—Continued.

SERVICE.	Amount.	Total.
MISCELLANEOUS—Concluded.		
	\$ cts.	\$ cts.
Expenses of commission in Crow's Nest Pass Railway inquiry .....	6,500 00	
Further amount for the expenses of government in the District of Keewatin.....	856 00	
Payments in connection with the expropriation of part of the S.W. ¼ 2-26-4 W. of 2nd Meridian, required by the Manitoba and North-Western Railway Company for right of way purposes .....	500 00	
Expenses in connection with the enforcement of the Alien Labour Law in Manitoba and the North-West Territories .....	2,000 00	
Payment of balance of account <i>re</i> well-augers, for use in the North-West Territories .....	36 80	
Classification of old records in the office of the Privy Council, to be paid notwithstanding anything in the Civil Service Act .....	1,000 00	
O'Connor & Hogg, legal expenses in the case of Woodburn <i>v.</i> The Queen..	300 00	
Additional amount to meet expenses of the Canadian International Deep Waterways Commission.....	959 49	
Further amount for expenses in connection with the Quebec Landslide Commission, and the payment of claims thereunder, 1897 .....	187 45	
Legal expenses <i>re</i> Belgian and German Treaties.....	3,569 61	
To assist in publication of Vol. V., "Cases on the British North America Act"—by J. R. Cartwright.....	250 00	
Contribution for Canadian Law Library, London, England.....	250 00	
Expenses of Chief Justice Strong in connection with sittings of Judicial Committee of Privy Council .....	1,000 00	
Towards the relief of the sufferers by the forest fires in the Counties of Prescott and Russell during the summer of 1897.....	10,000 00	
Balances due to the <i>Hansard</i> reporters who reported the evidence given before the Royal Commission on the Liquor Traffic, and also to pay Messrs. Horton and Owens for their services during the time they acted as secretaries to the Commission, as follows:—		
Mrs. Richardson, widow of late T. J. Richardson.....	\$ 349 55	
S. A. Abbott .....	396 15	
A. Horton.....	483 45	
T. P. Owens.....	465 15	
E. J. Duggan .....	87 00	
J. O. Marceau .....	3 30	
A. Desjardins.....	5 95	
	1,790 55	
Further amount for Hudson Bay Expedition, printing report, etc.....	4,000 00	
J. C. Roland, wharfinger at Sault Ste. Marie, balance salary for 1896 .....	291 66	
Expenses of investigation in connection with the pilotage matters in the District of Montreal .....	2,500 00	
		40,141 56
COLLECTION OF REVENUE.		
CUSTOMS.		
Board of Customs laboratory .....	\$ 500 00	
Customs service in Yukon District.....	6,000 00	
Miscellaneous—Further amount for printing .....	5,000 00	
Repairs to the government steamer "Argus," at Halifax, N.S .....	1,100 00	
		12,600 00
EXCISE.		
Further amount for contingencies .....	\$ 4,500 00	
Further amount for preventive service.....	3,000 00	
		7,500 00
CULLING TIMBER.		
Further amount for salaries.....	\$ 620 00	
To enable the department to pay Geo. Bellerive the same salary as other clerks in the Cullers' office, Quebec, from 1st Jan. to 30th June, 1896.....	125 00	
Further amount for contingencies.....	600 00	
		1,345 00

SCHEDULE A—*Concluded.*

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>COLLECTION OF REVENUE—<i>Concluded.</i></b>		
<b>WEIGHTS AND MEASURES.</b>		
Further amount for contingencies.....	\$ 6,000 00	
Specimen sets of metric weights and measures for educational purposes .....	200 00	
	6,200 00	
<b>MINOR REVENUES.</b>		
Printing of law stamps.....		500 00
<b>RAILWAYS AND CANALS.</b>		
<i>Railways.</i>		
Intercolonial—Estate of A. Kirk for damages by fire.....	\$ 689 37	
<i>Canals.</i>		
Culbute—To repair drawbridge over the locks.....	100 00	
Lachine—Repairs.....	5,000 00	
Beauharnois—Contingencies and repairs.....	4,700 00	
Williamsburg—Gratuity, equal to three months' salary as collector of canal tolls, to George Reid, late collector, whose services were dispensed with .....	187 50	
Cornwall—Three months' salary as a retiring allowance to ex-superintendent A. P. Ross, the office having been abolished.....	350 00	
General expenses of investigations on government railways and canals.....	2,500 00	
	13,526 87	
<b>PUBLIC WORKS.</b>		
Land and cable telegraph lines of the sea coast and islands of the lower rivers and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessels when employed on cable service.....		2,000 00
<b>POST OFFICE.</b>		
To provide for the permanent appointment of C. J. Hollister, who, from the 1st January, 1895, served as a temporary railway mail clerk in the London District, at his present salary of \$480 a year, from the 1st of April, 1898, notwithstanding anything in the Civil Service Act.....	\$ 120 00	
Compensation to B. F. Shephard, 3rd Class Clerk in the Victoria Post Office, for special services rendered by him, and injury to clothing in attending to the fumigation of the mails entering the port at Victoria, B.C., notwithstanding anything in the Civil Service Act.....	100 00	
Mileage allowance to F. W. Blizard, a railway mail clerk in the New Brunswick District, from 13th September, 1897, to 30th June, 1898, who was granted leave of absence with pay on account of injury received while on duty, which amount is based upon Mr. Blizard's average mileage allowance of \$53.42 per month.....	512 00	
	732 00	
		44,403 87
Total .....		1,425,412 91

## SCHEDULE B.

Sums granted to Her Majesty by this Act for the Financial Year ending  
30th June, 1899, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
<b>CHARGES OF MANAGEMENT.</b>		
	\$ cts.	\$ cts.
Office of the Assistant Receiver General, Toronto.....	7,000 00	
do do Montreal.....	5,600 00	
do do Halifax.....	8,000 00	
do do St. John.....	6,400 00	
do do Winnipeg.....	5,400 00	
do do Victoria.....	3,900 00	
do do Charlottetown.....	4,200 00	
Country Savings Banks, New Brunswick and Nova Scotia—		
Salaries.....	5,850 00	
Contingencies.....	1,500 00	
Commission for payment of interest on Public Debt, purchase of Sinking Funds and transfer of stock.....	34,193 80	
Brokerage on purchase for Sinking Fund.....	5,800 00	
English bill stamps, postage, telegrams, etc.....	5,000 00	
Expenses in connection with the issue and redemption of Dominion notes	5,000 00	
Printing Dominion notes.....	40,000 00	
Printing, advertising, inspection, expressage and miscellaneous charges, including commutation of stamp duty.....	15,000 00	
		152,843 80
<b>CIVIL GOVERNMENT.</b>		
<i>Governor General's Secretary's Office</i> .....	\$ 11,450 00	
<i>Queen's Privy Council Office</i> .....	29,750 00	
Henry Potter, messenger, notwithstanding anything in the Civil Service Act.....	360 00	
<i>Department of Justice</i> .—Including allowance to the private secretary to the Solicitor General, notwithstanding any- thing in the Civil Service Act.....	25,160 00	
Penitentiary Branch.....	3,150 00	
To increase salary of G. R. Clelland, messenger, to \$400 per annum.....	100 00	
<i>Department of Militia and Defence</i> .—Including \$2,400 to J. W. Borden, \$2,800 to Lt.-Col. D. A. Macdonald and \$1,400 to provide for the promotion of Lt.-Col. Guy, notwithstanding anything in the Civil Service Act.....	41,200 00	
One 1st Class Clerk, F. X. Lambert, left out of main esti- mates.....	1,800 00	
One messenger, A. E. Watterson.....	360 00	
<i>Department of the Secretary of State</i> .....	36,500 00	
<i>Department of Public Printing and Stationery</i> .....	27,800 00	
To increase salary of J. O. Patenaude, 3rd Class Clerk, notwithstanding anything in the Civil Service Act.....	150 00	
P. Mungovan, for four months, at the rate of \$400 per annum, notwithstanding anything in the Civil Service Act.....	133 33	
<i>Department of the Interior</i> .....	104,824 00	
<i>Office of the Controller of the North-West Mounted Police</i> .....	10,350 00	
<i>Department of Indian Affairs</i> .....	45,070 00	
<i>Office of the Auditor General</i> .....	26,750 00	
Additional amount for expenses of examining accounts of returning officers under the Plebiscite Bill, including \$650 to be paid to D. McLennan, a graduate of Toronto University, notwithstanding the provisions of the Civil Service Act under which he is entitled to receive only \$430.....	1,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>CIVIL GOVERNMENT—Continued.</i>		
<i>Department of Finance</i> .....	\$ 50,840 00	
<i>Department of Customs</i> .....	37,000 00	
<i>Department of Inland Revenue</i> .....	37,000 00	
Statutory increases, 1 clerk, \$25, 2 messengers, \$30 each....	85 00	
<i>Department of Agriculture</i> .....	48,422 50	
<i>Department of Marine and Fisheries</i> .....	55,830 00	
Amount short estimated for the salary of J. F. Fraser....	25 00	
Salaries of W. J. Quinn and Lucien Bance, extra clerks, \$600 each, notwithstanding anything in the Civil Service Act.....	1,200 00	
<i>Department of Public Works</i> .....	45,550 00	
<i>Department of Railways and Canals</i> .....	39,680 00	
<i>Department of the Geological Survey</i> .....	51,950 00	
Increases of \$50 each for Messrs. Aml, Fletcher and Ells, \$250 to R. G. McConnell, and \$200 to A. P. Lowe, technical officers of Geological Survey.....	600 00	
Increase in the salary of James White, geographer, not- withstanding anything in the Civil Service Act.....	100 00	
<i>Department of Trade and Commerce</i> .—Including \$1,550 for the salary of J. P. Nutting, notwithstanding anything in the Civil Service Act.....	8,780 00	
<i>Post Office Department</i> .....	197,160 00	
Amount required to pay those officers of the Savings Bank Branch engaged in the balancing of and computing interest on depositors' accounts, to 30th June, 1898.....	2,950 00	
Increase of \$50 each, to two Chief Clerks, E. P. Stanton and W. J. Johnstone.....	100 00	
Increase of \$50 each, to eight 3rd Class Clerks.....	400 00	
<i>Office of the High Commissioner for Canada in London</i> .— Including \$1,700 to C. F. Just, notwithstanding anything in the Civil Service Act.....	9,300 00	
Contingencies, rent and insurance on office, income tax, fuel, light, stationery, etc., and the amount (\$2,000) required towards the contingent expenses (water, light, fuel, car- riage hire and railway fare) of the High Commissioner, and \$1,200 for contingencies (rates, taxes, insurance, ground rent, etc.) of the official residence, including the income tax on the High Commissioner's salary.....	11,700 00	
To provide a salary of \$3,300 for J. G. Colmer.....	300 00	
Salaries of Examiners and other expenses under the Civil Ser- vice Act, including \$250 for the secretary, and \$100 for a clerk, which sums may be paid to members of the Civil Service, notwithstanding anything in the Civil Service Act.....	2,275 00	
		967,494 83
<i>Contingencies.</i>		
<i>Governor General's Secretary's Office—</i>		
Clerical and other assistance.....	\$ 1,100 00	
Printing and stationery.....	1,200 00	
Sundries.....	11,200 00	
	\$ 13,500 00	
<i>Queen's Privy Council for Canada—</i>		
Clerical and other assistance.....	\$ 1,500 00	
Further amount, notwithstanding any- thing in the Civil Service Act.....	1,000 00	
Printing and stationery.....	3,000 00	
Sundries.....	3,000 00	
	8,500 00	
<i>Department of Justice—</i>		
Clerical and other assistance.....	\$ 1,900 00	
Printing and stationery.....	4,000 00	
Sundries.....	3,700 00	
	9,600 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<b>CIVIL GOVERNMENT—Continued.</b>		
	\$ cts.	\$ cts.
<i>Contingencies—Continued.</i>		
Department of Militia and Defence—		
Clerical and other assistance.....	\$ 1,500 00	
Printing and stationery.....	2,600 00	
Sundries.....	3,000 00	
	\$ 7,100 00	
Department of the Secretary of State—		
Clerical and other assistance.....	\$ 1,900 00	
Further amount.....	250 00	
Printing and stationery.....	2,000 00	
Sundries.....	1,600 00	
	5,750 00	
Department of Printing and Stationery—		
Clerical and other assistance.....	\$ 2,000 00	
Printing and stationery.....	1,200 00	
Sundries.....	1,800 00	
	5,000 00	
Department of the Interior—		
Clerical and other assistance, including \$700 for J. A. Bollard and \$395 for T. W. Hodgins, notwithstanding anything in the Civil Service Act.....	\$ 2,895 00	
Further amount for clerical assistance, etc	330 00	
Printing and stationery.....	8,500 00	
Sundries.....	7,000 00	
	18,725 00	
Department of Indian Affairs—		
Clerical and other assistance.....	\$ 2,040 00	
Extra clerical assistance.....	1,000 00	
Printing and stationery.....	3,050 00	
Sundries.....	3,000 00	
	9,090 00	
Office of the Auditor General—		
Clerical and other assistance.....	\$ 2,000 00	
Printing and stationery.....	1,250 00	
Sundries.....	450 00	
	3,700 00	
Department of Finance and Treasury Board—		
Clerical and other assistance.....	\$ 1,630 00	
Printing and stationery.....	2,460 00	
Sundries.....	2,710 00	
	6,800 00	
Department of Customs—		
Clerical and other assistance.....	\$ 2,320 00	
Further amount, notwithstanding any- thing in the Civil Service Act.....	1,750 00	
Printing and stationery.....	2,000 00	
Sundries.....	2,730 00	
	8,800 00	
Department of Inland Revenue—		
Clerical and other assistance.....	\$ 1,250 00	
Printing and stationery.....	2,000 00	
Sundries.....	3,000 00	
	6,250 00	
Department of Public Works—		
Printing and Stationery.....	\$ 3,800 00	
Sundries.....	3,200 00	
	7,000 00	
Post Office Department—		
Clerical and other assistance.....	\$ 23,855 00	
Printing and stationery.....	15,500 00	
Further amount.....	3,000 00	
Sundries.....	3,500 00	
	45,855 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<b>CIVIL GOVERNMENT—Continued.</b>		
<i>Contingencies—Concluded.</i>		
Department of Agriculture—		
Clerical and other assistance, including \$600 each to C. Thompson and John T. Farmer, and \$400 to John Leafloor, notwithstanding anything in the Civil Service Act....	\$ 10,000 00	
Printing and stationery .....	3,250 00	
Sundries.....	3,250 00	
	\$ 16,500 00	
Department of Marine and Fisheries—		
Clerical and other assistance.....	\$ 3,000 00	
Printing and stationery .....	6,000 00	
Sundries.....	2,000 00	
	11,000 00	
Department of Railways and Canals—		
Printing and stationery.....	\$ 5,500 00	
Sundries.....	2,500 00	
	8,000 00	
Department of Trade and Commerce—		
Sundries, including clerical and other assistance.....	\$ 4,700 00	
Printing and stationery.....	1,500 00	
Clerical assistance, additional to W. A. Warne, \$140, and Miss A. C. Kennedy, \$70, notwithstanding anything in the Civil Service Act.....	210 00	
	6,410 00	
Sundry Departments—		
To provide for the payment for the year 1897-98, notwithstanding anything in the Civil Service Act, of an additional salary of \$300 each to such private secretaries as are in receipt of no higher salary than \$1,200, viz.: the private secretaries of the Ministers of the departments of Finance, Inland Revenue, Customs, Interior, Marine and Fisheries, Post Office and Secretary of State.....		2,100 00
Care and cleaning of departmental buildings, including amount of \$100 required to pay for firing noon gun, which amount may be paid to a member of the Civil Service, notwithstanding anything in the Civil Service Act.....	27,000 00	
Printing Bureau, cleaning, etc.....	1,750 00	
		228,430 00
<b>ADMINISTRATION OF JUSTICE.</b>		
<b>MISCELLANEOUS.</b>		
Miscellaneous expenditure, including North-West Territories.	\$ 37,000 00	
Salary of three Judges, Circuit Court of Montreal, at \$3,000.	9,000 00	
Travelling expenses of Judges in the North-West Territories.	3,000 00	
Circuit allowances, British Columbia.....	13,000 00	
Travelling allowances, Court of Queen's Bench and County Court Judges, Manitoba.....	2,500 00	
Circuit allowances to Judges <i>ad hoc</i> .....	200 00	
Travelling expenses of Judges holding weekly sittings of High Court of Justice at London and Ottawa .....	1,500 00	
Expenditure under R. S. C., c. 181 .....	700 00	
Additional salary to Mr. Justice McGuire as Judge of the Yukon Judicial District.....	126 03	
Judges' travelling expenses, Yukon District.....	1,000 00	
	68,026 03	
<b>SUPREME COURT OF CANADA.</b>		
The Reporter .....	\$ 1,850 00	
Assistant Reporter, 1st Class Clerk .....	1,450 00	
		1,195,924 83

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>ADMINISTRATION OF JUSTICE—Concluded.</b>		
<b>SUPREME COURT OF CANADA—Concluded.</b>		
Clerk in the office of the Registrar, 2nd Class Clerk.....	\$ 1,150 00	
Second Clerk do do 3rd do .....	750 00	
Librarian .....	1,150 00	
3rd Class Clerk .....	900 00	
Caretaker .....	700 00	
3 Messengers, at \$500 each .....	1,500 00	
Contingencies and disbursements, salaries of officers (Sheriff, Registrar as editor and publisher of Reports, usher, etc.), balance for printing catalogue and books for Judges, not exceeding \$300 .....	4,000 00	
Printing, binding and distributing Supreme Court Reports..	3,500 00	
Law books and works of reference for the Supreme Court Library .....	4,000 00	
	20,950 00	
<b>EXCHEQUER COURT OF CANADA.</b>		
1st Class Clerk .....	\$ 1,500 00	
3rd do .....	1,000 00	
3rd do .....	550 00	
Messenger .....	450 00	
Contingencies, Judge's and Registrar's travelling expenses, salaries of Sheriffs, printing, stationery, etc., and \$50 for Judge's books .....	4,000 00	
Printing, binding and distributing Exchequer Court Reports Additional to Registrar as editor and publisher of Reports..	800 00 360 00	
L. A. Audette, increase of salary from 1st July, 1898, to 30th June, 1899, as authorized heretofore .....	275 00	
Charles Morse for furnishing reports of Exchequer Court decisions to legal periodicals, notwithstanding anything in the Civil Service Act .....	50 00	
Salary of Registrar in Admiralty, Quebec .....	666 66	
do Marshal do do .....	333 34	
Accommodation when necessary for Exchequer Court in Admiralty .....	300 00	
Travelling allowance for Local Judges and other officers. ....	300 00	
	10,525 00	
		99,501 03
<b>DOMINION POLICE.</b>		
Dominion Police .....	22,000 00	
To purchase cameras and signaling instruments for the purpose of intro- ducing in the five penitentiaries the Bertillon System for identifica- tion of Criminals and fitting up a Central Bureau at Ottawa under the supervision of the Commissioner of Dominion Police for recording and distributing the information obtained .....	1,000 00	
		23,000 00
<b>PENITENTIARIES.</b>		
General expenses .....	3,400 00	
Kingston .....	167,000 00	
St. Vincent de Paul .....	96,200 00	
Dorchester .....	48,700 00	
Manitoba .....	40,400 00	
British Columbia .....	45,700 00	
Regina Jail .....	9,800 00	
Prince Albert Jail .....	6,000 00	
Surgeon of Kingston Penitentiary for services as medical superintendent of insane ward, notwithstanding anything in the Penitentiary Act..	300 00	
		417,500 00

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>LEGISLATION.</b>		
<i>Senate.</i>		
Salaries and contingent expenses of the Senate . . . . .	63,338 00	
<i>House of Commons.</i>		
Salary of the Deputy Speaker . . . . .	\$ 2,000 00	
Salaries . . . . .	70,000 00	
Expenses of Committees, Sessional and extra clerks, etc . . . . .	14,200 00	
Contingencies, including \$300 for clerical assistance for the Leader of the Opposition . . . . .	17,400 00	
Publishing Debates . . . . .	40,000 00	
Estimate of Serjeant-at-Arms . . . . .	33,862 50	
Contingent expenses in connection with the Voters' Lists . . . . .	2,500 00	
George F. Bruce, returning officer, and Messrs. Kerr, Macdonald, Davidson & Paterson, solicitors, Toronto, for costs and expenses in connection with litigation arising out of a partial election for the House of Commons, held in the North Riding of the County of Ontario, on the 4th February, 1897 . . . . .	204 14	
French translation during recess of 1898-99 . . . . .	2,500 00	
Additional amount for newspapers . . . . .	300 00	
One additional charwoman (Mrs. Barrett) . . . . .	75 00	
	183,041 64	
<i>Library of Parliament.</i>		
Salaries of the Officers of the Library . . . . .	\$ 16,650 00	
Books for the General Library, including binding, etc . . . . .	12,000 00	
do Library of American History . . . . .	1,000 00	
Contingencies . . . . .	2,600 00	
	32,250 00	
<i>General.</i>		
Printing, binding and distributing the laws . . . . .	\$ 6,000 00	
Printing, printing paper and binding . . . . .	85,000 00	
	91,000 00	
<i>Prohibition Plebiscite.</i>		
Expense of the plebiscite on the question of prohibiting the liquor traffic, including procuring and printing electoral lists . . . . .	250,000 00	
		619,629 64
<b>ARTS, AGRICULTURE AND STATISTICS.</b>		
Archives . . . . .	8,000 00	
Patent Record . . . . .	9,000 00	
Collection and compilation of Criminal Statistics (R.S.C., c.*60) . . . . .	1,800 00	
Statistical Year-Book . . . . .	4,000 00	
General Statistics . . . . .	3,200 00	
Aid to Agricultural Societies, N. W. Territories . . . . .	7,000 00	
Paris Exhibition (Towards preparation for) . . . . .	20,000 00	
Experimental Farms . . . . .	75,000 00	
Printing and Distribution of Reports and Bulletins of Farms . . . . .	4,000 00	
Dairying Service . . . . .	30,000 00	
To promote the establishment and maintenance of Creameries in the North-West Territories . . . . .	5,000 00	
To promote Dairying interests by advances for milk and cream, and for making butter and cheese, to be recouped out of the proceeds of sales of such butter and cheese, to be placed to the credit of the Consolidated Revenue Fund . . . . .	80,000 00	
Cold Storage on Steamships, on Railways, at Warehouses, and at Creameries, and for expenses in connection with trial shipments of products, and for securing recognition of the quality of the same outside of Canada . . . . .	85,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<b>ARTS, AGRICULTURE AND STATISTICS—Concluded.</b>		
	\$ cts.	\$ cts.
A dwelling at the dairy station, Nappan, N.S.....	1,200 00	
For classifying all Canadian patents and preparing drawings of same for classification, and for exchange with the United States in return for their patents, to be paid notwithstanding anything in the Civil Service Act.....	5,000 00	
Further amount for the Trans-Mississippi Exhibition at Omaha.....	3,000 00	
Dr. Wm. Kingsford for historical researches.....	1,000 00	
		342,200 00
<b>QUARANTINE.</b>		
Salaries and Contingencies of Organized Districts and Public Health in other Districts.....	50,000 00	
Tracadie Lazaretto.....	5,000 00	
Winnipeg and St. Boniface Hospitals.....	4,000 00	
Cattle Quarantine.....	30,000 00	
Compensation for slaughter of hogs and sheep, and all other expenses connected therewith.....	10,000 00	
Towards the prevention of the spread of tuberculosis in cattle throughout the Dominion.....	15,000 00	
Further amount for organized districts, and public health in other districts.....	5,000 00	
		119,000 00
<b>IMMIGRATION.</b>		
Salaries of Agents and Employees in Canada.....	40,000 00	
Salaries of Agents and Employees in Great Britain.....	20,000 00	
Salaries of Agents in Foreign Countries.....	22,000 00	
Women's National Immigration Society.....	1,000 00	
Contingencies in Canadian, British and Foreign Agencies, and General Immigration expenses, and for salaries of extra clerks at Head Office ..	117,000 00	
Further amount for the following services :—		
Salaries of Agents and Employees in Canada.....	5,000 00	
Salaries in Foreign Countries.....	3,500 00	
Contingencies and General Immigration Expenses.....	50,000 00	
		258,500 00
<b>PENSIONS.</b>		
Annuitiy to :—		
Mrs. Delaney.....	400 00	
Mrs. Gowanlock.....	400 00	
Miss Harriet Fraser.....	250 00	
Mr. Roderick Fraser.....	150 00	
On account of Fenian raid.....	2,892 00	
Probable amount required for pensioners of the War of 1812.....	90 00	
Compensation to pensioners in lieu of land.....	214 06	
Militiamen, on account of the Rebellion of 1885, and active service generally Mounted Police, Prince Albert Volunteers and Police Scouts on account of the Rebellion of 1885.....	20,000 00	
.....	2,920 66	
Mrs. Colebrooke and child.....	219 00	
		27,535 72
<b>SUPERANNUATION.</b>		
Extra allowance to Mr. Wallace, ex-postmaster at Victoria, B.C.....		240 00
<b>MILITIA.</b>		
(Chargeable to Capital.)		
Arms, ammunition, etc.....	231,600 00	
Arms and accoutrements.....	50,000 00	
		281,600 00

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<b>MILITIA.</b>		
( <i>Chargeable to Income.</i> )		
Pay and allowances, etc.	335,600 00	
Annual drill	300,000 00	
Salaries and wages of civil employees.	60,000 00	
Military properties.	100,000 00	
Warlike stores.	39,000 00	
Clothing and necessaries.	150,000 00	
Provisions and supplies	110,000 00	
Transport and freight.	30,000 00	
Rifle association grants	37,000 00	
Miscellaneous and unforeseen expenses.	15,000 00	
Royal Military College	55,000 00	
Dominion Cartridge Factory.	65,000 00	
Defence of Esquimalt, etc.	76,500 00	
Gratuities to officers.	15,000 00	
Claim of Thos. B. Winnett.	71 50	
Land purchased for Chrysler's Farm monument.	200 00	
New rifle range at Hamilton.	5,000 00	
New rifle range at Victoria	6,000 00	
Maintenance and repairs of military properties.	10,000 00	
Repairs to walls at Quebec and Kingston.	10,000 00	
25 acres of land at London, Ont., for a training and camping ground.	25,000 00	
Medals for militiamen serving during Fenian raids of 1866 and 1870.	5,000 00	
Gratuities to the following:—		
On account of error in length of service when calculating gratuity last year, viz.:—		
Prof. R. C. Harris, R.M.C.	\$ 45 00	
Prof. A. D. Duval	28 80	
Lt.-Col. C. T. Irwin, A.A.G.A.	652 00	
Major J. Fraser, Supt. of Stores at Winnipeg	1,127 00	
Lt.-Col. d'Orsennens, D.A.G. at St. Johns, P.Q.	1,347 00	
	3,200 70	
Children of the late Lt.-Col. Prevost, Superintendent of Cartridge Factory	333 33	
Joseph Larose, shot at Côte St. Luc	1,000 00	
Loranzo McCarroll, for loss of eye sight while on duty as a marker	500 00	
Widow and children of Jas. Cosman, accidentally killed by shot fired by Yarmouth Garrison Artillery	500 00	
Lt.-Col. P. B. Worsley, D.A.G. at Halifax.	3,799 00	
Thos. Moor, sr., for loss of his son, killed at Batoche in 1885.	1,500 00	
Lt.-Col. John Gray, Inspector of Stores, 9 years' and 2 months' service	1,436 75	
Mrs. Thos. Christian, for loss of her husband, shot at drill shed, Ottawa.	500 00	
Outstanding liabilities incurred by Dominion Rifle Association in connection with the erection of a building at Bisley, England.	5,000 00	
Further grant to Dominion Artillery Association, \$2,000 of which is to provide for entertainment of visiting English team	4,100 00	
Alteration of ten million rounds of defective .303-inch ammunition, purchased from the War Office, this sum to be refunded by the Imperial Government	15,000 00	
Expenses of calling out the militia in aid of the civil power in October, 1897, fire at Windsor, N.S.	500 00	
Yukon Contingent, transport, supplies and 14 months' pay	140,000 00	
		1,626,741 28

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>RAILWAYS AND CANALS.</b>		
<i>(Chargeable to Capital.)</i>		
RAILWAYS.		
<i>Canadian Pacific.</i>		
Balance for work under award.....	\$ 8,600 00	
Land damages, etc.....	2,000 00	
	\$ 10,600 00	
<i>Intercolonial.</i>		
Increased accommodation at Halifax.....	\$ 135,000 00	
Land damages, Oxford and New Glasgow and Cape Breton Divisions .....	2,000 00	
Original construction.....	2,000 00	
Extension to deep water at North Sydney.....	30,100 00	
Increased accommodation at Moncton.....	20,000 00	
To increase strength of iron bridges.....	50,000 00	
Passenger and freight shed at Richmond.....	1,500 00	
To build snow fences on Oxford and New Glas- gow and Cape Breton Divisions.....	6,000 00	
To dredge at Pictou Landing wharf.....	3,000 00	
To dredge at Pictou wharf .....	1,000 00	
To improve accommodation at Mulgrave.....	1,000 00	
Electric light apparatus for steamer "Mulgrave"	3,000 00	
Increased station and other accommodation at various points .....	6,000 00	
Rolling stock fittings, freight cars.....	20,000 00	
Rolling stock.....	600,000 00	
To provide increased accommodation at St. John, N.B. ....	250,000 00	
To build an elevator at St. John.....	75,000 00	
To build an elevator at Halifax.....	75,000 00	
To build bridge over the rock cut north of Elm Tree River .....	900 00	
To provide a station-house and siding at Hum- phreys.....	2,000 00	
Increased accommodation at Lévis.....	48,500 00	
	1,332,000 00	
<i>Prince Edward Island.</i>		
To shorten the main line by the removal of cer- tain curves therein.....	\$ 15,000 00	
Additional rolling stock .....	3,500 00	
	18,500 00	
		1,361,100 00
CANALS.		
<i>Construction and Enlargement, etc.</i>		
Soulanges—Construction .....	\$ 1,610,000 00	
Cornwall—Enlargement .....	150,000 00	
Farran's Point do .....	325,000 00	
Rapide Plat do .....	60,000 00	
Galops do .....	1,225,000 00	
North Channel—Straightening and deepening.....	250,000 00	
Galops do do do .....	50,000 00	
River reaches.....	50,000 00	
Lake St. Francis—Removal of boulders.....	50,000 00	
Trent—Construction .....	600,000 00	
Sault Ste. Marie—Construction .....	45,000 00	
Construction and equipment.....	30,000 00	
Lachine—Enlargement .....	125,000 00	

SCHEDULE B -Continued.

SERVICE.	Amount.	Total.
<i>RAILWAYS AND CANALS—Continued.</i>		
<i>(Chargeable to Capital)—Concluded.</i>		
<i>CANALS—Concluded.</i>		
<i>Construction and Enlargement, etc.—Concluded.</i>		
Lachine—Deepening River St. Pierre.....	\$ 15,000 00	
do do do .....	15,000 00	
Lake St. Louis Channel—Straightening and deepening....	65,000 00	
Grenville—Enlargement.....	40,000 00	
Cornwall—J. G. Shetsinger, interest on \$12,000 from the date of expropriation of his property, 12th January, 1894, to date of payment, 13th August, 1897.....	2,582 00	
	4,707,582 00	
		6,068,682 00
<i>RAILWAYS AND CANALS.</i>		
<i>(Chargeable to Income.)</i>		
<i>RAILWAYS.</i>		
<i>Intercolonial.</i>		
Extension to Montreal, to pay rental to Grand Trunk Railway Company and Drummond County Railway Company, for railway from Chaudière to Montreal, to be operated as part of the Intercolonial Railway.....		210,000 00
<i>CANALS.</i>		
<i>Lachine.</i>		
Renewing Black's Bridge at Montreal.....	\$ 15,000 00	
A. Aubertin for damages to his property by leakage from the Lachine Canal from 1st January, 1893, to 1st October, 1897, 3 years and 9 months at \$100 per year.....	375 00	
	\$ 15,375 00	
<i>Chambly.</i>		
To build a bridge at Ste. Thérèse Island.....	2,000 00	
To continue and complete the drainage works and culverts at St. Johns, P.Q.....	14,000 00	
	16,000 00	
<i>Trent.</i>		
To remove blasted rock above Hastings.....	\$ 2,500 00	
To construct one dump scow.....	700 00	
To construct three sluices in dam at Hastings....	3,000 00	
	6,200 00	
<i>Cornwall.</i>		
To repair recess platforms and tail bays locks Nos. 15 and 17.		10,000 00
<i>Williamsburg.</i>		
Combined gate and stone lifter to be used on river reaches .....	\$ 5,000 00	
To build one pair of lock gates for lock.....	4,000 00	
	9,000 00	
<i>Murray.</i>		
Floating landing stage at collector's office.....		1,000 00

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
RAILWAYS AND CANALS.— <i>Concluded.</i>		
( <i>Chargeable to Income</i> )— <i>Concluded.</i>		
CANALS— <i>Concluded.</i>		
<i>Rideau.</i>		
To renew and widen bulkhead at Kilmarnock...\$ 750 00		
Portland cement for foundation..... 125 00		
	\$ 875 00	
<i>Beauharnois.</i>		
To purchase certain land from Auguste Langevin (Bergevin).....	1,000 00	
<i>Welland.</i>		
To continue the renewal of the superstructure of the Port Dalhousie piers.....\$ 20,000 00		
To continue the renewal of the swing bring fender cribs..... 8,300 00		
To renew the bridge over the Welland raceway and clean out the raceway..... 3,000 00		
To improve the feeder back ditches..... 800 00		
To renew the Dunnville dam and bridge..... 39,000 00		
To remove slides which have occurred this spring..... 6,000 00		
	77,100 00	
		136,550 00
MISCELLANEOUS.		
Miscellaneous works not provided for.....\$ 5,000 00		
Arbitrations and awards..... 4,000 00		
Surveys and inspections—Canals..... 3,000 00		
do do Railways..... 8,000 00		
do do Crow's Nest Pass Railway..... 3,000 00		
Railway statistics..... 1,600 00		
Salaries of extra clerks, copyists and messengers, other than those who have passed the Civil Service examinations, notwithstanding anything in the Civil Service Act..... 2,000 00		
Salaries of engineers, draughtsmen, extra clerks and messengers as below. The salaries herein mentioned may be paid notwithstanding anything in the Civil Service Act:— 1 at \$2,800, 1 at \$2,600, 1 at \$2,400, 1 at \$1,800, 1 at \$1,670, 1 at \$1,650, 3 at \$700, 1 at \$650, 1 at \$600, 2 at \$540, 1 at \$500, 1 at \$450, 2 at \$400.....	19,100 00	
Reporting evidence before the Railway Committee of Privy Council, and before the Minister..... 500 00		
Costs of litigation in connection with Railways and Canals.. 6,000 00		
Annual subscription to International Railway Congress at Brussels... 97 33		
Exploratory survey to ascertain the most practicable route for an all Canadian railway from some point on an existing railway into the Yukon district..... 40,000 00		
Exploratory survey and report as to a railway route between Stikine River and an ocean port in British Columbia... 35,000 00		
Towards constructing a stone protection wall along the shore of Lake St. Francis..... 2,500 00		
To defray expenses in gathering information and otherwise with reference to a Railway Commission..... 5,000 00		
	134,797 33	481,347 33

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
PUBLIC WORKS. <i>(Chargeable to Capital.)</i>	\$ cts.	\$ cts.
HARBOURS AND RIVERS.		
<i>Quebec.</i>		
River St. Lawrence Ship Channel.....	\$256,000 00	
<i>Ontario.</i>		
River Kaministiquia.....	15,000 00	
	271,000 00	
PUBLIC BUILDINGS.		
<i>Ottawa.</i>		
Towards reconstruction of portion of Western Departmental Block, destroyed by fire, 11th February, 1897.....	50,000 00	
	321,000 00	
PUBLIC WORKS. <i>(Chargeable to Income.)</i>		
PUBLIC BUILDINGS.		
<i>Nova Scotia.</i>		
Halifax Drill Hall.....	\$ 18,000 00	
Kentville Public Building.....	5,000 00	
Liverpool Public Building.....	5,000 00	
Halifax Drill Hall.....	26,000 00	
Windsor Public Building—Reconstruction of building destroyed by fire, 17th October, 1897.....	11,000 00	
Windsor Drill Shed—Reconstruction of building destroyed by fire, 17th October, 1897—Ad- ditional amount.....	3,000 00	
	\$ 68,000 00	
<i>New Brunswick.</i>		
Marysville Public Building.....	\$ 8,000 00	
St. John Quarantine Station—Partridge Island— Artesian well.....	1,500 00	
	9,500 00	
<i>Maritime Provinces Generally.</i>		
Dominion Public Buildings—Renewals, improve- ments, repairs, etc.....	8,000 00	
<i>Quebec.</i>		
Dominion Public Buildings—Renewals, improve- ments, repairs, etc.....	\$ 12,000 00	
Grosse Isle Quarantine Station.....	2,000 00	
Montreal Public Buildings—Improvements, alterations, renewals, repairs, etc.....	5,000 00	
Quebec Post Office—New wing, repairs and alter- ations to old building, furniture, etc.....	3,500 00	
Quebec Immigration Buildings on Louise Em- bankment and breakwater and Queen's wharf buildings.....	2,000 00	
Montreal Post Office—To re-cover roof with copper.....	8,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>PUBLIC WORKS—Continued.</b>		
(Chargeable to Income)—Continued.		
<b>PUBLIC BUILDINGS—Continued.</b>		
<i>Quebec—Concluded.</i>		
Quebec Custom House—Renewals, Improvements, repairs, etc.....	\$ 6,000 00	
Quebec Post Office—Improvements, etc.....	2,600 00	
Quebec Custom House and Examining Warehouse—New cement sidewalks.....	1,400 00	
Montreal Examining Warehouse—New floor....	3,000 00	
Quebec Immigration buildings on Louise Embankment and breakwater, and Queen's wharf buildings—Additional amount.....	3,000 00	
	\$ 48,500 00	
<i>Ontario.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc.....	\$ 10,000 00	
Toronto Dominion Public Buildings—Improvements, renewals, repairs, etc.....	7,000 00	
Arnprior Post Office, Custom-house, etc., under contract.....	4,900 00	
Kingston Drill Hall.....	10,000 00	
Ingersoll Public Building.....	5,000 00	
Port Colborne Public Building—Mansard roof for caretaker's quarters, etc.....	1,200 00	
Woodstock Public Buildings.....	5,000 00	
Rat Portage Public Building—Proper site given free of cost by municipality.....	5,000 00	
Public Buildings, Ottawa—Grounds—New sidewalks and foot ways on Parliament Square..	9,000 00	
Removal of old sheds in rear of Supreme Court building, and erection of new green-house...	5,000 00	
Sarnia Public Building.....	5,000 00	
Alexandria Reformatory.....	14,000 00	
Public Buildings, Ottawa—To pay the estate of the late Samuel Howell in full and final settlement of all claims for damages caused by reason of the flow of water from the roof of the Langevin Block on their Sparks street property.....	600 00	
Langevin Block, improvement to fire proof character of the attic and roof, including steel shelving and additional vault accommodation.....	33,000 00	
4 new boilers in West Block.....	7,000 00	
New elevator in East Block.....	4,000 00	
Repairs to basement masonry walls.....	4,000 00	
Arnprior Public Building.....	1,100 00	
Belleville Post Office—New box fronts.....	1,600 00	
St. Catharines Public Building—Alterations and improvements, etc.....	800 00	
Rat Portage Public Building—Proper site given free of cost by municipality.....	8,000 00	
Sarnia Public Building.....	5,000 00	
Woodstock Public Building.....	5,000 00	
Ingersoll Public Building.....	5,000 00	
Major's Hill Park—To complete stone fence on McKenzie Avenue with iron railing thereon	3,880 00	
Brockville Public Building—New boilers.....	700 00	
	160,780 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
PUBLIC WORKS.—Continued.		
(Chargeable to Income)—Continued.		
PUBLIC BUILDINGS—Continued.		
<i>Manitoba.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc. ....	\$ 5,000 00	
Portage la Prairie Post Office, etc. ....	8,000 00	
Winnipeg Custom-house—Repairs and improvements. ....	1,800 00	
	\$ 14,800 00	
<i>North-West Territories.</i>		
Court-houses, lock-up and police accommodation	\$ 1,000 00	
Dominion Public Buildings—Renewals, improvements, repairs, etc. ....	4,000 00	
Medicine Hat Court House, etc.—To replace court house destroyed by fire. ....	6,000 00	
Regina—Steel roller shelves for Land Titles Office	792 00	
Regina Land Titles Office. ....	12,000 00	
Yorkton Immigrant Building. ....	2,500 00	
	26,292 00	
<i>British Columbia.</i>		
Dominion Public Buildings—Renewals, improvements, repairs, etc. ....	\$ 5,000 00	
Victoria Public Building—Treasury Vault. ....	16,000 00	
William's Head Quarantine Station—Quarters for crew, alterations, improvements, furniture, instruments, etc. ....	4,000 00	
Vancouver Drill Hall—New Westminster District—Site given free of cost. ....	20,000 00	
Kamloops Public Building. ....	3,000 00	
Vancouver Post Office—Improvements, etc. ....	2,000 00	
	50,000 00	
<i>Public Buildings Generally.</i>		
Public Buildings generally. ....	5,000 00	
<i>Experimental Farms.</i>		
New building and improvements, renewals, repairs, etc., in connection with existing buildings, fences, etc. ....	\$ 6,000 00	
Rebuilding laboratory destroyed by fire, and improvements, renewals, etc., in connection with existing buildings, fences, etc.—Additional amount. ....	4,000 00	
	10,000 00	
<i>Rents, Repairs, Furniture, Heating, etc.</i>		
Public Buildings, Ottawa, including ventilation and lighting—Repairs, materials, furniture, etc. ....	\$ 75,000 00	
Rideau Hall, including grounds—Renewals, improvements, repairs, furniture and maintenance. ....	17,000 00	
Allowance for fuel and light, Rideau Hall. ....	8,000 00	
Grounds, Public Buildings, Ottawa. ....	5,000 00	
Removal of snow, Public Buildings, Ottawa, including Rideau Hall. ....	2,000 00	
Heating Public Buildings, Ottawa, including salaries of engineers, firemen, elevator attendants and caretakers. ....	65,000 00	
Gas and electric light, Public Buildings, Ottawa, including roads and bridges. ....	13,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
PUBLIC WORKS—Continued.	\$ cts.	\$ cts.
(Chargeable to Income)—Continued.		
PUBLIC BUILDINGS—Concluded.		
<i>Rents, Repairs, Furniture, Heating, etc.</i> —Concluded.		
Water, Public Buildings, Ottawa, including Rideau Hall.....	\$ 16,500 00	
Telephone Service, Public Buildings, Ottawa...	4,000 00	
Major's Hill Park, Ottawa.....	3,500 00	
Rents—Dominion Public Buildings.....	18,000 00	
Furniture.....	5,000 00	
Salaries of engineers, firemen, caretakers, etc., of Dominion Public Buildings.....	70,000 00	
Heating Dominion Public Buildings, fuel, etc....	55,000 00	
Lighting Dominion Public Buildings.....	45,000 00	
Water for Dominion Public Buildings—Generally	16,000 00	
Sundry supplies for caretakers, engineers, fire- men, etc., Dominion Public Buildings.....	5,000 00	
Dominion Immigration Buildings, repairs, furni- ture, etc.....	2,000 00	
Dominion Quarantine Buildings—Maintenance.	4,000 00	
Dominion Public Buildings—Electric and other power for running elevators, stamp cancelling machines, etc.....	5,000 00	
	\$434,000 00	
HARBOURS AND RIVERS.		834,872 00
<i>Nova Scotia.</i>		
Oyster Pond, Guysboro' Co.—Beach protection. \$	2,100 00	
Port Hood—Repairs to wharf.....	500 00	
Arisaig—Repairs to wharf.....	600 00	
Cribbons' Point—Repairs to wharf.....	400 00	
Judique—New wharf.....	4,000 00	
Morden—Repairs to wharf.....	500 00	
Margaree—Extension of pier.....	4,000 00	
North River, St. Anne's Wharf at Seymour Point	2,000 00	
East Ragged Island—Wharf.....	2,500 00	
Eastern Passage—Boat harbour or channel....	2,000 00	
Meteghan Breakwater—Repairs.....	1,000 00	
Windsor Harbour—Shear dams, training dykes and deepening channel, River Avon.....	4,000 00	
L'Ardoise—Repairs to breakwater.....	3,500 00	
Whycomagh—Wharf.....	1,000 00	
Port Joli—Repairs to wharf.....	1,800 00	
Port Latour—Breakwater, etc.....	4,000 00	
Clark's Harbour—Breakwater, etc.....	5,000 00	
Iona—Wharf.....	2,000 00	
Ingonish—North Bay—Breakwater.....	2,000 00	
Englishtown—Wharf.....	1,500 00	
West Arichat—To complete repairs to wharf....	700 00	
Petit de Grat—Reconstruction of protection work and dredging.....	1,500 00	
Cow Bay—Breakwater repairs.....	5,000 00	
New Harbour—Breakwater.....	4,000 00	
Port Hilford—Breakwater.....	4,000 00	
Salmon River, Halifax Co.—Wharf.....	1,650 00	
Tancook Island—Repairs to wharf.....	1,500 00	
White Point—Breakwater repairs, and to remove ledge.....	1,200 00	
Western Head—Repairs to breakwater.....	1,500 00	
McNutt's Island—Beach protection.....	1,000 00	
Swim's Point—Wharf.....	2,000 00	
Jordan Bay, East—Repairs to breakwater.....	2,500 00	
Upper Wood's Harbour—Wharf.....	2,500 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>HARBOURS AND RIVERS—Continued.</i>		
<i>Nova Scotia—Concluded.</i>		
Upper Port Latour—Wharf . . . . .	\$ 2,000 00	
Louis Head—Repairs to cribwork beach protection . . . . .	600 00	
Sanford (or Cranberry Head)—Breakwater . . . . .	3,500 00	
Coffin's Island—Repairs and extension of beach protection . . . . .	1,000 00	
Port Maitland, Yarmouth County—Repairs to breakwater . . . . .	700 00	
Meteghan River—Reconstruction of superstructure, etc., of breakwater . . . . .	4,000 00	
Belliveau Cove—Rebuilding top of north breakwater . . . . .	2,000 00	
Hampton Pier—Repairs . . . . .	3,000 00	
Hall's Harbour—To restore destroyed portion of breakwater . . . . .	3,600 00	
Canada Creek—Breakwater repairs . . . . .	1,000 00	
River Herbert Village—Wharf . . . . .	1,200 00	
Advocate Harbour—Wharf . . . . .	2,000 00	
Merigomish Harbour—Extension of wharf . . . . .	900 00	
Pictou Island—Repairs to old work and new block . . . . .	800 00	
Pictou Light—Beach protection . . . . .	2,800 00	
Merigomish Big Island—Wharf . . . . .	950 00	
Livingston Cove—Wharf . . . . .	3,000 00	
McNair's Cove—Repairs to wharf . . . . .	900 00	
East Tracadie—Reconstruction of breakwater . . . . .	3,500 00	
Judique—New wharf—Additional amount . . . . .	11,500 00	
Port Hood—Additional amount for repairs . . . . .	600 00	
Cheticamp—Repairs to wharf . . . . .	2,000 00	
	\$125,000 00	
<i>Prince Edward Island.</i>		
General repairs to piers and breakwaters . . . . .	\$ 6,000 00	
Souris—Strengthening of breakwater . . . . .	15,000 00	
New London—Repairs . . . . .	750 00	
West Point wharf . . . . .	7,400 00	
Tignish—Repairs to breakwater and extension . . . . .	7,000 00	
Belfast—Approach to pier . . . . .	500 00	
Brae—Breakwater . . . . .	1,000 00	
Creosoted piles for general repairs to wharfs, piers and breakwaters . . . . .	2,000 00	
Red Point wharf—Repairs . . . . .	1,000 00	
China Point—Reconstruction of head pier . . . . .	2,000 00	
Hickey's Pier—Repairs . . . . .	750 00	
McConnell's Pier—Renewals, etc. . . . .	500 00	
St. Mary's Bay Pier—Repairs . . . . .	500 00	
St. Peter's Bay Pier—Reconstruction . . . . .	500 00	
Mink River Pier—Repairs . . . . .	500 00	
Miminegash Harbour Works—Repairs . . . . .	2,000 00	
Addition to northern breakwater . . . . .	2,500 00	
McGee's Pier—Repairs and strengthening . . . . .	1,500 00	
Summerside Harbour . . . . .	30,000 00	
	81,400 00	
<i>New Brunswick.</i>		
Negro Point breakwater—St. John Harbour . . . . .	\$ 5,000 00	
River St. John, including tributaries . . . . .	16,000 00	
St. John Harbour—Repairs to and extension of protection works at base of Fort Dufferin . . . . .	1,400 00	
Dredging between St. John River and Grand Lake . . . . .	1,500 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$	\$
	cts.	cts.
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>HARBOUR AND RIVERS—Continued.</i>		
<i>New Brunswick—Concluded.</i>		
Two Rivers—Wharf. . . . .	\$ 3,000	
Dalhousie—Repairs to ballast wharf. . . . .	3,800	
Shippegan Harbour—Extension of protection works and repairs to same . . . . .	4,000	
Clifton—Repairs to breakwater . . . . .	500	
Cape Tormentine—Repairs to breakwater . . . . .	8,000	
Upper Tobique River—Improvement of channel. Black River—Repairs to wharf. . . . .	800 450	
St. John Harbour—Hydrographic survey, to complete. . . . .	2,500	
Mispec—Repairs to breakwater . . . . .	800	
Main River Bridge—Wharf. . . . .	1,200	
Richibucto—Piers—Repairs and dredging. . . . .	8,000	
Buctouche—Repairs to wharf. . . . .	1,000	
Cocagne—Repairs to wharf. . . . .	3,000	
Chatham—Repairs to Custom-house wharf. . . . .	1,000	
Tracadie—Additional block—Purchase and re- pairs, etc. . . . .	1,200	
Clifton Breakwater—Creosoted block, stone talus and repairs. . . . .	9,000	
Caraquet—Wharf repairs. . . . .	500	
Campbellton—Repairs to ballast wharf. . . . .	2,500	
Dalhousie—Repairs to ballast wharf. . . . .	1,700	
Burnt Church—Wharf. . . . .	8,000	
	\$ 84,850	
<i>Maritime Provinces Generally.</i>		
General repairs and improvements to harbour and river works	10,000	
<i>Quebec.</i>		
Grande Rivière—Repairs to wharf. . . . .	\$ 800	
General repairs and improvements to harbour, river and bridge works . . . . .	10,000	
Laprairie—Works in connection with ice piers, dredging steamboat channel, etc. . . . .	5,000	
Piers—Lake St. John, including improvement of approaches . . . . .	2,500	
River Richelieu—Belœil channel guide piers . . . . .	5,500	
Lower St. Lawrence—Removal of rocks . . . . .	3,000	
Port Daniel—Repairs to wharf. . . . .	800	
St. Irénée—Repairs to and extension of wharf to shore . . . . .	3,000	
Touladie River—Improvement of. . . . .	3,000	
St. Anicet—Wharf wing or return at outer end and repairs . . . . .	1,500	
St. Roch des Aulnaies—Wharf. . . . .	1,000	
Anse à Beaufils—Improvement of entrance to harbour. . . . .	1,000	
St. Jean des Chaillons—Improvement of harbour	5,000	
Point Claire—Wharf. . . . .	4,000	
Isle Perrot—Addition to wharf, north side . . . . .	2,500	
Rivière Beauport—Improvement of river channel on foreshore of St. Lawrence, also high water harbour at mouth of river. . . . .	4,000	
Cacouna—Extension of wharf . . . . .	5,000	
Rivières à la Pipe—Wharf on Lake St. John near mouth of river . . . . .	2,000	
St. Fulgence—Pier and improvements. . . . .	1,500	
Ste. Anne du Saguenay wharf—Works of con- struction, etc. . . . .	1,000	
St. Nicholas—Construction of a public wharf. . . . .	7,000	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
PUBLIC WORKS—Continued.		
(Chargeable to Income.)—Continued.		
HARBOURS AND RIVERS—Continued.		
Quebec—Concluded.		
Anse aux Gascons (Port Daniel East)—Breakwater .....	5,000 00	
Matane—Extension of training pier southwardly .....	5,000 00	
Sorel ice piers .....	3,600 00	
Berthier en haut—Dredging Berthier Channel ..	7,000 00	
Iberville—Wharf .....	8,000 00	
St. Laurent—Repairs to wharf .....	2,000 00	
Maria—Wharf .....	5,000 00	
Magdalen Island—Breakwater .....	5,000 00	
Newport—Repairs to retaining wall .....	1,700 00	
River Cap de Chatte—Pier .....	3,500 00	
Rimouski—Urgent repairs to pier .....	1,800 00	
St. Nicholas Wharf—Additional amount .....	3,000 00	
St. Alphonse (Bagotville)—Landing pier repairs ..	2,000 00	
L'Anse St. Jean—Pier repairs .....	1,000 00	
Anse à l'Eau (Tadoussac)—Landing slip, etc. ....	1,500 00	
Pointe aux Esquimaux—Wharf .....	1,000 00	
Saguenay River, below Chicoutimi—Dredging ..	3,000 00	
St. Alexis, Baie des Ha! Ha!—Pier .....	4,000 00	
Chicoutimi—Wharf freight shed .....	1,500 00	
Rivière du Loup Wharf (en bas)—Repairs .....	3,800 00	
Les Eboulements—Repairs to wharf .....	1,500 00	
Ile aux Coudres—Repairs to wharf .....	1,000 00	
Baie St. Paul, Cap aux Corbeaux—Extension 200 feet and repairs to wharf .....	10,000 00	
St. Irénée—Repairs to, and extension of wharf shoreward, to complete .....	2,000 00	
St. Roch des Aulnaies—Wharf, additional amount ..	4,000 00	
L'Islet—Wharf .....	1,500 00	
Lauzon—Repairs to pontoon and construction of a shed thereon .....	1,000 00	
Grosse Ile—Repairs to wharf .....	2,000 00	
Rivière du Sud—Protection works .....	3,000 00	
Berthier (en bas)—Repairs to wharf .....	500 00	
Kamouraska—Repairs and extension to wharf ..	7,000 00	
Sillery Cove—Wharf at Point à Pizeau .....	5,000 00	
Cap Santé—Removal of boulders .....	650 00	
Rivière St. Maurice—Improvement of channel between Grandes Piles and La Tuque, dredging .....	2,500 00	
Doucet's Landing—Dredging .....	4,000 00	
Rivière du Loup (en haut)—Dredging channel from Lake St. Peter to Louiseville .....	6,000 00	
Ste. Anne de Sorel—Extension of pier to shore ..	1,600 00	
Longueuil—Extensive repairs to wharf .....	10,000 00	
Laprairie—Dredging steamboat channel .....	7,000 00	
Cedars Wharf—Repairs, etc .....	1,500 00	
Coteau Landing—Dredging .....	10,000 00	
Port Lewis—Wharf .....	2,500 00	
Chateauguay River—Dredging .....	5,000 00	
Rivière du Lièvre—For the settlement of claims for damages done to riparian properties through flooding caused by the Little Rapids Dam .....	160 00	
	226,910 00	
Ontario.		
Collingwood Harbour—Improvement of .....	\$ 30,000 00	
Rainy River—Improvement of navigable channel ..	15,000 00	
General repairs and improvements to harbour, river and bridge works .....	10,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<b>PUBLIC WORKS—Continued.</b>		
<i>(Chargeable to Income)—Continued.</i>		
<b>HARBOURS AND RIVERS—Continued.</b>		
<i>Ontario—Concluded.</i>		
Kingston Harbour, Lake Ontario . . . . .	\$ 15,000 00	
Owen Sound Harbour—Dredging, etc. . . . .	10,000 00	
Toronto Harbour—Works at eastern entrance, etc	20,000 00	
Burlington Channel—Repairs to piers . . . . .	2,000 00	
Goderich—Reconstruction of breakwater and repairs to piers . . . . .	33,000 00	
Kincardine—Repairs to piers . . . . .	2,500 00	
L'Orignal—Reconstruction of wharf . . . . .	6,000 00	
Port Burwell—Improvement of harbour . . . . .	25,000 00	
Thornbury—Repairs to wharf . . . . .	1,000 00	
Port Stanley—Repairs to piers and dredging . .	11,000 00	
Assistance towards harbour improvements . . .	10,000 00	
Bowmanville Harbour . . . . .	2,000 00	
North Bay—Pile wharf . . . . .	15,000 00	
Meaford—Pilework and dredging . . . . .	8,500 00	
River Ottawa—Improvement of steamboat chan- nel through Narrows at Petewawa, above Pembroke . . . . .	7,200 00	
Port Elgin—Extension of breakwater, etc . . . .	5,000 00	
Port Hope—Repairs to piers and dredging, etc..	8,500 00	
Kingston Graving Dock—Electric light . . . . .	1,500 00	
Kingston Harbour—Dredging . . . . .	15,000 00	
Pictou Harbour—Dredging . . . . .	7,000 00	
Newcastle—Dredging and repairs to piers . . .	1,750 00	
Oshawa—Repairs to pier "providing harbour is transferred to City Corporation and that Corporation will agree to maintain it in future" . . . . .	8,000 00	
Oakville—Repairs to pier and dredging . . . . .	7,500 00	
Jordan Harbour—Dredging . . . . .	5,000 00	
Owen Sound—Dredging—To reimburse town for sum expended under authority of the late government . . . . .	3,263 21	
Rondeau Harbour—Dredging . . . . .	2,500 00	
Repairs to pier . . . . .	3,500 00	
Little Bear Creek—Dredging . . . . .	2,000 00	
Bayfield—Dredging . . . . .	1,200 00	
Thornbury Harbour—Dredging . . . . .	2,000 00	
Goderich Harbour—Dredging . . . . .	10,000 00	
Port Albert—Dredging and repairs to pier . . . .	1,000 00	
Sydenham River—Dredging . . . . .	5,000 00	
Saugeen River—Dredging . . . . .	4,500 00	
Southampton—Dredging . . . . .	2,000 00	
Hawkesbury, Ottawa River—Dredging . . . . .	3,000 00	
Bruce Mines—Wharf . . . . .	5,000 00	
Richard's Landing, St. Joseph's Island—Pur- chase of wharf . . . . .	3,000 00	
	\$330,413 21	
<i>Manitoba.</i>		
General repairs and improvements to harbour, river and bridge works . . . . .	\$ 3,000 00	
Lake Manitoba—Opening of additional outlets to prevent overflow of lake, and maintenance of same at proper level for navigation purposes . . . . .	25,000 00	
Wharf on Lake Winnipeg . . . . .	5,000 00	
	33,000 00	
<i>North-West Territories.</i>		
General repairs and improvements to harbour, river and bridge works, including approaches . . . . .	5,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>PUBLIC WORKS—Continued.</i>		
<i>(Chargeable to Income)—Continued.</i>		
<i>HARBOURS AND RIVERS—Concluded.</i>		
<i>British Columbia.</i>		
Nanaimo Harbour—Improvement of south channel, etc.....	\$ 10,000 00	
Columbia River—Improvements above Golden..	5,000 00	
Removal of rocks above Revelstoke.....	2,000 00	
Improvements in Narrows between Upper and Lower Arrow Lakes.....	5,000 00	
Fraser River—Improvement of ship channel....	20,000 00	
General repairs and improvements to harbour, river and bridge works.....	3,000 00	
Skeena River.....	3,500 00	
Duncan River—Improvement of.....	3,000 00	
Improvements on the Kootenay River below Fort Steele.....	5,000 00	
Willams Head—Quarantine Station, additional wharf accommodation and improvement of water service.....	6,000 00	
Fraser River—Improvement of channel, etc., additional amount.....	20,000 00	
	\$ 82,500 00	
<i>Yukon Provisional District.</i>		
Stikine River from Fort Wrangel to Glenora, Teslin Lake and Rivers Lewes, Hoctalinqua and Yukon—Examination and improvements.....	16,000 00	
<i>Generally.</i>		
Harbours and rivers generally.....	5,000 00	
	1,000,073 21	
<i>DREDGING.</i>		
<i>Including the salaries of Engineers, Superintendents and Clerks connected with the Service.</i>		
New dredging plant.....	\$ 60,000 00	
Dredge vessels, repairs.....	30,000 00	
Dredging—Nova Scotia.....	60,000 00	
do Prince Edward Island.....	60,000 00	
do New Brunswick.....	60,000 00	
do Quebec and Ontario.....	8,000 00	
do Manitoba.....	15,000 00	
do British Columbia.....	5,000 00	
do General service.....	5,000 00	
	238,000 00	
<i>SLIDES AND BOOMS.</i>		
Slides and booms.....	5,000 00	
<i>ROADS AND BRIDGES.</i>		
Bridges—Ottawa City, over the Ottawa River, the Slides, the Rideau Canal and approaches thereto—Ordinary repairs.....	\$ 7,000 00	
Dominion traffic bridges throughout Canada, including approaches.....	5,000 00	
Bridge across the Saskatchewan at Edmonton, N.W.T.....	25,000 00	
Sappers' Bridge, Ottawa—Extraordinary repairs.....	2,000 00	
Maria Street Bridge over the Rideau Canal, Ottawa—Reconstruction.....	10,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>PUBLIC WORKS—Concluded.</b>		
(Chargeable to Income.)—Concluded.		
<b>ROADS AND BRIDGES—Concluded.</b>		
Maria Street Bridge over the Rideau Canal, Ottawa—Additional amount for reconstruction. . . . .	\$ 10,000 00	
Des Joachims Bridge—Reconstruction of, providing interested parties contribute balance required . . . . .	15,000 00	
Spray River—Bridge at Banff, new. . . . .	2,500 00	
Trail from Edmonton towards Yukon District. . . . .	15,000 00	
	91,500 00	
<b>TELEGRAPH LINES.</b>		
Land and cable telegraph lines for the sea coasts and the islands of the Lower River and Gulf of St. Lawrence and the Maritime Provinces :—		
Land line on north shore of St. Lawrence—To improve roadway, repair line and increase operating facilities generally, between Godbout and Pointe aux Esquimaux. . . . .	\$ 1,000 00	
Land line on the north shore of St. Lawrence—Extension from Pointe aux Esquimaux eastward . . . . .	15,000 00	
Telegraph lines, British Columbia—For an alternative line connecting Cape Beale and Carmenah with Victoria by extending the French Creek—Alberni Line, southwardly to the south-west coast of Vancouver Island. . . . .	4,600 00	
Telegraph line between Mabou and Margaree—Repoling. . . . .	1,900 00	
Telegraph line between Meat Cove and Ingonish—Repoling	2,500 00	
Dingwall to Meat Cove line—Telegraph connection. . . . .	600 00	
Land line between Battleford and Clark's Crossing, N.W.T.—Thomas Dewan for poles supplied, etc., in connection with G. F. Tupper's contract for delivery of telegraph poles between Humbolt's and Clark's Crossing, dated 16th April, 1897. . . . .	369 82	
To connect Nicola Lake, British Columbia, with Canadian Pacific Railway telegraph system. . . . .	3,000 00	
	28,969 82	
<b>MISCELLANEOUS.</b>		
Surveys and inspections. . . . .	\$ 25,000 00	
National Art Gallery. . . . .	2,000 00	
Salaries of engineers, draughtsmen and clerks, Chief Engineer's office. . . . .	42,000 00	
Salaries of architects, draughtsmen and clerks, Chief Architect's office . . . . .	20,000 00	
Salary of staff, telegraphic service. . . . .	2,900 00	
Temporary, clerical and other assistance, inclusive of services of all persons required who were first employed after 1st July, 1882, notwithstanding anything in the Civil Service Act . . . . .	25,000 00	
Towards a monument for the Hon. Alexander Mackenzie. . . . .	7,000 00	
Towards a statue of Her Majesty the Queen in celebration of the Diamond Jubilee . . . . .	7,000 00	
One-half of the salary of the Departmental photographer, the other half of his salary having been provided for by the Department of Railways and Canals. . . . .	700 00	
To cover balances of expenditures for works already authorized for which the appropriations may be insufficient. The amounts expended under this appropriation to be shown under the heading of the several works affected, provided the amount for each work does not exceed one hundred dollars. . . . .	3,000 00	
Costs due W. B. A. Ritchie, Halifax, defending actions in connection with the funeral of the late Sir John Thompson. . . . .	750 00	
	135,350 00	
		2,333,765 03

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.</b>		
Pending completion of arrangement for the establishment of the Fast Line Service :—		
For Ocean and Mail service between Great Britain and Canada . . .	126,533 33	
Steam service fortnightly between St. John and Liverpool, Great Britain, during the winter season of 1898-99, not less than ten round trips . . .	20,000 00	
Steam service between Halifax, St. John's, Newfoundland, and Liverpool, from 1st July, 1898, to 30th June, 1899 . . . . .	20,000 00	
Steam service between St. John and Glasgow, during the winter of 1898-99 . . . . .	7,500 00	
Steam service between St. John, Dublin and Belfast, during the winter of 1898-99 . . . . .	7,500 00	
A line or lines of steamers to run between St. John, Halifax and London . . . . .	25,000 00	
A line or lines of steamers to run during the winter months between St. John and London direct . . . . .	15,000 00	
Steam communication between St. John and Digby from 1st July, 1898, to 30th June, 1899 . . . . .	12,500 00	
A line or lines of steamers to run between St. John and Halifax, or either, and the West Indies and South America . . . . .	78,000 00	
Steam service between Victoria and San Francisco . . . . .	5,000 00	
Steam communication between Halifax and Newfoundland, via Cape Breton Ports . . . . .	2,000 00	
Steam communication during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between the mainland and the Magdalen Islands . . . . .	9,000 00	
Steam communication during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between Prince Edward Island and the mainland . . . . .	10,000 00	
Steam communication from 1st July, 1898, to 30th June, 1899, between Grand Manan and mainland . . . . .	4,000 00	
Steam communication during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between Gaspé Basin and Dalhousie . . . . .	12,500 00	
Steam communication during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between Pictou and Cheticamp . . . . .	2,000 00	
Steam communication during the season of 1898, <i>i.e.</i> , for not less than 32 full round trips, between St. John and Halifax, via Yarmouth and other way ports . . . . .	7,000 00	
Steam communication during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between St. John and Minas Basin Ports . .	3,000 00	
Steam communication from 1st July, 1898, to 30th June, 1899, between Pictou, Murray Harbour, Georgetown and Montague Bridge . . . . .	1,200 00	
Steam communication from 1st April, 1898, to 31st March, 1899, daily, between Port Mulgrave, Arichat and Canso; four trips a week between Port Mulgrave and Guysboro, and from opening of navigation, 1898, to 30th November, 1898, semi-weekly between Port Mulgrave and Port Hood, such trips to be extended once each week to Margaree and Cheticamp . . . . .	8,000 00	
Steam communication from 1st July, 1898, to 30th June, 1899, between Quebec and Gaspé Basin, touching at intermediate ports . . . . .	5,000 00	
Steam communication between a port or ports in Prince Edward Island and a port or ports in Great Britain . . . . .	5,000 00	
Direct fortnightly steam service between Montreal, Quebec and Manchester, England, during the summer season, and between St. John, Halifax and Manchester during the winter season . . . . .	38,933 33	
To promote direct communication and trade between Canada and South Africa . . . . .	5,000 00	
Steam communication daily during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between Baddeck, Grand Narrows and Iona, and one trip each fortnight to Big Pond and East Bay . . .	4,000 00	
Steam communication daily during the season of 1898, <i>i.e.</i> , from the opening to the closing of navigation, between Port Mulgrave and St. Peters, to extend twice each week to Irish Cove . . . . .	4,000 00	

437,686 66

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
OCEAN AND RIVER SERVICE.		
	\$ cts.	\$ cts.
Maintenance and repairs to Government steamers. . . . .	112,000 00	
Examination of masters and mates. . . . .	5,000 00	
Rewards for saving life, including life saving stations. . . . .	7,000 00	
Investigations into wrecks. . . . .	1,000 00	
Registry of shipping. . . . .	500 00	
Tidal service. . . . .	2,500 00	
Removal of obstructions in navigable rivers. . . . .	1,000 00	
Winter mail service. . . . .	7,000 00	
Construction of a new steamer to take the place of the steamer "Stanley" between Prince Edward Island and the mainland. . . . .	180,000 00	
Additional for Tidal Service. . . . .	1,500 00	
Marine Biological Station in the Gulf of St. Lawrence. . . . .	7,000 00	
Salaries and expenses of cattle inspection. . . . .	2,800 00	
Unforeseen expenditures generally. . . . .	5,000 00	
		332,300 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances of lightkeepers. . . . .	207,000 00	
Agencies, rents and contingencies. . . . .	15,510 00	
Maintenance and repairs to lighthouses, etc. . . . .	230,000 00	
Construction of lighthouses, etc. . . . .	45,000 60	
Signal service. . . . .	6,000 00	
Repairs to wharfs. . . . .	3,000 00	
		506,510 00
SCIENTIFIC INSTITUTIONS AND HYDROGRAPHIC SURVEYS.		
Observatory, Toronto. . . . .	2,700 00	
Meteorological service. . . . .	62,000 00	
Hydrographic Surveys. . . . .	16,000 00	
Cost of telegraphing in connection with the issue of forecasts in the Province of British Columbia. . . . .	3,500 00	
Construction of new observatory near Toronto, rendered necessary by electric currents in Toronto destroying the observations. . . . .	3,000 00	
		87,200 00
MARINE HOSPITALS.		
Care of sick seamen in Marine hospitals and other hospitals in the Maritime provinces. . . . .	35,000 00	
Shipwrecked seamen. . . . .	3,000 00	
		38,000 00
STEAMBOAT INSPECTION.		
Steamboat inspection. . . . .	27,000 00	
Inspection of Dominion steamers and fog alarms. . . . .	1,300 00	
		28,300 00
FISHERIES.		
Salaries and disbursements of Fishery Inspectors, Overseers and Guardians. . . . .	95,000 00	
Building and maintenance of Fishbreeding Establishments and Lobster Hatchery. . . . .	34,500 00	
Fisheries Protection Service. . . . .	95,000 00	
Building fishways and clearing rivers. . . . .	1,500 00	
Legal and incidental expenses. . . . .	4,000 00	
Canadian Fishery Exhibit. . . . .	1,000 00	
Persons employed in the Department of Marine and Fisheries for services in connection with the distribution of the fishing bounty, notwithstanding anything in the Civil Service Act. . . . .	5,000 00	
Oyster Culture. . . . .	7,000 00	
		243,000 00

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.	
	\$ cts.	\$ cts.	
<b>SUPERINTENDENT OF INSURANCE.</b>			
Expenses in connection with this service, including \$750 for the salary of J. R. Morton, notwithstanding anything in the Civil Service Act . . . . .		8,000 00	
<b>GEOLOGICAL SURVEY.</b>			
Explorations and Surveys . . . . .			
Printing and publication, reports, maps, etc. . . . .			
Wages of assistant explorers, draughtsmen, clerks and others (persons having special and professional or technical qualifications, as defined by the Act respecting the Department of the Geological Survey, 1890, c. 11, s. 4, may be employed, and may be paid out of this sum at a rate of more than \$400 per annum, notwithstanding anything in the Civil Service Act. . . . .	50,000 00		
Specimens, books, instruments, stationery, mapping material, maintenance of museum, laboratory apparatus, chemicals, advances to explorers, express charges, telegrams, etc. . . . .	10,000 00		
To continue Artesian boring in the North-West Territories . . . . .	10,000 00		
Extra expenditure in field work connected with sending two parties to the Yukon District. . . . .	5,000 00		
		65,000 00	
<b>DEPARTMENT OF INDIAN AFFAIRS.</b>			
<b>SUNDRIES.</b>			
Relief of distress, and for seed, Province of Quebec. . . . . \$ 3,600 00			
Relief of distress and medical attendance, Ontario . . . . . 1,100 00			
Blankets and clothing, Ontario and Quebec . . . . . 500 00			
Schools: Ontario, Quebec and Maritime Provinces. . . . . 35,490 00			
Salaries of chiefs, Cape Croker and Gibson reserves, and of agent at St. Regis. . . . . 150 00			
Removal of Lake of Two Mountains Indians from Oka to Gibson. . . . . 200 00			
Payment of Robinson treaty annuities. . . . . 16,806 00			
Survey of Indian reserves . . . . . 500 00			
Overdrawn accounts of the Indian Land Management Fund, Province of Quebec Fund, and the Indian School Fund. . . . . 14,000 00			
Grant for Agricultural Society, Munceys of Thames . . . . . 90 00			
Expenses of prosecution of persons selling liquor to Indians who have no funds of their own . . . . . 500 00			
To assist in repairing and remodelling buildings at the Mount Elgin Industrial School, Munceytown, Ontario. . . . . 3,500 00			
	76,436 00		
<b>NOVA SCOTIA.</b>			
Salaries. . . . . \$ 1,100 00			
Relief and seed grain. . . . . 2,000 00			
Medical attendance and medicine . . . . . 2,300 00			
Miscellaneous and unforeseen . . . . . 100 00			
To repair roads on Indian reserves in Nova Scotia . . . . . 725 00			
	6,225 00		
<b>NEW BRUNSWICK.</b>			
Salaries. . . . . \$ 1,260 00			
Relief and seed grain. . . . . 2,300 00			
Medical attendance and medicine. . . . . 1,740 00			
Miscellaneous and unforeseen . . . . . 300 00			
	5,600 00		
<b>PRINCE EDWARD ISLAND.</b>			
Salaries and travelling. . . . . \$ 300 00			
Relief and seed grain. . . . . 925 00			
Medical attendance and medicine. . . . . 350 00			
Office and miscellaneous expenses. . . . . 75 00			
Farming instruction to Indians of Lennox Island . . . . . 200 00			
	1,850 00		

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
DEPARTMENT OF INDIAN AFFAIRS— <i>Concluded.</i>		
MANITOBA AND NORTH-WEST TERRITORIES.		
Annuities and commutations .....	\$122,750 00	
Implements, tools and hardware.....	8,000 00	
Field and garden seeds.....	1,570 00	
Live stock.....	10,600 00	
Supplies for destitute and working Indians.....	177,943 00	
Triennial clothing.....	2,752 00	
Day, boarding and industrial schools.....	283,528 00	
Surveys.....	3,425 00	
Sioux.....	5,233 00	
Grist and saw-mills.....	1,100 00	
General expenses.....	112,151 00	
Transport and expenses of commission to negotiate treaties with the Indians in the Districts of Athabasca, Lesser Slave Lake and Peace River.....	6,000 00	
Gratuities to 2,700 Indians at \$7 a head.....	18,900 00	
One year's annuity to said Indians at \$5.....	13,500 00	
Provisions and supplies required for said Indians.....	4,765 00	
Further amount for boarding schools.....	8,820 00	
Further amount for general expenses.....	9,922 00	
Improvements in irrigation ditch, Blackfoot Reserve, to purchase a pair of horses, and to repair damage caused by flood.....	850 00	
Thomas Nixon, purveyor for the Indian Department in Manitoba and the North-West Territories from 10th February, 1877, to 30th June, 1879, at \$500 per annum..	1,194 93	
	793,003 93	
BRITISH COLUMBIA.		
Salaries.....	\$ 19,840 00	
Relief.....	3,500 00	
Seed.....	1,000 00	
Medical attendance and medicines.....	8,500 00	
Day schools.....	7,375 00	
Industrial and boarding schools.....	60,650 00	
Travelling.....	5,000 00	
Office and miscellaneous.....	10,920 00	
Steamer "Vigilant".....	2,000 00	
Surveys and reserve commission.....	3,200 00	
	121,985 00	
GENERAL.		
Inspector of Indian Agencies and Reserves.....	\$ 1,400 00	
Inspector of Timber.....	1,000 00	
Travelling expenses of these officers.....	1,200 00	
Increase to the salary of G. L. Chitty, Timber Inspector....	200 00	
	3,800 00	
NORTH-WEST MOUNTED POLICE.		
Pay of force.....	182,500 00	
Subsistence, forage, fuel and light.....	107,125 00	
Clothing, repairs and renewals, horses, arms and ammunition, medical stores and stationery.....	34,125 00	
Scouts, guides, billeting, transport of men, horses and stores, and contingencies.....	20,000 00	
New buildings and repairs.....	10,000 00	
	353,750 00	
GOVERNMENT OF THE NORTH-WEST TERRITORIES.		
Expenditure connected with the Lieut.-Governor's Office.....	5,880 00	
Incidental justice, etc.....	2,000 00	
Registrars, etc.....	15,000 00	
Insane patients, N. W. T. in Manitoba asylum.....	50,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>GOVERNMENT OF THE NORTH-WEST TERRITORIES—Con.</b>		
Grant for schools, official assistance, printing, etc., to be paid half yearly in advance.....	282,979 00	
Schools in unorganized districts.....	2,000 00	
		357,859 00
<b>GOVERNMENT OF THE YUKON PROVISIONAL DISTRICT.</b>		
Salaries and expenses in connection with the administration of the district	50,200 00	
Services of North-West Mounted Police in the district.....	346,250 00	
Purchase and equipment of a steamboat and one or more launches for the use of the officers of the government of the district.....	25,000 00	
		421,450 00
<b>DOMINION LANDS.</b>		
<i>(Chargeable to Capital.)</i>		
Surveys, examination of survey returns, printing of plans, etc.....		150,000 00
<b>DOMINION LANDS.</b>		
<i>(Chargeable to Income.)</i>		
Commissioner's salary.....	3,000 00	
Superintendent of Mines' salary.....	3,000 00	
Homestead Inspectors' salaries.....	8,400 00	
Dominion Lands and Crown Timber Agents' salaries.....	16,945 00	
Salaries of clerks, etc., in outside service.....	27,256 25	
Inspection Expenses; travelling expenses of Superintendent of Mines and Homestead Inspectors; contingencies of Dominion Lands and Crown Timber Agents and at head office, removal expenses, etc., and stationery and printing and forest protection.....	31,000 00	
Members of the Board of Examiners of Dominion Land Surveyors; including contingent expenses of the Board (the authority required by the Civil Service Act is hereby given for paying out of this sum such amounts as may be required to pay for services of members of the Board who are members of the Civil Service).....	700 00	
Salaries of extra clerks at head office, advertising, etc.....	3,000 00	
Salary of one carpenter.....	732 00	
Further amount to pay salaries of sub-agents, etc., in the outside service	3,000 00	
		97,033 25
<b>RAILWAY SUBSIDIES.</b>		
The Halifax Banking Company, attorney of the Nova Scotia Central Railway Company, balance of amount earned and unpaid of sum appropriated by chapter 2 of the statutes of 1893, in aid of the construction of this road, payment having been delayed owing to a dispute as to who should receive the money.....	4,500 00	
Amounts remaining unpaid of sum appropriated by chapter 3 of the statutes of 1889, and chapter 2 of the statutes of 1890 in aid of the Central Railway Company of New Brunswick, the date for finishing work named in contract having expired before final completion thereof; this sum being acknowledged as due, notwithstanding that the changes made in the specifications for the work were not legally authorized.....	61,461 00	
		65,961 00
<b>MISCELLANEOUS.</b>		
Canada Gazette.....	6,000 00	
Miscellaneous printing.....	25,000 00	
Expenses in connection with the distribution of parliamentary documents	1,000 00	
Plant for Printing Bureau.....	5,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the fifteen days of the next session.....	20,000 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
<i>MISCELLANEOUS—Concluded.</i>		
	\$ cts.	\$ cts.
Commutation in lieu of remission of duties on articles imported for the use of the army and navy.....	2,250 00	
Expenses of government in the District of Keewatin.....	1,660 00	
Maintenance of lunatics of Keewatin.....	3,000 00	
Relief of distressed Canadians in foreign countries other than the United States.....	500 00	
Maintenance, construction of roads, bridges, and other necessary works in connection with the Hot Springs Reservation near Banff Station, North-West Territories.....	5,500 00	
Expense of delimiting the boundary between Canada and the United States.....	25,000 00	
Cost of litigated matters (Interior).....	1,000 00	
Expenses of litigated matters which may be paid for services in connection with the litigation conducted within the Department of Justice, notwithstanding anything in the Civil Service Act.....	15,000 00	
Expenses in connection with the Canada Temperance Act.....	500 00	
Compensation to members of the North-West Mounted Police for injuries received in the discharge of duty.....	2,000 00	
Salaries and contingencies of the office of the Paris agency.....	3,500 00	
Payments of extra clerks for services rendered in preparation of returns ordered by Parliament.....	2,500 00	
Academy of Arts.....	2,000 00	
To assist in the publication of the proceedings of the Royal Society.....	5,000 00	
Costs of arbitration respecting the accounts between the Dominion of Canada and the Provinces of Ontario and Quebec. Payments on account of services rendered may be made to members of the Civil Service, notwithstanding anything in the Civil Service Act.....	5,000 00	
Expenses of taking evidence concerning the Public Accounts and reporting the same to the Auditor General under authority of section 57 of the Consolidated Revenue and Audit Act; and to pay for legal advice to the Auditor General.....	500 00	
Classification of old records of Canada in the office of the Privy Council. Payments on account of this service may be made notwithstanding anything in the Civil Service Act.....	1,000 00	
Five hundred copies of the proceedings of the first annual convention of the International Deep Water Ways Association held at Cleveland, Ohio, September 24th, 25th and 26th, 1895.....	1,000 00	
In aid of the annual meeting for 1898 of the American Public Health Association to be held in Ottawa.....	1,000 00	
Five hundred copies of the Parliamentary Guide.....	1,000 00	
Further amount for expenses connected with the Rocky Mountains Park of Canada.....	1,000 00	
Retiring gratuities to employees of the outside service of the Department of the Interior.....	6,500 00	
Costs of litigation caused by re-survey of Township 16, Range 16, west of 1st meridian, illegally authorized by Department of the Interior in 1895.....	2,300 00	
Refund to Messrs. Smith and Berry of the amount paid by them in March, 1886, on account of purchase of Pincher Creek Indian Supply Farm, the sale to Messrs. Smith and Berry being cancelled on account of misunderstanding as to terms thereof.....	1,875 00	
To assist in lefraying the cost of the publication of documents issued by the Canadian Mining Institute.....	1,000 00	
To pay that part of the award unappealed from in the case of Woodburn v. the Queen, for work done prior to 1896.....	26,000 00	
Balance of judgment and costs of litigation commenced against the Crown in 1894 and 1895 in cases of Canada Sugar Refining Co., and Toronto Street Railway Co.....	28,000 00	
Costs in connection with the Manitoba School Case litigation.....	10,607 03	
For the enforcement of the Alien Labour Law.....	3,000 00	
J. P. M. Lecourt, amount contributed by him to superannuation fund, with interest at 5 per cent.....	273 30	
Towards the expenses of the proposed Joint High Commission between Great Britain and the United States for the purpose of settling outstanding differences between the two countries in respect of Canada..	20,000 00	

236,465 33

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>COLLECTION OF REVENUE.</b>		
<b>CUSTOMS.</b>		
Salaries and contingent expenses of the several ports—		
Province of Nova Scotia .....	\$107,270 00	
do New Brunswick .....	88,250 00	
do Prince Edward Island .....	18,500 00	
do Quebec .....	212,295 00	
do Ontario .....	300,455 00	
do Manitoba .....	32,945 00	
do North-West Territories .....	12,050 00	
do British Columbia .....	75,915 00	
Generally—unforeseen expenditures .....	5,000 00	
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection and preventive service .....	60,000 00	
Board of Customs—Expenditure in connection therewith, including \$800 salary of Commissioner of Customs as Chairman of the Board .....		
Customs Laboratory—Expenditure in connection with the testing of molasses, etc., including pay of officers appointed or employed for that purpose .....	4,100 00	
Miscellaneous—Day-books, ledgers, book-binding, printing and stationery, subscriptions to commercial papers, flags, dating stamps, locks, instruments, etc., for various ports of entry and for legal expenses .....	25,000 00	
Expenses of maintenance of Government cruiser "Constance" for preventive service on the Lower St. Lawrence .....	25,000 00	
Expenses of maintaining additional revenue cruisers and preventive service .....		
Department of Justice—Amounts to be disbursed and accounted for to it for secret preventive service .....	5,000 00	
Further customs service in British Columbia and Yukon District .....	12,000 00	
Board of Customs Laboratory, further amount .....	4,000 00	
	987,780 00	
<b>EXCISE.</b>		
Salaries of officers and Inspectors of Excise, and to provide for increase depending upon the result of Excise examinations .....	\$305,076 25	
Extra duty pay at large distilleries and other factories .....	6,000 00	
Duty pay to officers serving long hours at other than special survey .....	1,000 00	
Preventive service .....	12,000 00	
Travelling expenses, rent, fuel, stationery, etc .....	48,000 00	
Stamps for imported and Canadian tobacco .....	19,000 00	
Collectors of Customs, allowance on duty collected by them for 1897-98 .....	5,500 00	
Commission to sellers of stamps for Canadian twist tobacco .....	100 00	
L. A. Frechette, for special translation .....	100 00	
To enable the Department to supply methylated spirits to manufactories, the cost of which will be recouped by manufacturers to whom they are supplied, and to pay for rent, light, power, freight, salaries, etc .....	55,000 00	
	451,776 25	
<b>CULLING TIMBER.</b>		
Salary of Supervisor .....	\$ 2,100 00	
Specification clerks .....	3,000 00	
Book-keeper .....	750 00	
Pay of cullers .....	4,900 00	
Superannuated cullers .....	5,600 00	
Contingencies .....	3,000 00	
	19,350 00	

SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<b>COLLECTION OF REVENUE—Continued.</b>		
<b>WEIGHTS, MEASURES, GAS AND ELECTRIC LIGHT INSPECTION.</b>		
Salaries of Officers, Inspectors and Assistant Inspectors of Weights and Measures .....	\$ 42,010 00	
Salaries of Inspectors of Gas .....	14,850 00	
Rent, fuel, travelling expenses, postage, stationery, etc., for Weights and Measures .....	16,000 00	
Rent, fuel, travelling expenses, postage, stationery, etc., for Gas and Electric Light Inspection .....	6,000 00	
Standard instruments, salaries, etc., in connection with Electric Light Inspection .....	3,000 00	
Specimen sets of metric weights and measures for educational purposes .....	250 00	
	82,110 00	
<b>INSPECTION OF STAPLES.</b>		
Purchase and distribution of Standards of Grains and Flour, and other expenditure under the Act .....	4,500 00	
<b>ADULTERATION ACT, AND THE LAW RELATING TO FRAUDULENT MARKING.</b>		
Expenditure .....	25,000 00	
<b>MINOR REVENUES.</b>		
Inland Revenue .....	\$ 200 00	
Ordnance Lands .....	1,000 00	
Further amount for payment of surveys .....	1,000 00	
	2,200 00	
<b>RAILWAYS AND CANALS.</b>		
<i>Railways.</i>		
Intercolonial, including Montreal extension ..	\$3,650,000 00	
Prince Edward Island .....	245,000 00	
Windsor Branch .....	20,000 00	
	3,915,000 00	
<i>Canals.</i>		
Repairs and operating expenses .....	\$ 535,600 00	
Salaries and contingencies, canal office .....	34,600 00	
Additional amounts to persons permanently employed in the public service, and remuneration to any other persons for services rendered for and in connection with passing vessels through the canals of the Government of Canada from midnight on Saturdays to midnight on Sundays, notwithstanding anything in the Civil Service Act .....	15,000 00	
	585,200 00	
	4,500,200 00	
<b>PUBLIC WORKS.</b>		
Collection of slide and boom dues .....	\$ 4,000 00	
Repairs and working expenses, harbours, docks and slides ..	96,400 00	
Upper Ottawa Improvement Company, authorized allowance for management, etc., in connection with logs to be passed through the Chenaux boom, Ottawa River, during fiscal year 1898-99 .....	1,800 00	

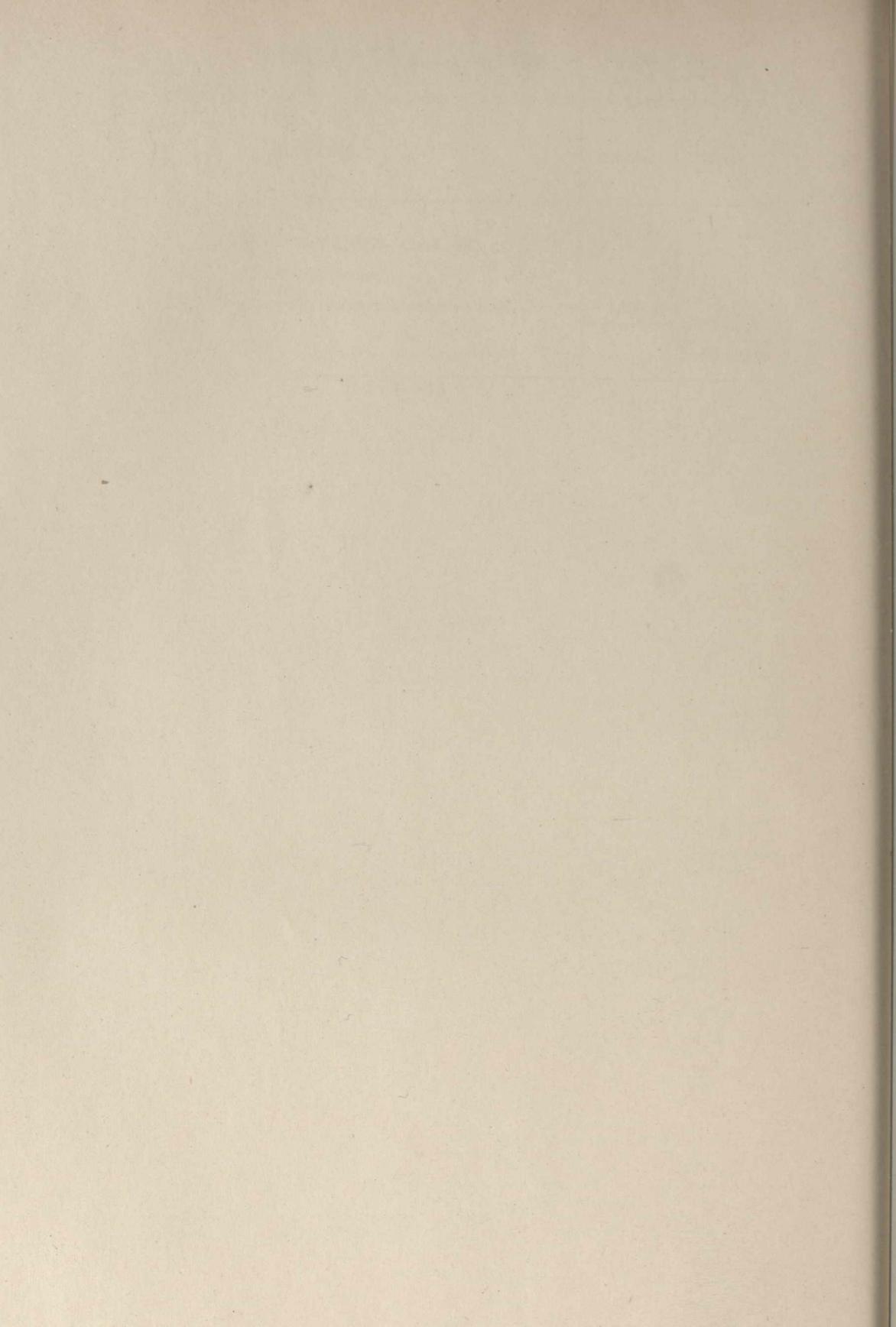
SCHEDULE B—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ I cts.
COLLECTION OF REVENUE—Continued.		
PUBLIC WORKS—Concluded.		
Telegraph line between Prince Edward Island and the main-land.....	2,000 00	
Land and cable telegraph lines of the sea coasts and islands of the lower rivers and Gulf of St. Lawrence and Maritime Provinces, including cost of working steamer "Newfield" or other vessels when required for cable service.....	28,000 00	
Telegraph lines, North-West Territories.....	20,000 00	
Telegraph lines, British Columbia.....	12,000 00	
Telegraph and signal service generally.....	2,750 00	
Public Works agency, British Columbia.....	2,500 00	
	169,450 00	
POST OFFICE.		
Mail Service.....	2,207,000 00	
Salaries and allowances.....	1,171,081 00	
Increase of salaries of 105 letter carriers at \$30 each, and 24 clerks at \$40 each.....	4,110 00	
Miscellaneous expenses.....	212,120 00	
Compassionate allowance.....	2,000 00	
Increase of salary of \$30 each to 148 temporary employees in the outside service whose salaries do not exceed \$450 each a year.....	4,400 00	
Increase of salary of \$40 each to four 3rd Class Clerks in the Victoria Post Office.....	160 00	
Increase of salary of \$15 each to six Letter Carriers in the Brantford Post Office, from 1st January to 30th June, 1899, whose salaries do not exceed \$360 each a year.....	90 00	
Additional 2nd Class Clerk in the Toronto Post Office.....	900 00	
To increase the salary of H. S. Allen and J. A. Gorman, 2nd Class Clerks in the Toronto Post Office, by \$50 each.....	100 00	
One additional 3rd Class Clerk in the Toronto Post Office Inspector's Office.....	400 00	
To promote W. E. Lemon, of the Toronto Post Office, from 3rd to 2nd Class Clerkship.....	100 00	
To compensate B. F. Shepheard, 3rd Class Clerk in the Victoria Post Office, for special services rendered by him and injury to clothing in attending to the fumigation of the mails entering the port of Victoria, B.C., notwithstanding anything in the Civil Service Act.....	50 00	
Additional letter carrier in the Winnipeg Post Office.....	360 00	
Addition to salary of Halifax postmaster, subject to the provisions of the Civil Service Act.....	400 00	
To increase the salaries of B. Trainer and J. M. Campbell of Charlottetown Post Office, \$50 each.....	100 00	
	3,603,411 00	
TRADE AND COMMERCE.		
Administration of the Chinese Immigration Act, including remuneration to Trade and Commerce and Customs Officers.....	3,500 00	
Canada's proportion of expenditure in connection with the International Customs Bureau.....	600 00	
Commercial Agencies, including expenses in connection with negotiations with treaties or in extension of commercial relations.....	20,000 00	
	24,100 00	

SCHEDULE B—*Concluded.*

SERVICE.	Amount.	Total.
COLLECTION OF REVENUE— <i>Concluded.</i>	\$ cts.	\$ cts.
SLIDES AND BOOMS.		
Collection of dues, including salaries of clerks connected with this service.	1,000 00	9,870,877 25
Total.....		28,677,283 08









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A.]                    **SENATE BILL.**                    [1898.

An Act for the relief of Robert Augustus Baldwin  
Hart.

**W**HEREAS Robert Augustus Baldwin Hart, of the city of <sup>Preamble.</sup>  
Montreal, in the province of Quebec, agent, has, by his  
petition, set forth that on the twenty-second of April, one  
thousand eight hundred and eighty-four, at the city of  
5 Plattsburgh, in the state of New York, one of the United  
States of America, he was lawfully married to Catherine  
Cacouna Buntin, then of the said city of Montreal, spinster;  
that they cohabited together as husband and wife until on or  
about the twenty-third of February, one thousand eight hun-  
10 dred and ninety-six, and had issue of the said marriage four  
children; that in the month of February, one thousand eight  
hundred and ninety-six, the said Catherine Cacouna Buntin  
deserted him her husband and committed adultery with one  
Albert Shorey, and since then on divers occasions has committed  
15 adultery with the said Albert Shorey; and whereas he has  
humbly prayed that the said marriage may be dissolved and that  
he may be authorized to marry again and that such further relief  
may be afforded him as is deemed meet; and whereas he has  
proved the said allegations of his petition, and it is expedient  
20 that the prayer thereof be granted: Therefore Her Majesty, by  
and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

1. The said marriage between the said Robert Augustus <sup>Marriage</sup>  
Baldwin Hart and Catherine Cacouna Buntin his wife is <sup>dissolved.</sup>  
25 hereby dissolved and shall henceforth be null and void to all  
intents and purposes whatever.

2. The said Robert Augustus Baldwin Hart may at any <sup>He may</sup>  
time hereafter marry any woman whom he might lawfully <sup>marry again.</sup>  
marry in case the said marriage with the said Catherine Cacouna  
30 Buntin had not been solemnized.

SENATE BILL.

A

An Act for the relief of Robert Augustus  
Baldwin Hart.

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First reading, 18th February, 1898.

Second reading, 8th March, 1898.

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HONOURABLE MR. CLEMOW.

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OTTAWA

Printed by S. F. DAWSON

Printer to the Queen's most Excellent Majesty

1898

B] **SENATE BILL.** [1898.

An Act incorporating The Central Canada Loan and Savings Company.

WHEREAS The Central Canada Loan and Savings Com- Preamble.  
pany of Ontario was incorporated by Letters Patent under  
the Great Seal of the Province of Ontario dated 7th March,  
1884, issued under the Act of The Revised Statutes of Ontario,  
5 intituled "*An Act respecting the incorporation of Joint Stock* R.S.O., 1877,  
*Companies by Letters Patent*"; and whereas Supplementary c. 150.  
Letters Patent were issued to said Company, dated respectively  
8th June, 1893, and 6th May, 1897; and whereas the said  
Company has by its petition represented that it is desirous of  
10 having its shareholders incorporated by an Act of the Parlia-  
ment of Canada as a Company for the purposes of carrying on  
business anywhere in the Dominion of Canada, and has prayed  
for such incorporation, and it is expedient to grant the prayer  
of said petition: Therefore Her Majesty, by and with the  
15 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The shareholders of the said "The Central Canada Loan and Savings Company of Ontario" (hereinafter referred to as the old Company), and such others as may hereafter become  
20 shareholders in the Company hereby incorporated (hereinafter referred to as the new Company), are hereby constituted a body corporate, with the rights and powers conferred by law upon corporations, under the name of "The Central Canada Loan and Savings Company", for the purposes, and with the  
25 rights and powers, and subject to the obligations and restrictions hereinafter declared.

New company incorporated.

Corporate name.

2. The capital stock of the new Company shall be \$5,000,000, divided into fifty thousand shares of \$100 each.

Capital and shares.

3. The shareholders of the old Company are hereby declared  
30 to be holders respectively of shares in the new Company to the same extent, and with the same amounts paid up thereon, as they are holders respectively of shares in the old Company.

Shares in old company converted.

4. The President, Vice-Presidents and Directors of the old Company shall respectively be the President, Vice-Presidents  
35 and Directors of the new Company until their successors are appointed.

Officers.

5. The by-laws, rules and regulations of the old Company lawfully enacted shall be the by-laws, rules and regulations of  
40 the new Company, subject to repeal, amendment or other change lawfully made.

By-laws.

Liability for obligations of old company.

**6.** The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders.

Existing rights preserved.

**7.** Nothing in this Act contained, or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company or its directors or shareholders, or shall relieve the old Company, its directors or shareholders, from the performance of any debt, liability, obligation, contract or duty.

Acquisition of old company's assets.

Form of conveyance.

**8.** The new Company may acquire all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient.

Powers.

Securities for investments.

Securities for investments.

**9.** The new Company shall have power to carry on in Canada the business heretofore carried on by the old Company, and to lend money on the security of, or purchase or invest in,—  
 (a.) Mortgages or hypothecs upon freehold or leasehold real estate, or other immovables;  
 (b.) The debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank or incorporated company, if incorporated by the parliament of Canada or by the legislature of any former or present or future province of Canada.

Borrowing powers.

Limitation.

**10.** The new Company may borrow money, and receive money on deposit, upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock.

Liabilities of old company included.

Limitation to holding real estate.

**11.** The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in banks and belonging to the new Company shall be deducted from such total liabilities for the purposes of said section.

**12.** So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables shall not from time to time exceed eighty per cent of its total assets.

**13.** The affairs of the new Company shall be managed by Directors.  
a board of not less than three directors.

**14.** The head office of the new Company shall be at the Head office.  
Town of Peterborough, Province of Ontario, or in such other  
5 place in Canada as the directors may from time to time deter-  
mine by a by-law confirmed at a special general meeting of  
the new Company duly called for the purpose of considering  
the same.

**15.** The directors of the new Company may, with the con- Debenture  
10 sent of the shareholders at a special general meeting duly stock.  
called for the purpose, create and issue debenture stock in such  
amounts and manner, on such terms, and bearing such rate of  
interest, as the directors from time to time think proper, but  
such debenture stock shall be treated and considered as part Limitation.  
15 of the ordinary debenture debt of the new Company and shall  
be included in estimating the new Company's liabilities to  
the public under section 10 of this Act, and such debenture  
stock shall rank equally with such ordinary debenture debt, Ranking.  
and no greater rights or privileges shall be conferred upon  
20 holders of debenture stock in respect thereof than are held or  
enjoyed by holders of ordinary debentures of the new Com-  
pany.

**16.** The debenture stock aforesaid shall be entered by the Registration  
25 new Company in a register to be kept for that purpose in the of debenture  
head office of the new Company, wherein shall be set forth stock.  
the names and addresses of those from time to time entitled  
thereto, with the respective amounts of the said stock to  
which they are respectively entitled, and such stock shall be  
transferable in such amounts and in such manner as the  
30 directors may determine.

**17.** All transfers of debenture stock of the new Company Transfer of  
shall be registered at the head office of the new Company, and debenture  
not elsewhere, but the said transfers may be left with such stock.  
agent or agents in the United Kingdom of Great Britain and  
35 Ireland as the new Company appoints for that purpose, for  
transmission to the new Company's head office for registration.

**18.** The holders of the ordinary debentures of the new Exchange of  
Company may with the consent of the directors at any time ordinary  
exchange such debentures for debenture stock. debentures.

40 **19.** The new Company having issued debenture stock may Cancellation  
from time to time, as they think fit, and for the interest of the of debenture  
new Company, but only with the consent of the holders stock.  
thereof, buy up and cancel the said debenture stock or any  
portion thereof.

45 **20.** The new Company may have an agency or agencies Agencies.  
in any city or cities in England, Scotland or Ireland, and any  
by-law passed for such purpose shall not be altered or repealed  
excepting by a vote of two-thirds of the shareholders present,  
or represented by proxy, at a special meeting to be called  
50 for that purpose; nor unless the notice calling such meeting

be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

No liability  
on trusts.

**21.** The said new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock or debenture stock, or to which any deposit or any other monies payable by or in the hands of the new Company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or monies stand in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share or shares, stock or monies, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

Real estate to  
be sold within  
seven years.

Forfeiture.

Proviso for  
extension.

Notice.

Statement.

Financial  
returns.

**22.** No parcel of land, or interest therein at any time acquired by the new Company and not required for its actual use and occupation, or not held by way of security, shall be held by the new Company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the new Company shall no longer retain any interest therein unless by way of security, and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the new Company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the new Company of the intention of Her Majesty to claim such forfeiture; and it shall be the duty of the new Company to give the Governor in Council when required a full and correct statement of all lands at the date of such statement held by the new Company, or in trust for the new Company, and subject to these provisos.

**23.** The new Company shall transmit, on or before the 1st March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the 31st December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and

with such details as he from time to time requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

5 **24.** Sections 7, 18, 38, 39 and 41 of *The Companies Clauses Act*, Chapter 118 of The Revised Statutes of Canada, shall not apply to the new Company. R.S.C., c. 118.

10 **25.** This Act shall not take effect unless and until, at a special general meeting of the shareholders of the old Company duly called for considering the same, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by shareholders present or represented by proxy at such meeting and holding not less than seventy-five per cent of the subscribed  
15 capital stock of the Company represented at such meeting; but upon such resolution being passed this Act shall take effect and speak from the time or event fixed by such resolution: Provided always that, prior to the time or event so fixed, the board of directors of the new Company may pass  
20 the necessary by-laws for the organization of the Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 8 of this Act.

Provision for bringing this Act into effect.

Proviso for organization, etc.

#### SCHEDULE.

THIS INDENTURE, made the            day of            A.D. 18            between THE CENTRAL CANADA LOAN AND SAVINGS COMPANY OF ONTARIO, of the first part, hereinafter called the old Company, and THE CENTRAL CANADA LOAN AND SAVINGS COMPANY, of the second part, hereinafter called the new Company.

WHEREAS the shareholders of the old Company have accepted and approved of the new Company's Act of Incorporation, being the Act of the Parliament of Canada passed in the year 1898 intituled "An Act incorporating The Central Canada Loan and Savings Company", and by the resolution of shareholders duly passed in that behalf the            day of

(or the execution hereof, or as the case may be) was fixed as the date (or event) from which the said Act should take effect and speak;

AND WHEREAS by the said Act the new Company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old Company;

AND WHEREAS the old Company has agreed to convey and assign the same to the new Company;

NOW THIS INDENTURE WITNESSETH that in consideration of the said Act and of the shares in the capital stock of the new Company which are thereby vested in the shareholders of the old Company, and in consideration of the covenants by the new Company hereinafter contained, the old Company does hereby grant, assign, transfer and set over unto the new Company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal

and mixed, of whatever kind and wheresoever situated, belonging to the old Company or to which it is or may be or become entitled; to have and to hold unto the new Company, its successors and assigns, to and for their sole and only use for ever; and the old Company covenants with the new Company to execute and deliver at the expense of the new Company all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new Company, its successors and assigns, the full, legal and equitable and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

AND, in consideration of the foregoing, the new Company covenants with the old Company, its successors and assigns, that it shall and will pay, discharge, carry out and perform all debts, liabilities, obligations, contracts and duties for or in respect of which the old Company is now liable or which it should pay, discharge, carry out or perform; and the new Company shall and will indemnify and save harmless the old Company in respect thereof.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

B

An Act incorporating The Central Canada  
Loan and Savings Company.

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First reading, 18th February, 1898.

Second reading, 8th March, 1898.

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Honourable Mr. MacINNIS.

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OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

## An Act for the Relief of Edwin Heyward.

WHEREAS Edwin Heyward, of the city of Toronto, in the Preamble.  
 county of York, province of Ontario, expressman, has,  
 by his petition set forth, that on the twenty-third day of  
 March, one thousand eight hundred and eighty-two, he was  
 5 lawfully married, at the village of Berry-Pomeroy, in the  
 county of Devon, in England, to Elizabeth Raynham Hey-  
 ward (whose maiden name was Elizabeth Raynham Beal),  
 that they lived together as husband and wife until in or about  
 10 September, one thousand eight hundred and ninety-three,  
 when she deserted him, her husband, without lawful reason  
 or excuse, and was guilty of adultery, and that she has ever  
 since continued to live apart from him and has committed  
 other acts of adultery; and whereas he has humbly prayed  
 that the said marriage may be dissolved and that he may be  
 15 authorized to marry again and that such further relief may  
 be afforded him as is deemed meet; and whereas he has  
 proved the said allegations of his said petition, and it is  
 expedient that the prayer thereof should be granted: Therefore  
 Her Majesty, by and with the advice and consent of the  
 20 Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between Edwin Heyward and Eliza- Marriage  
 beth Raynham Heyward, his wife, is hereby dissolved, and dissolved.  
 shall be henceforth null and void to all intents and purposes  
 whatsoever.

25 2. The said Edwin Heyward may, at any time hereafter, Right to  
 marry any woman whom he might lawfully marry in case the marry again.  
 said marriage with the said Elizabeth Raynham Heyward  
 had not been solemnized.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

C

An Act for the relief of Edwin Hey-  
ward.

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Received and read a first time, Wednesday, 9th  
March, 1898.  
Second reading, Thursday, 24th March, 1898.

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Honourable Mr. CLEMOW.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

D.]

SENATE BILL.

[1898.

An Act for the relief of James Pearson.

WHEREAS James Pearson, of the city of Toronto in the province of Ontario, barrister-at-law, has by his petition set forth that on the third day of June, one thousand eight hundred and eighty-four, he was lawfully married to Minnie Holcombe, of the city of Brooklyn, in the state of New York, one of the United States of America, at the said city of Brooklyn; that they lived together as husband and wife at the said city of Toronto until in the year one thousand eight hundred and ninety-one, when he, on discovering that she had been guilty of adultery in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety-one, ceased to live with her; that after he ceased to live with her, she continued to live an irregular life, and on divers occasions committed other acts of adultery; and whereas he has humbly prayed that the said marriage may be dissolved, and has proved the said allegations of his petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 1. The said marriage between the said James Pearson and Minnie Holcombe, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. <sup>Marriage dissolved.</sup>

25 2. The said James Pearson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Minnie Holcombe had not been solemnized. <sup>Right to marry again.</sup>

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

D

An Act for the Relief of James Pearson.

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Received and read a first time Wednesday,  
9th March, 1898.  
Second reading, Thursday, 24th March, 1898.

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HONOURABLE MR. CLEMOW.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend the Canadian Mining Regulations for the Provisional District of Yukon.

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

1. The regulations governing placer mining in the provisional district of Yukon, North-west Territories, as established by Order in Council dated eighteenth January, one thousand eight hundred and ninety-eight, are hereby amended by striking out section 1 thereof and substituting the following :—
- 10 “1. Every person over, but not under eighteen years of age, if he is a British subject, or if he has taken and subscribed, as provided by section 8 of *The Naturalization Act*, chapter 113 of the Revised Statutes of Canada, the oaths of residence and allegiance, or the oaths of service and allegiance, and every
- 15 joint stock company, if a majority of its directors are British subjects or have so taken and subscribed the said oaths, shall be entitled to all the rights and privileges of a free miner, under these regulations and under the regulations governing quartz mining, and shall be considered a free miner upon taking out a free miner’s certificate. A free miner’s certificate
- 20 issued to a joint stock company shall be issued in its corporate name. A free miner’s certificate shall not be transferable.”
2. This Act shall not come into force until a day to be named by proclamation of the Governor General.
- 25 3. At any time after this Act has come into force, if it appears to the satisfaction of the Governor in Council,—
- (a.) that, by the mining laws and regulations of the United States of America in force in the Territory of Alaska, British subjects may, in the Territory of Alaska, explore, occupy and
- 30 purchase mineral deposits and the lands in which these are found and may obtain patents for public lands of the United States of America in the Territory of Alaska, without in either case being required to become citizens of the United States of America or to declare their intention to become such citizens;
- 35 and
- (b.) that facilities the same as or, in his opinion, equivalent to those afforded by Canada to citizens of the United States of America for the transport of persons and goods through the Province of British Columbia and the Provisional District of
- 40 Yukon, are afforded by the United States of America to British

Mining regulations for District of Yukon amended.

Allegiance to Her Majesty a condition precedent to obtaining a free miner’s certificate.

Act to come into force by proclamation.

Conditions on which Governor General may declare Act not to apply to citizens of the U.S.A.

subjects for the transport of persons and goods through the Territory of Alaska;

The Governor in Council may by proclamation declare that on and after a day to be named in such proclamation, this Act shall not apply to citizens of the United States of America; 5 and if such declaration is so made this Act shall not so apply.

Governor General may except the subjects of other foreign powers.

4. At any time after this Act has come into force, the Governor in Council may from time to time by proclamation except from the application of this Act the subjects of any foreign power or powers other than the United States of 10 America.

3rd Session, 8th Parliament, 61 Victoria, 1898

SENATE BILL.

E

An Act to amend the Canadian Mining Regulations for the Provisional District of Yukon.

Received and read a first time Thursday, 10th March, 1898.  
Second reading, Thursday, 17th March, 1898.

HONOURABLE MR. BOURN.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Pacific and Yukon Railway,  
Navigation and Mining Company.

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

1. The Right Honourable Horace Brand Townsend, Baron Incorporation.  
Farquhar, the Honourable Herbert Cokayne Gibbs, Francis  
Alfred Lucas, Joseph Harry Lukach, Rochfort Maguire, Harry  
10 Mosenthal, Lionel Phillips, John Edward Dudley Ryder,  
Gerald Dudley Smith, Hamilton Smith, together with such  
persons as become shareholders in the company hereby incor-  
porated, are hereby constituted a body corporate under the  
name of "The Pacific and Yukon Railway, Navigation and Corporate  
15 Mining Company," hereinafter called "the Company."
2. The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.
3. The head office of the Company shall be in the city of Head office.  
London, England, or in such other place in Great Britain, or  
20 in Canada, as the directors from time to time determine by  
by-law.
4. The Company may lay out, construct and operate a rail- Line of  
way of the gauge of three feet, or such other gauge as may be railway  
adopted by the Company, from a point at or near Pyramid described.  
25 Harbour, near the head of Lynn Canal, or from a point on or  
near the international boundary between Canada and the  
United States, in the vicinity of Lynn Canal, thence through  
the Chilkat Pass, thence to Dalton's Post, on the Alsek River,  
and thence by the best feasible route to a point below Five  
30 Finger Rapids on the Lewes River; and may vary the said  
route if necessary or advisable.
5. The Company may, for the purpose of its business,— Powers of  
(a.) construct, equip, acquire, charter, navigate and dispose Company.  
of steam and other vessels upon the rivers, lakes and streams Vessels.  
35 in the territory served by the said railway or tributary thereto,  
or connecting with, and upon other inland waters of the North-  
West Territories and British Columbia, connecting therewith or  
adjacent to the proposed line of railway, and carry on gener-  
ally the business of transportation in connection with the said  
40 railway and vessels;

Running rights.	(b.) acquire and work mines, mineral and mining rights in British Columbia and the North-West Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;	5
Roads, docks, etc.	(c.) construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills and other buildings and works which are necessary or convenient for the purposes of the Company ;	10
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	15
Water and steam power.	(e.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works ;	20
Carriers.	(f.) carry on in the province of British Columbia, and in the North-West Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainment of the above objects ;	25
Property.	(g.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking, and again dispose of such rights ;	30
Storekeepers.	(h.) subject to such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches ;	35
Mineral products.	(i.) enter into traffic and other arrangements with other railway and transportation companies ; and issue preference stock and bonds.	40
Patent rights.		45
Water supply.		50
Traffic arrangements.		55
Issue of preference stock.		
Telegraph and telephone lines.	<b>6.</b> The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay sub-	55

marine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.

7. If the Company requires land for wharfs, docks and  
5 elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land and all the provisions of sections 107 to 111 both inclusive, of *The Railway Act* shall apply to the subject-matter of this section, and to the obtain-  
10 ing of such land and determining the compensation therefor.

Proceedings when extra land required.

8. The Company may receive, either by grant from any government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in this Act, any Crown lands, real or personal estate or pro-  
15 perty, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such of the said property as is not required for the purpose of the Company in carrying out the provisions of this  
20 Act.

Power to receive grants and subsidies.

9. The said Francis Alfred Lucas, Joseph Harry Lukach, Lionel Phillips, John Edward Dudley Ryder and Gerald Dudley Smith, shall be the first or provisional directors of the Company. The said directors may deposit in any recog-  
25 nized bank in London, England, or chartered bank of Canada, moneys received by them on account of stock subscribed, which moneys shall not be withdrawn except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors.

10. The capital stock of the Company shall be eighteen  
30 millions of dollars, and may be called up by the directors from time to time and in such amounts as they deem necessary.

Capital stock.

11. The directors under the authority of the shareholders given at any annual meeting or at any special general meeting  
35 called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may convert ninety thousand shares, representing nine million dollars, or any less number of shares of the capital stock of  
40 the Company, into preference stock; and the holders of such preference stock shall be entitled to receive a preferential dividend at such rate and have such priority as regards capital and dividend, and such privileges as to voting or otherwise, as the directors may, by resolution, determine; and the direc-  
45 tors shall have power to give such preference stock the right of participation in any surplus there may be after payment of such a rate of dividend on the ordinary shares as the directors may decide.

Preference stock.

12. The annual meeting of the shareholders shall be held  
50 on the first Tuesday in the month of May in each year.

Annual meeting.

Election of directors.

**13.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than seven persons to be directors of the Company, one or more of whom may be paid directors.

5

Powers as to navigation and transportation.

**14.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

10

1888 c. 29.

**15.** *The Railway Act* shall extend and apply to the railway undertaking of the Company and shall be incorporated with and form part of this Act in so far as is not inconsistent with any of the provisions hereinbefore contained.

15

Time for construction limited.

**16.** If the railway mentioned in section 4 of this Act is not finished and put in operation within five years after the passing of this Act, then the powers conferred upon the Company by this Act shall cease and be null and void.

20

Power of Parliament as to future legislation.

**17.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to Parliament as to the issuing of stock or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

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SENATE BILL.

F

An Act to incorporate the Pacific and Yukon Railway, Navigation and Mining Company.

Received and read a first time, Thursday, 10th March, 1898.  
Second reading, Monday, 25th March, 1898.

Honourable Mr. LOUGHEED.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1898

G.]

**SENATE BILL.**

[1898.

An Act for better securing the safety of certain  
Fishermen.

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

Preamble.

1. No dory, flat, whaler or other boat whatsoever shall be launched or set out from any vessel engaged in deep-sea or Bank fishing, for the purpose of fishing with hooks and lines, trawls or other similar appliances, or with intent that the same shall be used in so fishing, or for the purpose of examining trawls, set lines or other similar appliances for fishing, unless there is placed in such boat and retained therein during absence from such vessel an accurate and serviceable mariners' compass, and unless there is placed in such boat at least two quarts of drinking water and two pounds of solid food for each man of the crew of such boat :

Boats not to set out from vessels without compass, water and food.

2. The owner of such vessel shall supply her at the commencement of her voyage with as many serviceable compasses as she carries boats, in addition to the vessel's compass, and also with the necessary utensils for holding water and with a fog-horn or trumpet.

Owner to supply compass, &c.

2. The owner of any vessel who makes default in the performance of the duty imposed upon him by the preceding section, and the master of every vessel from which any boat is launched or set out in contravention of the provisions of the preceding section, shall be guilty of an offence against "*The Fisheries Act*," chapter 95 of the Revised Statutes of Canada, and shall be liable for each offence to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

Penalties.

3. This Act shall be read and construed as if it formed part of "*The Fisheries Act*."

R.S.C., c. 95.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

G

An Act for better securing the safety of  
certain Fishermen.

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Received and read a first time Thursday,  
17th March, 1898.  
Second reading, Monday, 21st March, 1898.

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HONOURABLE MR. POWER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act incorporating the Alberta and Yukon Railway, Navigation and Mining Company.

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

Preamble.

1. Elias Rogers, Henry S. Howland, Thomas Hobbs, James H. Ashdown, Heber Archibald, William Roper Hull, Richard B. Bennett and Frederick William Godsal, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Alberta and Yukon Railway Navigation and Mining Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The undertaking of the Company is hereby declared to be a work for the general advantage of Canada.

Declaratory.

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

Head office.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point situate in the District of Alberta on the international boundary line west of range twenty west of the fourth principal meridian, thence north-westerly to the middle fork of the Old Man's River in range one or two west of the principal meridian, thence northerly to the Sarcee Indian Reserve, thence north-westerly to Canmore and Anthracite, thence following the valley of Cascade River, and thence northerly, crossing the head waters of the Red Deer River, to the head waters of the North Saskatchewan, thence following the said river or some of its tributaries to the easterly base of the Rocky Mountains, thence north-westerly following the base of the Rocky Mountains to the Peace River, thence by way of the Peace River and one or more of its tributaries to the head waters of the Yukon River, thence down the Yukon River to the one hundredth and forty-first parallel of longitude west of Greenwich, with power to build branches to Macleod, Calgary and Edmonton and to vary the said route if necessary or advisable.

Line of railway described.

5. The Company may for the purposes of its business, — (a.) construct, equip, acquire, charter, navigate and dispose of steam and other vessels upon the rivers, lakes and streams

Other powers. Navigation, etc.

	in the territory served by the said railway or tributary there- to, or connecting therewith, and upon other inland waters of the North-west Territories and British Columbia connecting therewith or adjacent to the proposed line of railway, and may carry on generally the business of transportation in connection with the said railway and vessels ;	5
Mining, etc.	(b.) acquire and work mines, mineral and mining rights in British Columbia and the North-west Territories, and crush, smelt, reduce and amalgamate ore to render marketable the produce, and may develop such mines, and crush, smelt, re- duce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;	10
Works and buildings.	(c.) construct, or aid in, and subscribe towards the construc- tion, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills, and other buildings and works which are necessary or convenient for the purposes of the Company ;	15
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	20
Water powers, etc., for electrical purposes.	(e.) acquire and utilize water and steam power for the pur- pose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the railways, vessels and works of the Company, and may also sell or other- wise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railway or other works ;	25
Disposal of the same.		
Carrier's business.	(f.) carry on in the province of British Columbia, and in the North-west Territories the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainments of the above objects ;	30
Acquisition of lands, etc.		35
Trading powers.		40
		45
Patents.	(g.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking and again dispose of such rights ;	
Water supply.	(h.) subject to all such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of supplying water for the use of its works, railways and branches ;	50
Traffic arrangements.	(i.) enter into traffic and other arrangements with other railway and transportation companies.	55

6. The Company may construct and operate lines of tele-<sup>Telegraphs and telephones.</sup>graph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said  
5 railways to any point in the North-west Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.
- 10 7. If the Company requires land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book for reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall  
15 apply for the purposes of this section, and to the obtaining of such land and determining the compensation therefor. <sup>Acquisition of lands for wharfs, etc. 1888, c. 29.</sup>
- 20 8. The Company may receive, either by grant from any government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in  
25 this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subventions for services, and may dispose of the same, and may alienate such of the said property as is not required for the purpose of the Company in carrying out the provisions of this Act. <sup>Subsidies in aid of undertaking.</sup>
9. The persons mentioned in section 1 of this Act shall be  
the first or provisional directors of the Company. <sup>Provisional directors.</sup>
10. The capital stock of the Company shall be two millions  
of dollars, and may be called up by the directors from time to  
30 time and in such amounts as they deem necessary. <sup>Capital.</sup>
11. The Company may from time to time upon a vote of  
two-thirds of the shareholders in amount of subscribed stock,  
increase the stock of the Company to any amount. <sup>Increase of capital.</sup>
- 35 12. The directors of the Company may make and issue as paid-up stock, shares in the Company whether subscribed for  
or not, and may allot and hand over such stock in payment for  
right of way, plant, rolling stock or materials of any kind, also  
for lands and mineral rights, and also for the services of  
40 contractors and engineers, and such issue and allotment of stock shall be binding on the Company and shall not be assessable for calls. <sup>Issue of paid-up stock.</sup>
13. The annual meeting of the shareholders shall be held on  
the first Monday in July in each year. <sup>Annual meeting.</sup>
- 45 14. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than nine persons to be directors of the Company, one or more of whom may be paid directors. <sup>Directors</sup>

Preference  
stock.

**15.** The directors, under the authority of the shareholders given at any annual meeting or at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may convert ten 5 thousand shares, representing one million dollars, or any less number of shares of the capital stock of the Company, into preference stock; and the holders of such preference stock shall be entitled to receive a preferential dividend at such rate, and have such priority as regards capital and dividends, and 10 such privileges as to voting or otherwise, as the directors may, by resolution, determine; and the directors shall have the power to give any such preference stock the right of participation in any surplus there may be after the payment of such a rate of dividend on the ordinary shares as the directors may 15 decide.

Bond issue.

1888, c. 29.

**16.** The Company may issue bonds, debentures or other securities, to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities, may be issued only in proportion to the length of 20 railway constructed, or under contract to be constructed, and the Company may issue such bonds, debentures or other securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as 25 are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, 30 and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued, and which are described in the mortgage deed made to secure the same.

Other  
borrowing  
powers.

**17.** The directors, under the authority of a resolution of 35 the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from 40 time to time, at their discretion, borrow moneys for the purposes of the Company, and may secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets and 45 property of the Company other than the railway.

Regulation  
of navigation  
and transport  
business.

**18.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the 50 Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

**19.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to parliament as to the issuing of stocks or bonds, and as to rates or tolls and the regulation thereof, and as to running powers 5 over or other rights in connection with the railway of any Company by any other company, and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect; but this section shall not be construed to imply that such Act would not 10 apply to the Company without the enactment of this section.

Power of parliament as to future legislation.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

H

An Act incorporating the Alberta and  
Yukon Railway, Navigation and  
Mining Company.

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First reading, Wednesday, 23rd March, 1898.

Second reading, Monday, 28th March, 1898.

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HONOURABLE MR. LOUGHEED.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Klondike and Peace River  
Railway Company,

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

1. Howard Inehbald, John S. F. Cridland, F. S. Ralston, Incorporation.  
D. W. Clendenan, Thomas O'Brien, E. S. Darling and Hector  
Lamont, together with such persons as become shareholders in  
10 the company hereby incorporated, are hereby constituted a  
body corporate under the name of "The Klondike and Peace  
River Railway Company," hereinafter called "the Company." Corporate name.
2. The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.
- 15 3. The head office of the Company shall be in the city of Head office.  
Montreal or in such other place in Canada as the directors  
from time to time determine by by-law.
4. The Company may lay out, construct and operate a Line of railway described.  
20 railway of either standard or narrow gauge, from a point at or  
near the town of Edmonton in the North-West Territories of  
Canada, thence running north-westerly, along the route which  
presents the least engineering difficulty, to a point on the  
Peace River at or near where the eastern boundary of the  
25 province of British Columbia crosses the Peace River, thence,  
by the best engineering route to be selected by the Com-  
pany, to the confluence of the Black or Dease Rivers with  
the Liard River, following up the Liard and the St. Francis  
Rivers, crossing the divide to the head waters of the Pelly or  
30 Yukon Rivers, then down the Yukon River to the one hun-  
dredth and forty-first parallel of longitude west of Greenwich.
5. The Company may for the purposes of its business,— Powers.  
35 (a.) construct, equip, acquire, charter, navigate and dispose  
of steam and other vessels upon the rivers, lakes and streams  
in the territory served by the said railway or tributary thereto,  
or connecting therewith, and upon other inland waters of the  
North-West Territories and British Columbia connecting there-  
with or adjacent to the proposed line of railway, and carry on  
generally the business of transportation in connection with the  
said railway and vessels; Vessels and transportation.

Mines.	(b.) acquire and work mines, mineral and mining rights, crush, smelt, reduce and amalgamate or refine ores, to render marketable the produce, and may develop such mines, and crush, smelt, reduce and amalgamate the ores and produce of any mines, whether belonging to the Company or not ;	5
Roads and works.	(c.) construct, or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, ore-houses, smelters, saw-mills, and other buildings and works which are necessary or convenient for the purposes of the Company ;	10
Electricity.	(d.) erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	
Water and other power.	(e.) acquire and utilise water and steam power, for the purpose of compressing air or generating electricity for lighting, heating and motor purposes or water supply in connection with the railways, vessels and works of the Company, and may also sell or otherwise dispose of surplus water supply, electricity or other power controlled by the Company's works and not required for operating its railway or other works ;	15 20
Disposal of surplus power.		
Carriers' and other business.	(f.) carry on, in the province of British Columbia and in the North-West Territories, the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, hold, lease or otherwise acquire timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares and merchandise or other property, real and personal, movable and immovable ; and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, or turn to account the same ; and may establish shops or stores on the said lands ; and may purchase and vend general merchandise, clothing, provisions, stores, machinery and supplies, and may deal in mineral products, ores, mines and precious metals, and generally may do all such other things as are incidental or conducive to the attainments of the above objects ;	25 30 35
Acquisition of patents.	(g) acquire by lease, purchase or otherwise, any rights in letters patent, franchises or patent rights for the purposes of the undertaking and again dispose of such rights ;	40
Lands, etc., for water supply.	(h.) subject to all such regulations as are imposed by the Governor in Council, construct, purchase, lease or otherwise acquire and hold lands, buildings or other erections for the purpose of supplying water for the use of its works, railways and branches ;	45
Telegraph and telephone lines.	6. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railways to any point in the North-West Territories north of the northern boundary of British Columbia, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all such lines or any portion thereof.	50

7. If the Company require land for wharfs, docks and elevators and cannot agree for the purchase thereof with the owner of such lands they may cause a map or plan and book for reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply for the purposes of this section, and to the obtaining of such land and determining the compensation therefor.

Expropriation  
of lands for  
wharfs, etc.

1888, c. 29.

8. The Company may receive, either by grant from any government, person or municipal corporation, as aid in the construction of the railways, vessels and works provided for in this Act, any Crown lands, real or personal estate or property, sums of money, debentures or subsidies, either as gifts, by way of bonus or guarantee, or in payment, or as subvention for services, and may dispose of the same, and may alienate such of the said property as is not required for the purpose of the company in carrying out the provisions of this Act.

Grants  
in aid.

9. The persons mentioned in section 1 of this Act shall be the first or provisional directors of the Company.

Provisional  
directors.

10. The capital stock of the Company shall be five millions of dollars and may be called up by the directors from time to time in such amounts as they deem necessary.

Capital.

11. The directors of the Company may make and issue as paid-up stock, shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, also for lands or mineral rights, and also for the services of contractors and engineers, and such issue and allotment of stock shall be binding on the Company and shall not be accessible for calls.

Issue of paid-  
up stock.

12. The annual meeting of the shareholders shall be held on the first Monday in July in each year.

Annual  
meeting.

13. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three nor more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Directors.

14. The directors, under the authority of the shareholders given at any annual meeting or at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may convert twenty thousand shares, representing two million dollars, or any less number of shares of the capital stock of the Company, into preference stock; and the holders of such preference stock shall be entitled to receive a preferential dividend at such rate and have such priority as regards capital and dividends, and such privileges as to voting or otherwise, as the directors may, by resolution, determine; and the directors shall have the power to give any such preference stock the right of

Preference  
stock.

Priority, etc.

Participation in surplus. participation in any surplus there may be after the payment of such a rate of dividend on the ordinary shares as the directors may decide.

Bond issue. **15.** The Company may issue bonds, debentures, or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed; and the Company may issue such bonds, debentures or other such securities in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues, of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which are described in the mortgage deed made to secure the same.

1888, c., 28.

Further borrowing powers. **16.** The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge all or any of the assets or future earnings and property of the Company other than the railway.

Limitation as to powers for navigation and transport business. **17.** The powers conferred upon the Company to carry on a navigation and transport business shall only be exercised by the Company under the supervision of the Governor in Council and under such regulations as he imposes; and the Governor in Council may grant to other companies the right to use the wharfs and terminals of the Company, and fix the terms, rates and conditions on which they may be so used.

Agreements with other companies. **18.** The Company may enter into an agreement with any railway company whose line or proposed line crosses the line of the Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery, and other property to it belonging, or for the purchase or lease of the line of such other company, or for an amalgamation with such other company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of

considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

- 5 2. Such sanction shall not be signified until after notice of the proposed application thereafter has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company runs, and in which a newspaper is published.

- 10 **19.** Any Act hereafter passed for the purpose of controlling railway companies incorporated by or subject to parliament as to the issuing of stocks or bonds, and as to rates or tolls and the regulation thereof, and as to running powers over or other rights in connection with the railway of any company by any other and the exercise of powers conferred upon railway companies, shall apply to the Company from the time such Act goes into effect ; but this section shall not be construed to imply that such Act would not apply to the Company without the enactment of this section.

Power of  
Parliament  
as to future  
legislation.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

I

An Act to incorporate the Klondike and  
Peace River Railway Company.

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Received and read a first time, Wednesday,  
30th March, 1898.  
Second reading, Friday, 1st April, 1898

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Honourable Mr. LOUGHEED.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

(J.)

**SENATE BILL.**

[1898.

An Act to incorporate the Lake Superior and Rocky Mountains Navigation Company,

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

Preamble.

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

Interpretation.

"Canal."

**2.** The word "land" wherever used in *The Railway Act* or in this Act, shall include land covered or partly covered with water.

"Land."

**3.** The word "vessel" shall mean and include any ships, barges, boats, rafts, or vessels navigating or passing through any of the canals hereby authorized, or plying upon the lakes or rivers connecting therewith.

"Vessel."

**4.** The word "goods" shall mean and include any goods, wares, merchandise and commodities of whatsoever description passing through any of the canals hereby authorized.

"Goods."

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

Declaratory.

**3.** Macleod Stewart, Alexander Maclean, David Maclaren, Joseph Kavanagh, Alexander Harvey Taylor, George Patrick Brophy, the Honourable Francis Clemow, all of the city of Ottawa, James Joseph O'Connor, of Port Arthur, and William Clark and George Allan, both of London, England, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Lake Superior and Rocky Mountains Navigation Company," hereinafter called "the Company."

Incorporation.

**4.** The head office of the Company shall be in the city of Ottawa, in the province of Ontario, or at such other place in Canada as the Company from time to time by by-law determines.

Head office.

**5.** The capital stock of the Company shall be ten million dollars, divided into shares of one hundred dollars each, and may be called up from time to time by the directors as they deem necessary.

Capital.

- Provisional directors. **6.** The first five persons named in section 3 of this Act shall be the provisional directors of the Company.
- First meeting of shareholders. **7.** So soon as twenty per cent of the amount of the capital stock has been subscribed, and ten per cent on such subscribed stock paid into one of the chartered banks in Canada, the provisional directors, or a majority of them, shall call a general meeting of the shareholders to be held at the city of Ottawa, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a shareholders' meeting; and notice in writing, signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, by registered letter, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting, shall be deemed sufficient notice of such meeting.
- Notice. **8.** The Company may—
- Powers. (a.) lay out, construct, maintain and operate canals,
- Lake Superior to Lake of the Woods. (1) from some point on Lake Superior, at or near Thunder Bay, thence following a chain of lakes and rivers to Rainy Lake, and by way of Rainy Lake to the Lake of the Woods;
- Lake of the Woods to Cedar Lake. (2) from the Lake of the Woods along Rousseau River, or by such other direct course as survey may show to be most practicable and advantageous, to the Red River; thence along the Red River to the mouth of the Assiniboine River; thence along the Assiniboine River and from some point on the Assiniboine River to Lake Manitoba; thence through Lake Manitoba and Lake Winnipegosis to Cedar Lake, on the Saskatchewan River; or in the alternative from the Lake of the Woods, by way of Winnipeg River, Lake Winnipeg and the Saskatchewan River, to Cedar Lake;
- Cedar Lake to Calgary and Edmonton. (3) from Cedar Lake, on the Saskatchewan River, along the said river, its southern branch and Bow River, to Calgary, in the territory of Alberta, and along its northern branch to Edmonton, or to such other points on the said streams as may be found to mark the limit to which a navigation of the required depth is practicable;
- Improvements of existing watercourses, etc. and may dredge, deepen, or otherwise improve the existing water courses, streams and lakes along the said routes and may create such connecting links as may be found necessary to make and complete throughout the entire distance between the said terminal points a navigable channel of at least six feet in depth, and may acquire the existing locks at Fort Frances on the Rainy River and all or any other works or improvements necessary or useful to the undertaking;
- Connecting links of railway. (b.) at such points on the said routes as it may be found necessary so to do, construct, maintain and operate by any motive power, single or double lines of iron or steel railway or tramway, of any gauge not less than three feet, as connecting

links between water-stretches, either temporarily for construction purposes or to be used in conjunction with such water-stretches ;

- (c.) excavate, construct, maintain and operate, along the  
5 line of the said routes, irrigation ditches or canals subsidiary  
to or in connection with the said canals and navigable stretches ;  
and excavate, construct, maintain and operate all cross or  
branch ditches, canals, flumes, aqueducts or other works necessary  
for irrigation purposes ; and construct works in and draw  
10 off the waters of the rivers or streams utilized to form such  
navigable channel or of any natural streams of water intercepted  
by any ditch, canal, or other work by this Act authorized to  
be constructed for the purposes of the Company ; and discharge  
into and conduct along any natural channel or watercourse  
15 any quantity of water so drawn off and afterwards draw off  
the same from any such natural channel or water course ;
- (d.) construct, erect, maintain and operate by any kind of  
motive power all such locks, dams, tow-paths, branches, basins,  
20 apparatus, appliances and machinery, as may be desirable or  
necessary for the construction and operating of the said canals  
and works ;
- (e.) enter upon and take such lands as are necessary and  
proper for the making, preserving, and maintaining, and  
25 operating and using the canals and other works of the Company ;  
and dig, cut, trench, get, remove, take, carry away and lay  
earth, clay, stone, soil, rubbish, trees, roots of trees, beds of  
gravel, or sand or any other matters or things which may be  
dug or got in making the said intended canals and other  
30 works, on or out of the lands or grounds of any person or  
persons adjoining or lying convenient thereto, and which may  
be proper, requisite or necessary for making or repairing the  
said intended canals or the works incidental or relative thereto,  
or which may hinder, prevent or obstruct the making, using,  
35 or completing, extending or maintaining the same, respectively,  
according to the intent and purpose of this Act ;
- (f.) make, maintain and alter any places of passage over,  
under, or through the said canals or any of their branches or  
connections ;
- 40 (g.) obtain, take and use, during the construction and operation  
of the said canals, from the rivers, lakes, brooks, streams,  
watercourses, reservoirs and other sources of water supply,  
adjacent or near to said canals, water sufficient for the purposes  
of constructing, maintaining, operating and using the said  
45 canals and works hereby authorized, and sufficient to establish  
and maintain a current at the rate on the average of three  
miles per hour through the navigable channels of the canals ;  
and the Company shall in the exercise of the powers by this  
paragraph granted do as little damage as possible, and shall  
50 make full compensation to all persons interested for all damage  
by them sustained by reason of the exercise of such powers ;  
and such damage in case of disagreement shall be settled in  
the same manner as is provided for fixing compensation under  
the provisions of *The Railway Act* ;
- 55 (h.) construct, maintain and operate, use or lease, or otherwise  
dispose of, terminals, harbours, wharfs, docks, piers,  
elevators and warehouses, upon the said canals or upon lands  
adjoining or near the same ;

Irrigation  
works.

Division of  
streams.

Locks, dams,  
etc.

Entry on  
adjoining  
lands and use  
of materials  
therefrom.

Passages  
across canals.

Water for  
working  
canals.

Proviso as to  
damages and  
compensation.

1888, c. 29.

Harbours, etc.

Disposal of water lots and water.	(i.) acquire, lay out and lease, or otherwise dispose of, water-lots ; and use, sell, lease or otherwise dispose of, water brought by or for the said canals or works, but not requisite for the same ; and construct, maintain and operate works for and produce hydraulic, electric or other power, and sell, lease, supply or otherwise dispose of the same ; and propel vessels in and through the said canals by the same or any kind of force ; and sell, lease or otherwise dispose of the said works or any of them ; and supply water for irrigation purposes to any municipality, corporation or individual ; and collect such rates or charges for water supplied for irrigation purposes as are from time to time fixed by by-law of the Company ; but the tariff of such rates or charges shall be submitted to and approved by the Governor in Council before they are exacted or recovered, and such tariff may be revised or altered from time to time by by-law of the Company subject to the approval of the Governor in Council.	5 10 15
Production and disposal of power.		
Rates.		
Tariff subject to approval of Governor in Council.		
Steamers, etc.	(j.) build or acquire and use or dispose of steamers, tugs, boats, barges and other vessels for the purposes of the said canals ; and propel vessels of all kinds in and through the said canals by any kind of power or force ; and for such last mentioned purpose construct, erect, maintain and operate such structures, machinery and appliances as are necessary to produce or operate the said force or power ;	20
Patents.	(k.) acquire by license, purchase or otherwise, the right to use any patented invention for the purposes of the works hereby authorized and to again dispose of the same ;	25
Incidental powers.	(l.) construct, make and do all matters and things necessary or proper for the making, completing and properly maintaining and operating the said canals, and carrying out in other respects the objects in this section mentioned, subject, however, to all the provisions of this Act.	30
Crossing of drains and watercourses.	<b>9.</b> The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes therewith, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canals or any of them cross, touch or interfere with, and which are in existence at the time of the construction of the said canals.	35
Settlement of disputes.	<b>2.</b> All subsequent questions, disputes or complaints as to the construction of new drains and as to the alteration, enlargement and change of existing drains and of natural streams or watercourses, and as to who shall make such alteration, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Railway Committee of the Privy Council in the same manner as is provided for other matters to be inquired into, heard and determined by the said committee under <i>The Railway Act</i> .	40 45 50
1888, c. 29.		
Settlement of compensation for lands.	<b>10.</b> When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to	55

lands injured thereby, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable: Provided that the Governor in Council may from 5 time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to the works under this Act, in such manner as experience may prove to be expedient.

2. In this section, and in section 8, the expression "lands" 10 means the lands the acquiring, taking, or using of which is incident to the exercise of the powers given by this Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure. Interpretation.  
"Lands."

**11.** In case of any accident requiring immediate repair on 15 the said canals or any part thereof, the Company, its agents or workmen may enter upon the adjoining land (not being an orchard or garden), and dig for, work, get and carry away and use all such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, 20 doing as little damage as may be to such land and making compensation therefor, and in case of dispute or difference regarding the amount to be so paid the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purpose aforesaid, the Company 25 shall, in case the consent of the owner is not obtained thereto, pay into the office of one of the superior courts for the province in which the land is situated, such sum, with interest thereon for six months, as is fixed, on the *ex-parte* application of the Company, by a judge of the county court for the county in 30 which such lands are situate, if the lands are in the province of Ontario or Manitoba, and by a judge of the supreme court for the district in which the lands are situate if such lands are in the North-west Territories. Urgent repairs to works.

**12.** The Company may open, cut and erect such ponds and 35 basins for the laying up and turning of vessels, boats or rafts using the said canals and at such portions thereof as it deems expedient, and may also build and erect such dry docks, slips and machinery connected therewith for the hauling out and repairing such vessels as it thinks proper, and may lease 40 or hire the same on such terms as it deems expedient, or may operate the same by its servants or agents, as the Company decides from time to time. Basins, docks, etc.

**13.** With the consent of the Governor in Council, the 45 Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the waters of the rivers or lakes which the said canals may cross, start from, or terminate at, as may be required for the wharfs and other works of the Company for making easy entrance to its said canals and other works 50 hereby authorized, and it may also construct such dams and works as it deems requisite to stop the waste of water from the lakes and rivers and to economize the same for the use of the said canals. Use of branches, etc.  
Dams to prevent waste.

Crossing  
highways.

**14.** The Company shall at each and every place where any of the said canals crosses any highway or public road (unless exempted from the provisions of this section so far as any highway or public road is concerned by the municipality having jurisdiction over such highway or public road) construct and maintain to the satisfaction of the Governor in Council bridges, tunnels, ferries, or other means of passage over or under the said canals, so that the public thoroughfare may be as little impeded as reasonably necessary, and the Company shall not in making the said canals cut through or interrupt the passage on any highway or public road until it has made a convenient road past its works for the use of the public; and for every day on which it neglects to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Penalty.

Breadth of  
land on each  
side of the  
works.

**15.** The land ground or property to be taken or used without the consent of the proprietors for the said canals and works, and the ditches, drains and fences to separate the same from the adjoining lands shall not exceed one thousand feet in breadth, except in places where basins and other works are required to be cut or made as necessary parts of the canals as shown on the plan to be approved as hereinafter provided by the Governor in Council, or where floating or drowning of land is unavoidable on account of the construction of dams.

Taking over of  
Government  
works.

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

Plans to be  
approved by  
Governor in  
Council.

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

Annual  
general  
meeting.

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

Directors.

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

Quorum.

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

- 20.** In addition to the general powers to make by-laws By-laws. under *The Railway Act* the Company may make by-laws, rules or regulations for the following purposes, that is to say :
- (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled ;
  - (b.) for regulating the hours of the arrival and departure of such vessels ;
  - (c.) for regulating the loading or unloading of such vessels and the draught thereof ;
  - 10 (d.) for preventing the smoking of tobacco upon the works, the bringing into or upon the property of the Company of dangerous or deleterious substances, and for the proper care and preservation of the Company's property ;
  - (e.) for regulating the travelling and transportation upon 15 and the using and the working of the canals ;
  - (f.) for regulating the conduct of the officers, servants and employees of the Company ;
  - (g.) for the maintaining, preserving and using the canals and all other works hereby authorized to be constructed or 20 connected therewith, and for the governing of all persons and vessels passing through the said canals ; and
  - (h.) for providing for the due management of the affairs of the Company in all respects whatever.

**21.** The Company may issue and pledge or dispose of bonds, Issue of bonds. debentures or other securities as provided in *The Railway Act* 1888, c-29. to the extent of forty millions of dollars.

**22.** The Company may from time to time ask, demand, take Tolls. and recover to and for its own proper use, for all passengers and goods transported upon the said canals or vessels using the same, such tolls as the Company or its directors from time to 30 time by by-law determine ; and no tolls of any description shall be levied or taken upon the canals until the same are approved of by the Governor in Council, nor until after two weekly publications in *The Canada Gazette* of such by-law and 35 of the Order in Council approving thereof.

2. All tolls shall under the same circumstances be charged Tolls to be charged equally. equally to all persons and upon all vessels and goods ; and no reduction or advance on any such tolls shall be made either directly or indirectly against any particular person or company 40 using the canals.

**23.** Every by-law fixing and regulating tolls with respect to Revision of tolls. the said canals and branches shall be subject to revision by the Governor in Council from time to time after approval thereof ; and after an Order in Council altering the tolls fixed and regu- 45 lated by any by-law has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked.

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

- Collection of tolls. **25.** Such tolls shall be paid to such persons and at such places near to the canals, in such manner, and under such regulations as the by-laws direct.
- Special rates. **26.** The Company shall not make or give any secret special toll, rate, rebate, drawback, or concession to any person, and the Company shall on the demand of any person make known to him any special rate, rebate, drawback or concession given to any one. 5
- Recovery of tolls. **27.** In case of denial or neglect of payment on demand of any such tolls or any part thereof, the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the Company may seize the vessel or goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said vessel or goods shall be at the risk of the owners thereof. 10 15
- Seizure for tolls.
- Sale of vessel and goods. **28.** If the tolls are not paid within six weeks from the time of such detainer the Company may sell the vessel or the whole or any part of such goods, and out of the moneys arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizures, detention and sale, and shall deliver the surplus, if any, or the vessel or such of the goods as remain unsold, to the person entitled thereto. 20
- Sale of unclaimed vessel or goods. **29.** If any vessel or goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the Official Gazette of the province in which such vessel or goods are, and in such other newspaper as it deems necessary, sell such vessel or goods by public auction at a time and place which shall be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for keeping, storing, advertising and selling such vessel or goods, and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any person entitled thereto. 25 30 35
- Disposal of unclaimed balance. **30.** In default of such balance being claimed before the expiration of the time last aforesaid, the same shall be paid over to the Minister of Finance and Receiver General for the public uses of Canada until claimed by the person entitled thereto. 40
- Calculation of distance and of weight. **31.** In all cases where there is a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers are conveyed or transported on the said canals, such fraction shall in ascertaining the said rates be deemed and considered as a whole mile; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rates shall be demanded and taken by the Company calculated upon the number of quarters of a ton contained therein; and in all cases where there is a fraction of a quarter of a ton, such fractions shall be deemed and considered to be a whole quarter of a ton. 45 50

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

Draught to be marked on vessels.

Penalty.

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

Measurement of vessels.

Penalty for refusal to allow.

Powers of Company's officers.

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

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

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

Power reserved to Parliament.

**36.** The Company may receive in aid of the construction of  
 45 the said canals or other works from any person or body corporate, municipal or politic, having power to grant the same any gift or grant of land, money, debentures, property, concession or other benefit of any sort, either with or without conditions, and may enter into agreements for the carrying out of any  
 50 such conditions or with respect thereto.

Grants in aid of undertaking.

**37.** So soon as conveniently may be after the said canals are completed, the Company shall cause the same to be

Mile stones along canals.

measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distances, to be erected and maintained at distances convenient from each other.

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

Vessels sunk or grounded in canals. **39.** If any vessel is sunk or grounded in any part of any of the said canals or in any approach thereto, and if the owner or master thereof neglects or refuses to remove the same forthwith, the Company may forthwith proceed to have the same raised or removed, and may retain possession of the same until the charges and expenses necessarily incurred by the Company in so raising and removing the same are paid and satisfied, or the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

Limitation of actions. **40.** No action or suit shall be brought or commenced against any person or the Company for anything done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, unless such action or suit is brought or commenced within twelve calendar months next after the act committed, or in case there is a continuation of damage, then within twelve calendar months next after the doing or committing such damage has ceased, and not otherwise.

Works may be taken over by Government. **41.** Her Majesty, her heirs and successors, may at any time assume the possession and property of the said canals and works, and of all the rights and privileges and advantages of the Company (all of which shall after such assumption be vested in Her Majesty, her heirs and successors) on giving to the Company one week's notice thereof and on paying to the Company the value of the same, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company and a third arbitrator by the two arbitrators; and the arbitrators may in such valuation take into account the expenditure of the Company, its property, the business of the canals and other works hereby authorized, and its past, present and prospective business, with interest from the time of the investment thereof.

Time for construction limited. **42.** If the construction of the canals hereby authorized to be constructed, or of some of them, is not commenced and one hundred thousand dollars are not expended thereon within five years after the passing of this Act, or if the said canals are not finished and put in operation within fifteen years after the passing of this Act, then the powers granted by this Act

shall cease and be null and void as respects so much of the said canals and works hereby authorized as then remains uncompleted.

43. The exercise of the powers conferred by this Act so far  
5 as they relate to irrigation shall be subject to any general Act  
passed by the Parliament of Canada and in force from time to  
time respecting irrigation. General Irrigation Acts to apply.

44. *The Railway Act* shall, so far as applicable, and when  
not inconsistent with the provisions of this Act, and except  
10 sections 3 to 25 inclusive, 36, 37, 38, 89, 103, 104, 105, 112,  
116, 120, 121, 173 to 177 inclusive, 179, 180, 182 to 199 inclu-  
sive, 209, 210, 214, 223 to 264 inclusive, and 271 to 274 inclu-  
sive, 276 to 297 inclusive, 306 to 308 inclusive, apply to the  
Company hereby incorporated, and to the undertaking of the  
15 Company; and the Company shall have and may exercise all  
the powers conferred by *The Railway Act*, in so far as the  
said Act is applicable to the Company hereby incorporated. 1888, c. 29 to apply except certain sections.

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

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

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

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An Act to incorporate the Lake Superior  
and Rocky Mountains Navigation  
Company.

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Received and read a first time, Wednesday, 30th  
March, 1898.  
Second reading, Wednesday, 6th April, 1898.

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Honourable Mr. CLEMOW.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to incorporate the Tobique Manufacturing Company.

**W**HEREAS the Honourable John Costigan, of the city of Preamble.  
 Ottawa, Frederick H. Hale, of the town of Woodstock,  
 in the province of New Brunswick; George A. Murchie, of  
 of the town of Calais, in the state of Maine; James Straton,  
 5 of the city of Ottawa, and the Honourable George T. Baird, of  
 Perth, in the province of New Brunswick, have by their  
 petition represented that they are desirous of becoming incor-  
 porated under the name of The Tobique Manufacturing  
 Company, and have prayed that an Act be passed for that  
 10 purpose, and it is expedient to grant the prayer of the said  
 petition: Therefore Her Majesty, by and with the advice  
 and consent of the Senate and House of Commons of Canada,  
 enacts as follows:—

1. The persons named in the preamble to this Act, and Incorporation.  
 15 such other persons as become shareholders in the Company  
 hereby incorporated, are hereby constituted a body corporate  
 under the name of "The Tobique Manufacturing Company," Corporate name.  
 hereinafter called "the Company."

2. The Company may carry on, throughout the Dominion General business powers.  
 20 of Canada and elsewhere, the business of lumberers, timber  
 merchants and manufacturers of timber and lumber in all its  
 branches, and other business incident thereto, or connected  
 therewith, including the manufacture of furniture, doors,  
 sashes, blinds, and any other articles of which wood forms a com-  
 25 ponent part, and the manufacture of pulp, wood-pulp and other  
 products from wood or wood material; and may make brick,  
 cement, lime and gypsum; and may also carry on the business  
 of wharfingers, shippers and vessel owners; and may, for all  
 or any of the said purposes, purchase, hold, lease or otherwise  
 30 acquire, licenses to cut timber, timber limits, lands, buildings,  
 docks, works, vessels, vehicles, goods, wares, merchandise and  
 other property real and personal, movable and immovable, and  
 may improve, extend, manage, develop, lease, mortgage,  
 exchange, sell, dispose of, turn to account, or otherwise deal in  
 35 and with the same; and may establish shops or stores, and  
 may purchase and vend general merchandise, and carry on  
 farming and stock-raising, and generally do all such other  
 things as are incidental or conducive to the attainment of the  
 above objects.

40 2. The Company may purchase or otherwise acquire and Mining rights.  
 work in Canada, mines, mineral and mining rights and lands  
 containing gypsum and lime, and may burn, grind, calcine,

- crush, smelt, reduce, amalgamate the ore, or otherwise render marketable the produce, and may develop the resources of mines whether belonging to the Company or not.
- Construction of works and buildings. 3. The Company may construct or aid in, and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz-mills, mills, and other buildings and works, which may be necessary or convenient for the purposes of the Company. 5
- Vessels. 4. The Company may construct, charter and employ vessels for the purposes aforesaid, and for the purpose of transporting the produce of the mills, mines and works to any place within Canada or elsewhere. 10
- Acquisition of similar businesses. 5. The Company may purchase or otherwise acquire any business within the objects of the Company and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same and may let or sublet any property of the Company, and may sell or otherwise dispose of the business, property, or undertaking of the Company or any part thereof, for such considerations as the Company may think fit, and in particular for shares, debentures, or securities of any other Company having objects altogether or in part similar to those of the Company. 15 20
- Construction of dams in the Tobique River. 6. The Company may locate, erect and maintain in the Tobique River, between Ox Island and the head of Plaster Rock Island, in the county of Victoria and province of New Brunswick, a dam or dams for the purpose of holding reserves of water on the Tobique River; provided, that in the construction of such dam or dams, a sufficient opening or sufficient openings, with the necessary slide or slides, for the safe transmission of square timber, saw-logs or other lumber, whether loose or in ratts and boats, shall also be maintained free of charge when required for the use of all persons who may desire to transmit square timber, saw-logs or other lumber, loose or in rafts or boats. 25 30 35
- Construction of booms in the Tobique River. 7. The Company may locate, erect and maintain in the Tobique River, between the said dam or dams and the head of the river, piers, booms and shear booms, for the purpose of holding, collecting, separating, driving and sorting out logs, pulp wood and other lumber coming down the Tobique River, 40
- Holding of logs, etc., in Company's booms. 8. The Company may hold between the said piers and booms, if situated, erected and maintained as aforesaid, all logs, pulp wood and other lumber coming down the Tobique River which are destined and intended for use and manufacture at the mills of the Company; and may also, by aid of such piers and booms, separate and sort out all the logs, pulp wood and other lumber coming down said river; and may charge a toll of ten cents per thousand superficial feet for sorting out, whenever requested so to do by the owner thereof, the lumber coming down said river belonging to persons or companies other than the Company. 45 50
- Sorting. Toll for sorting. 9. The Company may also boom and hold all logs, pulp wood and other lumber which come within its piers and booms, but the owner thereof shall have the right to take possession of the same without charge; provided, that in so doing the owner shall in no wise prejudice, injure or damage the dams, booms, piers or other property of the Company. 55
- As to logs, etc., not the Company's.

10. The Company may enter upon, take and hold such lands as are necessary for the location, erection or maintenance of its dams and piers and of the booms connecting the same with the shores; and may, with their agents and teams, pass  
5 and repass over said shores, for the purposes and for the operation and management of its dams, piers and booms; but the Company shall make compensation therefor as provided in case of damage to lands taken in laying out railways under *The Railway Act*; and the Company may also remove rocks  
10 and make other necessary improvements in the Tobique River, subject to the approval of the Governor in Council.
11. The Company may lease or otherwise acquire water-power or other power, and may generate water-power, electric or other power, or electricity for lighting or other purposes;  
15 and may use, sell, lease or otherwise dispose of such water-power, electric or other power, or electricity.
12. The Company may also, for the purposes of its business and in connection therewith, own or manage hotels or boarding houses.
- 20 13. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid.
3. The Company may also purchase, take over or acquire all or any of the timber limits, gypsum property or mining  
25 leases on the said Tobique River, by whomsoever owned, including the incorporators or any of them, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the incorporators or other persons in connection with the said businesses, subject to  
30 the obligations, if any, affecting the same; and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up or partly paid-up shares or stock of the Company, or wholly or partly in debentures of the Company, or otherwise;  
35 and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said business or businesses so carried on in the said limits, gypsum or other properties, by the said incorporators or other persons, and also obligations affecting the assets and property so purchased from them.
- 40 4. The Company may make, endorse, accept or execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments: Provided however, that nothing in this section shall be construed  
46 to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.
5. The directors of the Company may from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so  
50 borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Powers to expropriate and right of way over lands.

1888, c. 29.

Improvement of Tobique River.

Water-power, electricity, etc.

Hotels.

Limitation of acquisition of real estate.

Power to purchase or acquire timber limits, mining property, etc.

Price may be paid in paid-up stock.

Negotiable instruments.

Proviso.

Borrowing powers.

- Debenture issue. **6.** The directors of the Company, under the authority of the shareholders given at any annual or general meeting called for the purpose—at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person or represented by proxy—may also from time to time create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president, or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes set forth in section 3 of this Act; and the directors may sell, or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company: Provided that the total amount of debentures at any time outstanding shall not exceed the amount of the capital stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed; and such mortgage deed may give to the holders of the said debentures, or the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed. 5 10 15
- Limitation of amount.
- Security.
- Capital. **7.** The capital stock of the Company shall be one million five hundred thousand dollars, divided into shares of one hundred dollars each. 15
- Provisional directors. **8.** F. H. Hale, George A. Murchie and the Honourable G. T. Baird shall be the first or provisional directors of the Company, and shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies R.S.C., c. 118. Clauses Act* and this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any two of them may call meetings of the provisional directors to be held at Woodstock in the county of Carleton, New Brunswick, at such times as they determine: Provided that notice in writing, signed by at least two of the provisional directors calling any such meeting, with the date and place of holding the same, shall be mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting. A majority of the provisional directors shall form a quorum. 30 35 42
- Meetings.
- Notice.
- Quorum.
- General meeting for organization. **9.** At any time within three months after the passing of this Act the provisional directors, or any two of them, shall call a general meeting of the shareholders of the Company to be held at the said town of Woodstock at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by two or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed 45 50
- Notice.

by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

**10.** The directors of the Company may act notwithstanding Directors.  
5 any vacancy in their number: Provided that, if the number falls below three the directors shall not, except for the pur- Quorum.  
pose of filling vacancies, have power to act so long as the number is below the said minimum.

**11.** The head office of the Company shall be in the parish Head office.  
10 of Gordon in the county of Victoria, province of New Brunswick; but every place in Canada at or in which the Company has an office or place of business open shall be Domicile of Company.  
deemed to be a domicile of the Company: Provided that the domicile of the Company in the province of New Brunswick  
15 shall be in the parish of Gordon aforesaid.

**12.** Section 18 of *The Companies Clauses Act* shall not R.S.C., c. 118,  
apply to the Company. as to making of calls.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

K

An Act to incorporate The Tobique  
Manufacturing Company.

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First reading, Wednesday, 30th March, 1898

Second reading, Thursday, 31st March, 1898.

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HONOURABLE MR. BAIRD.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act respecting the Great North-West Central  
Railway Company.

**W**HEREAS the Great North-West Central Railway Com- Preamble.  
pany have, by their petition, prayed that an Act be  
passed to enable them to raise the capital necessary for the  
payment of certain liabilities and to extend their line, and for  
5 other purposes; and whereas it is expedient to grant the  
prayer of the said petition: Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** The Great North-West Central Railway Company may  
10 borrow for the liquidation of liabilities and for prosecuting the  
undertaking, such amounts as may be required from time to  
time, not exceeding in the whole twelve thousand dollars per  
mile of the length of the Company's railway constructed or  
under contract to be constructed from time to time, at such  
15 rate of interest not exceeding five per cent per annum as may  
be determined by the directors of the Company, by the creation  
and issue of preferential bonds or debentures which shall be  
called first mortgage bonds.

Preferential  
bonds may be  
issued.  
  
Limit \$12,000  
per mile.

**2.** The preferential bonds or debentures hereby authorized  
20 may be secured by mortgage in the manner and with all the  
rights mentioned in clause 14 of the Company's charter as set  
forth in the schedule to and confirmed by chapter 85 of the  
statutes of 1888.

Security.  
  
1888, c. 85.

**3.** The preferential bonds or debentures hereby authorized  
25 shall, without registration or formal conveyance and whether  
secured by mortgage or not, but subject to the payment of the  
working expenses of the railway, be the first preferential claims  
and charges, and shall have priority to and over all bonds or  
debentures heretofore issued or claimed to have been issued by  
30 the Company, and to and over any mortgage given to secure  
the same and all other contracts and liabilities of the Com-  
pany whatsoever, upon the Company and the undertaking,  
tolls, income, and real and personal property of the Company  
now or at any time hereafter acquired, and each holder of the  
35 said bonds or debentures shall be deemed to be a mortgagee  
or encumbrancer upon the said securities and shall have  
priority as such.

Ranking of  
such bonds.

**4.** The power to issue preferential bonds or debentures  
hereinbefore granted, to the extent the same may be used  
40 by the Company to the amount of twelve thousand dollars  
per mile, shall be in substitution for the power to issue

Such issue not  
additional to  
but in lieu of  
existing  
power.

Proviso as to priority. bonds or debentures granted to the Company by its charter aforesaid and the Acts amending the same: Provided that the preferential bonds or debentures to be issued under the power hereby granted shall have absolute priority as aforesaid over all bonds or debentures heretofore issued or claimed so to be and any mortgage given to secure the same, notwithstanding that such bonds or debentures heretofore issued may have been issued to the full amount per mile of the Company's bonding powers under the Company's charter and the Acts amending the same.

Savings clause. **5.** Nothing in this Act shall affect otherwise than in respect of the priority aforesaid the rights of the Company or of any person or persons in respect of bonds or debentures heretofore issued by the Company or claimed to have been heretofore issued under the powers of the Company under the charter aforesaid and the Acts amending the same, or any mortgage to secure the same.

Debenture stock may be issued instead of preference bonds. **6.** The Company may, in lieu of issuing the said preference bonds or debentures, issue debenture stock to the same amount and under the same conditions as to their borrowing powers as are hereinbefore specified in the case of the said preference bonds, entitling the holders thereof to a dividend of not more than five per cent per annum, such debenture stock to the amount issued within the limits so prescribed shall, subject to the provisions of the charter of the Company as to working expenses, be and become a first charge upon the Company and the undertaking, tolls and income, real and personal property thereof now or at any time hereafter acquired, in priority to all bonds and obligations of the said Company heretofore issued or claimed to have been issued, but the holders of such debenture stock shall not as among themselves be entitled to any preference or priority.

Votes on debenture stock. **7.** The holders of the said debenture stock shall be entitled on every occasion when the votes of the ordinary shareholders are to be given to four votes for every one hundred dollars of such debenture stock held by them respectively.

Bond issue for extension of line. **8.** In order to facilitate such financial arrangements as will enable the Company to proceed with an extension of its railway beyond the portion about fifty miles in length already constructed, and in lieu of exercising any of the powers hereinbefore granted, the Company may issue bonds which shall be a first lien and charge and be secured exclusively upon the said extension.

1897, ss. 1 and 2 repealed. **9.** Sections 1 and 2 of chapter 45 of the statutes of 1897 are hereby repealed and the time for finishing and putting in operation to the Rocky Mountains that part of the Company's railway yet unconstructed is hereby extended for seven years from the passing of this Act; provided that the Company shall complete before the end of the year one thousand eight hundred and ninety-nine, and also during each calendar year thereafter until the whole is completed, such a portion of its said railway not less than twenty miles in length as is from time to time prescribed by the Governor in

Extension of time for construction.

Proviso.

Council, and that in default thereof the powers of the Company in respect of so much of its railway as remains uncompleted at the time of the default shall cease and be terminated.

10. The Company may enter into an agreement with the  
 5 Northern Pacific and Manitoba Railway Company, the Manitoba and North-Western Railway Company, or the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this  
 10 Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has  
 15 been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has  
 20 also received the sanction of the Governor in Council.

Power to make agreement with another company for sale, lease or amalgamation.

Conditions.

11. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act* and also for a like period in one newspaper in each of  
 25 the electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

Notice of application for Governor General's sanction.

1888, c. 29.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

L

An Act respecting the Great North-West  
Central Railway Company.

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Received and read a first time, Thursday, 21st  
April, 1898.  
Second reading, Monday, 25th April, 1898

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Honourable Mr. CLEMOW.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

L.]

**SENATE BILL.**

[1898.]

An Act respecting the Great North-West Central  
Railway Company.

(Reprinted as proposed to be amended by the Sub-Committee of the  
Committee on Railways, Telegraphs and Harbours.)

May 4th, 1898.

**W**HEREAS the Great North-West Central Railway Com- Preamble.  
pany have, by their petition, prayed that an Act be  
passed to enable them to raise the capital necessary for the  
payment of certain liabilities and to extend their line, and for  
5 other purposes; and whereas it is expedient to grant the  
prayer of the said petition: Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** For the liquidation of liabilities and for prosecuting the  
10 undertaking, the Great North-West Central Railway Company,  
may from time to time, create and issue preferential bonds or  
debentures, to an amount not exceeding in the whole twelve  
thousand dollars per mile of the Company's railway construct-  
ed or under contract to be constructed, which bonds shall be  
15 called first mortgage bonds and shall bear such rate of interest  
not exceeding five per cent per annum as may be determined  
by the directors of the Company.

Preferential  
bonds may be  
issued.

Limit \$12,000  
per mile.

**2.** The preferential bonds or debentures hereby authorized  
may be secured by mortgage in the manner and with all the  
20 rights mentioned in clause 14 of the Company's charter as set  
forth in the schedule to and confirmed by chapter 85 of the  
statutes of 1888.

Security.

1888, c. 85.

**3.** The preferential bonds or debentures hereby authorized  
shall, without registration or formal conveyance and whether  
25 secured by mortgage or not, but subject to the payment of the  
working expenses of the railway, be the first preferential claims  
and charges, and shall, subject to the provisions of section 7  
of this Act, have priority to and over all bonds or debentures  
issued by the Company before the passing of this Act, or claim-  
30 ed to have been so issued, and to and over any mortgage given  
to secure the same and all other contracts and liabilities of the  
Company whatsoever, upon the Company and the undertaking,  
tolls, income, and real and personal property of the Company  
now or at any time hereafter acquired, and each holder of the  
35 said bonds or debentures shall be deemed to be a mortgagee  
or encumbrancer upon the said securities and shall have  
priority as such.

Ranking of  
such bonds.

Such issue not additional to but in lieu of existing power.

Proviso as to priority.

4. The power to issue preferential bonds or debentures hereinbefore granted, to the amount of twelve thousand dollars per mile, shall, to the extent such power is used by the Company, be in substitution *pro tanto* for the power to issue bonds or debentures granted to the Company by its charter and the Acts amending the same: Provided that the preferential bonds or debentures to be issued under the power hereby granted shall, subject to the provisions of section 7 of this Act, have absolute priority as aforesaid over all bonds or debentures issued before the passing of this Act, or claimed so to be issued and over any mortgage given to secure the same, notwithstanding that such latter bonds or debentures may have been issued to the full amount per mile of the Company's bonding powers under the Company's charter and the Acts amending the same.

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Debenture stock may be issued instead of preference bonds.

Priority.

5. The Company may, in lieu of issuing the said preference bonds or debentures, issue debenture stock, to the same amount and under the same conditions as to their borrowing powers and as to the application of the proceeds, as are hereinbefore specified in the case of the said preference bonds, entitling the holders thereof to a dividend of not more than five per cent per annum; such debenture stock to the amount issued within the limits so prescribed shall, subject to the provisions of the charter of the Company as to working expenses, and subject to the provisions of section 7 of this Act be and become a first charge upon the Company and the undertaking, tolls and income, real and personal property thereof now or at any time hereafter acquired, in priority to all bonds and obligations of the Company issued before the passing of this Act or claimed to have been so issued, but the holders of such debenture stock shall not as among themselves be entitled to any preference or priority.

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Votes on debenture stock.

6. The holders of the said debenture stock shall be entitled on every occasion when the votes of the ordinary shareholders are to be given to four votes for every one hundred dollars of such debenture stock held by them respectively.

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7. The proceeds of the preference bonds, debentures or debenture stock hereby authorized shall be first applied in satisfaction of the claims of every valid holder (if any) and of every valid pledgee or valid chargee (if any) of the bonds issued before the passing of this Act by the Company (if any) or of any part thereof, and in satisfaction of all claims based upon the judgment of the Judicial Committee of the Privy Council, rendered on 1st April, 1898, in the case of *Charlebois vs. The Great North-West Central Railway Company*, according to the priority of such claims; and until such satisfaction the claim, lien or charge of any such holder, pledgee or chargee (if any) or other claimant of the said bonds issued before the passing of this Act, shall not be postponed or prejudiced by the issue of the bonds, or debentures or debenture stock hereby authorized.

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2. In case of any dispute as to the claim of any such pledgee, chargee or holder (if any) or other claimant of bonds issued by the Company before the passing of this Act (if any)

on or in respect of such bonds, the Company shall deposit in the High Court of Justice for Ontario, a sum of money equal to the amount of such claim in dispute, or an amount of the bonds, debentures or debenture stock hereby authorized equal  
 5 at par to the amount of such claim in dispute, or to such amount as a judge of the said court may order, from time to time, in a matter to be entitled in the said court. "In the matter of the debentures of the Great North-West Central Railway Company," which deposit shall be subject to the  
 10 adjudication and determination (by the said court) of the rights of the Company and of the claimant respectively and to the order of the said court in an action to be thereafter brought in the said court by either party for the purpose of determining the rights of the parties.

15 3. From and after such deposit by the Company, the bonds, debentures or debenture stock hereby authorized and any mortgage to secure the same, shall have absolute priority over any bonds or debentures of the Company issued before the passing of this Act and held by any party claiming to be  
 20 pledgee, chargee or holder in respect of whose claim such deposit has been made and over any mortgage to secure the same.

4. In case such action is brought by the claimant, he shall, at the time of bringing such action, bring into the said court  
 25 all bonds or debentures issued by the Company before the passing of this Act, in respect of which his claim is made, subject to the adjudication and determination aforesaid, and he shall not be entitled to relief until such bonds or debentures are so brought into court.

30 5. The claimant shall bring such action within sixty days after receiving notice of the making of such deposit by the Company; and the Company may withdraw such deposit if no action is brought by the claimant within such delay, or if such action is dismissed, or if the claimant does not bring his  
 35 bonds into court as required by the next preceding subsection, or if a judge of the said court so orders.

8. Section 1 of chapter 45 of the statutes of 1897 is hereby repealed and the time for finishing and putting in operation to the Rocky Mountains that part of the Company's  
 40 railway yet unconstructed is hereby extended for seven years from the passing of this Act; provided that the Company shall complete before the end of the year one thousand eight hundred and ninety-nine, and also during each calendar year thereafter until the whole is completed, such a  
 45 portion of its said railway not less than twenty miles in length as is from time to time prescribed by the Governor in Council, and that in default thereof the powers of the Company in respect of so much of its railway as remains uncompleted at the time of the default shall cease and be terminated.

1897, ss. 1 and 2 repealed.

Extension of time for construction.

Proviso.

50 9. The Company may enter into an agreement with the Northern Pacific and Manitoba Railway Company, the Manitoba and North-Western Railway Company, or the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in  
 55 whole or in part, or any rights or powers acquired under this

Power to make agreement with another company for sale, lease or amalgamation.

Conditions.

Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Notice of application for Governor General's sanction.

1888, c. 29.

**10.** Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act* and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

L

An Act respecting the Great North-West  
Central Railway Company.

(Reprinted as proposed to be amended by the  
Sub-Committee of the Committee on Rail-  
ways, Telegraphs and Harbours.)  
May 4th, 1898.)

Honourable Mr. CLEMOW.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty  
1898

L.] **SENATE BILL.** [1898.

An Act respecting the Great North-West Central Railway Company.

(Reprinted as amended by the Committee on Railways, Telegraphs and Harbours.)

May 5th, 1898.

**W**HEREAS the Great North-West Central Railway Com- Preamble.  
pany have, by their petition, prayed that an Act be  
passed to enable them to raise the capital necessary for the  
payment of certain liabilities and to extend their line, and for  
5 other purposes; and whereas it is expedient to grant the  
prayer of the said petition: Therefore Her Majesty, by and  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** For the liquidation of liabilities and for prosecuting the  
10 undertaking, the Great North-West Central Railway Company,  
may from time to time, create and issue preferential bonds or  
debentures, to an amount not exceeding in the whole twelve  
thousand dollars per mile of the Company's railway construct-  
ed or under contract to be constructed, which bonds shall be  
15 called first mortgage bonds and shall bear such rate of interest  
not exceeding five per cent per annum as may be determined  
by the directors of the Company.

Preferential  
bonds may be  
issued.

Limit \$12,000  
per mile.

**2.** The said preferential bonds or debentures are in this Act  
referred to as "new bonds"; bonds or debentures (if any) is-  
20 sued by the Company before the passing of this Act or alleged  
to have been so issued are in this Act referred to as "old  
bonds."

**2.** The new bonds may be secured by mortgage in the man- Security.  
ner and with all the rights mentioned in clause 14 of the  
25 Company's charter as set forth in the schedule to and con- 1888, c. 85.  
firmed by chapter 85 of the statutes of 1888.

**3.** The new bonds shall, without registration or formal con-  
veyance and whether secured by mortgage or not, but subject  
to the payment of the working expenses of the railway, be the  
30 first preferential claims and charges, and shall, subject to the  
provisions of section 7 of this Act, have priority to and over  
all old bonds, and to and over any mortgage given to secure  
the same and all other contracts and liabilities of the Company  
whatsoever, upon the Company and the undertaking, tolls,  
35 income, and real and personal property of the Company now  
or at any time hereafter acquired, and each holder of new  
bonds shall be deemed to be a mortgagee or encumbrancer  
upon the said securities and shall have priority as such.

Ranking of  
such bonds.

Such issue not additional to but in lieu of existing power.

Proviso as to priority.

Debenture stock may be issued instead of preference bonds.

Priority.

Votes on debenture stock.

4. The power to issue new bonds, to the amount of twelve thousand dollars per mile, shall, to the extent such power is used by the Company, be in substitution *pro tanto* for the power to issue bonds or debentures granted to the Company by its charter and the Acts amending the same: Provided 5 that the new bonds shall, subject to the provisions of section 7 of this Act, have absolute priority as aforesaid over the old bonds and over any mortgage given to secure the same, notwithstanding that old bonds may have been issued to the full amount per mile of the Company's bonding powers under the 10 Company's charter and the Acts amending the same.

5. The Company may, in lieu of issuing new bonds, issue debenture stock, to the same amount and under the same conditions as to their borrowing powers and as to the application of the proceeds, as are hereinbefore specified in the case of 15 the new bonds, entitling the holders thereof to a dividend of not more than five per cent per annum; such debenture stock to the amount issued within the limits so prescribed shall, subject to the provisions of the charter of the Company as to working expenses, and subject to the provisions of section 7 of this 20 Act, be and become a first charge upon the Company and the undertaking, tolls and income, real and personal property thereof now or at any time hereafter acquired, in priority to all old bonds, but the holders of such debenture stock shall not as among themselves be entitled to any preference or priority. 25

6. The holders of the said debenture stock shall be entitled on every occasion when the votes of the ordinary shareholders are to be given to four votes for every one hundred dollars of such debenture stock held by them respectively.

7. The proceeds of the new bonds or debenture stock shall 30 be first applied in satisfaction of the claims of every valid holder (if any) and of every valid pledgee or valid chargee (if any) of old bonds, and in satisfaction of all claims in respect of bonds based upon the judgment of the Judicial Committee of the Privy Council, rendered on 1st April, 1898, in the case 35 of *Charlebois vs. The Great North-West Central Railway Company*, according to the priority of such claims; and until such satisfaction the claim, lien or charge of any such holder, pledgee or chargee (if any) or other claimant of old bonds, and the rights of Alphonse Charlebois under the said judg- 40 ment, shall not be postponed or prejudiced by the issue of new bonds.

2. In case of any dispute as to the claim of any such pledgee, chargee or holder (if any) or other claimant of old bonds on or in respect of old bonds, or when the amount due to 45 Alphonse Charlebois under the said judgment has been ascertained as provided by the said judgment, the Company shall deposit in the High Court of Justice for Ontario, a sum of money equal to the amount of such claim in dispute, or to the amount so ascertained, or an amount of the new bonds equal 50 at par to the amount of such claim in dispute, or to the amount so ascertained, or such sum of money or amount of new bonds as a judge of the said court may order, from time to time, in a matter to be entitled in the said court. "In the

matter of the debentures of the Great North-West Central Railway Company," which deposit shall be subject to the adjudication and determination (by the said court) of the rights of the Company and of the claimant respectively and to  
 5 the order of the said court in an action to be thereafter brought in the said court by either party for the purpose of determining the rights of the parties.

3. From and after such deposit by the Company, the new bonds and any mortgage to secure the same, shall have absolute  
 10 lute priority over any old bonds held by any party claiming to be pledgee, chargee or holder in respect of whose claim such deposit has been made and over any mortgage to secure the same.

4. In case such action is brought by the claimant, he shall,  
 15 at the time of bringing such action, bring into the said court all old bonds, in respect of which his claim is made, subject to the adjudication and determination aforesaid, and he shall not be entitled to relief until such bonds are so brought into court.

20 5. The claimant shall bring such action within sixty days after receiving notice of the making of such deposit by the Company; and the Company may withdraw such deposit if no action is brought by the claimant within such delay, or if such action is dismissed, or if the claimant does not bring his  
 25 bonds into court as required by the next preceding subsection, or if a judge of the said court so orders.

8. Section 1 of chapter 45 of the statutes of 1897 is hereby repealed and the time for finishing and putting in  
 30 operation to the Rocky Mountains that part of the Company's railway yet unconstructed is hereby extended for seven years from the passing of this Act; provided that the Company shall complete before the end of the year one thousand eight hundred and ninety-nine, and also during each calendar  
 35 year thereafter until the whole is completed, such a portion of its said railway not less than twenty miles in length as is from time to time prescribed by the Governor in Council, and that in default thereof the powers of the Company in respect of so much of its railway as remains uncompleted at the time of the default shall cease and be terminated.

1897, s. 1  
repealed.

Extension of  
time for  
construction.

Proviso.

40 9. The Company may enter into an agreement with the Northern Pacific and Manitoba Railway Company, the Manitoba and North-Western Railway Company, or the Canadian  
 45 Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as  
 50 to the directors seem fit, provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in  
 55 person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Power to  
make agree-  
ment with  
another com-  
pany for sale,  
lease or amal-  
gamation.

Conditions.

Notice of  
application  
for Governor  
General's  
sanction.

1888, c. 29.

10. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act* and also for a like period in one newspaper in each of the electoral districts through which the railway of the Company hereby incorporated runs, and in which a newspaper is published. 5

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3rd Session, 8th Parliament, 61 Victoria, 1898

SENATE BILL.

L

An Act respecting the Great North-West  
Central Railway Company.

(Reprinted as amended by the Committee on  
*Railways, Telegraphs and Harbours*.)  
May 5th, 1898.)

Honourable Mr. CLEMOW.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Companies Act.

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

1. Subsection 5 of section 5 of *The Companies Act* is hereby  
5 repealed, and the following substituted therefor:—

R.S.C., c. 119,  
s. 5 amended.

5. (a.) Such aggregate shall be deposited to the credit of  
the Receiver General of Canada, and shall be standing at such  
credit in some chartered bank in Canada, and the applicants  
shall, with their petition, produce the deposit receipt for such  
10 amount so deposited, and shall establish the fact, by statutory  
declaration or oath or affirmation, that such amount so deposit-  
ed has been *bonâ fide* subscribed for and paid for by the appli-  
cants, and has not, nor has any portion thereof, been contri-  
buted, made up, obtained or procured by means of any  
15 promissory note, temporary loan, or the proceeds of any  
discounts, accommodation or assistance by or through any  
bank, financial or loan company, or corporation, or person  
whatsoever other than the applicants themselves.

Disposal of  
amount paid  
up on capital  
stock by  
applicants for  
incorporation.

(b.) At any time after the signing of letters patent incor-  
20 porating the applicants as a company, the said aggregate, so  
paid in to the credit of the Receiver General, may be returned  
to and for the sole use of the company, or in case of failure to  
incorporate, to the applicants who have paid in or contributed  
to the same, under regulations from time to time made by the  
25 Governor in Council.

Return of  
amount to  
company or to  
applicants.

(c.) In case the object of the company is one requiring  
that it should own real estate, any portion not exceeding one-  
half of such aggregate may be taken as paid in, if it is *bonâ*  
*fide* invested in real estate suitable to such object, and such real  
30 estate is, by a valid and sufficient registered deed, duly held  
by two trustees for the company, and the applicants shall  
establish the fact, by oath, affirmation or declaration, that such  
real estate is of the required value over and above all encum-  
brances thereon.

Proviso as to  
portion of  
amount which  
may be repre-  
sented by  
real estate.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

M

An Act further to amend the Companies  
Act.

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First reading, Wednesday, 27th April, 1898.

Second reading, Friday, 29th April, 1898.

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HONOURABLE MR. MILLS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

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N]

**SENATE BILL.**

[1898.

An Act to amend the Canada Evidence Act, 1893.

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

1. Section 5 of *The Canada Evidence Act*, 1893, is here- 1893, c. 31.  
5 by repealed and the following substituted therefor:—

“5. No witness shall be excused from answering any ques- <sup>Incriminating</sup>  
tion upon the ground that the answer to such question may <sup>answers.</sup>  
tend to criminate him, or may tend to establish his liability to  
a civil proceeding at the instance of the Crown or of any per-  
10 son; provided, however, that if with respect to any question the  
witness objects to answer upon the ground that his answer may  
tend to criminate him or may tend to establish his liability to  
a civil proceeding at the instance of the Crown or of any per-  
15 son, and if but for this section the witness would therefore  
have been excused from answering such question, then, al-  
though the witness shall be compelled to answer yet the  
answer so given shall not be used or receivable in evidence  
against him in any criminal trial or other criminal proceeding  
20 against him thereafter taking place other than a prosecution  
for perjury in giving such evidence.”

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

N

An Act to amend the Canada Evidence  
Act, 1893.

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Received and read first time, Monday, 9th  
May, 1898.

Second reading, Thursday, 12th May, 1898.

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HONOURABLE MR. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to amend chapter 11 of the Statutes of 1897, intituled "An Act to restrict the importation and employment of Aliens."

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

1. Section 9 of chapter 11 of the statutes of 1897, is here- 1897, c. 11, s. 9.  
5 by amended by adding thereto the following subsection:—

"2. Evidence of any such law or ordinance of a foreign  
"country may be given.

"(a.) By the production of a copy thereof purporting to be  
"printed by the Government Printer or at the Government  
10 "Printing Office of such foreign country or contained in a  
"volume of laws or ordinances of such country purporting to  
"be so printed, or

How evidence may be given as to countries to which the Act applies.

"(b.) By the production of a copy thereof purporting to be  
"certified to be true by some officer of state of such foreign  
15 "country who also certifies that he is the custodian of the  
"original of such law or ordinance, in which case no proof  
"shall be required of the handwriting or official position of  
"the person so certifying."

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

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An Act to amend chapter 11, of the Statutes of 1897, intituled "An Act to restrict the importation and employment of Aliens."

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Received and read first time, Tuesday, 17th  
May, 1898.  
Second reading, Wednesday, 18th May, 1898.

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HONOURABLE MR. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

An Act to provide for the Government of the Yukon District.

[NOTE.—*In the references under the sections N.-W.T. Act is the North-West Territories Act, R.S.C., chapter 50 ; K. Act is The Keewatin Act, R.S.C., chapter 53.*]

[NOTE.—*The words in square brackets are printed for information only and are intended to be inserted when the Bill is before the House of Commons.*]

1. This Act may be cited as *The Yukon Territory Act*. Short title.
2. The Yukon Judicial District, as constituted by the proclamation of the Governor in Council bearing date the sixteenth day of August, one thousand eight hundred and ninety-seven, and contained in the schedule to this Act, is hereby constituted and declared to be a separate territory under the name of the Yukon Territory, and the same shall no longer form part of the North-West Territories. The Yukon Territory defined and constituted.
3. The Governor in Council may, by instrument under the great seal appoint for the Yukon Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. Commissioner.
4. The Commissioner shall administer the government of the territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior. N.-W.T. Act, s. 4 ; K. Act, s. 4. Administration of Government.
5. The Governor in Council by warrant under his privy seal may constitute and appoint such and so many persons from time to time not exceeding in the whole six persons, as may be deemed desirable to be a Council to aid the Commissioner in the administration of the territory, and such persons so appointed to the Council shall before entering upon the duties of their offices take and subscribe before the Commissioner such oaths of allegiance and office as the Governor in Council may prescribe. Council.
2. The majority of the Council including the Commissioner shall form a quorum. N.-W.T. Act, s. 7. Quorum.
6. The Commissioner in Council shall have the same powers to make ordinances for the government of the territory as are at the date of this Act possessed by the Lieutenant Governor of the North-West Territories, acting by and with the advice and consent of the Legislative Assembly thereof to Powers to make ordinances.

make ordinances for the government of the North-West Territories, except as such powers may be limited by order of the Governor in Council.

- Disallowance by Governor in Council. **7.** A copy of every such ordinance made by the Commissioner in Council shall be despatched by mail to the Governor in Council within ten days after the passing thereof, and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter, and any such ordinance may be disallowed by the Governor in Council at any time within two years after its passage. 5 10
- Governor in Council may make certain laws. **8.** Subject to the provisions of this Act, the Governor in Council may make laws for the peace, order and good government of the territory and of Her Majesty's subjects and others therein, but no law made by the Governor in Council or the Commissioner in Council shall, 15
- Restrictions as to such laws. (a.) impose any tax or any duty of customs or excise or any penalty exceeding one hundred dollars, or (b.) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the territory for any offence, or 20 (c.) appropriate any public money, lands or property of Canada without authority of Parliament :
- Proviso. Provided that this section shall not apply to any law extending or applying or declared applicable to the territory by any Act of the Parliament of Canada. K. Act s.7, subs. 3. 25
- Existing laws to remain in force until altered by the proper legislative authority. **9.** Subject to the provisions of this Act, the laws relating to civil and criminal matters as the same exist in the North-west Territories at the time of the passing of this Act, shall be and remain in force in the said Yukon Territory in so far as the same are applicable thereto until amended or repealed by the Parliament of Canada or by any law or ordinance of the Governor in Council or the Commissioner in Council made under the provisions of this Act. 30
- Territorial Court constituted. **10.** There is hereby constituted and appointed a Superior Court of record in and for the said territory, which shall be called a Territorial Court. 35
- Judges. The said court shall consist of one or more judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.
- Their qualifications. 2. Any person may be appointed judge of the court who is or has been a judge of a superior or a county court of any province of Canada or of the North-West Territories, or a barrister or advocate of at least ten years' standing at the bar of any such province or of the North-West Territories. 40
- Their dis-qualifications. 3. A judge of the court shall not hold any other office or emolument under the Government of Canada, or of any province of Canada or of the said territory, but this provision shall not prevent a judge from being eligible for appointment as a member of the Council of the said territory. 45
- Law as to judges and jurisdiction of the court. **11.** The law governing the residence, tenure of office, oath of office, rights and privileges of the judge or judges of the court, and the power, authority and jurisdiction of the court 50

shall be the same, *mutatis mutandis*, as the law governing the residence, tenure of office, oath of office, rights and privileges of the judges, and the power, authority and jurisdiction of the Supreme Court of the North-West Territories, except as the same are expressly varied in this Act.

**12.** Sittings of the court presided over by a judge or judges shall be held at such times and places as the Governor in Council or the Commissioner in Council shall appoint. N.W.T. Act, s. 55. Sitting of the court.

**13.** The Governor in Council may appoint such officers of the court as may be deemed necessary, and may define and specify the duties [and emoluments] of the officers so appointed. Officers of the Court.

**14.** The judge of the Supreme Court of the North-West Territories assigned to the Yukon Judicial District at the time this Act comes into force, and the officers of that court for the said district shall be the judge and officers of the supreme Court of the Territorial Court until otherwise provided, but the said judge may at his option, at any time within twelve months after this Act comes into force, resume his office as one of the judges of the Supreme Court of the North-West Territories, his transfer to that court being in such case made by Order of the Governor in Council. Provisional appointment of judge and officers.

**15.** The procedure in criminal cases in the Territorial Court shall, subject to the provisions of any Act of the Parliament of Canada, conform as nearly as possible to the procedure existing in like cases in the North-West Territories at the time of the passing of this Act. N.W.T. Act, s. 65. Procedure in criminal cases.

**16.** While in the said Yukon Territory the Commissioner of the territory, each member of the Council thereof, every judge of the court, and every commissioned officer of the North-West Mounted Police, shall ex officio have, possess and exercise all the powers of a justice of the peace, or of two justices of the peace, under any laws or ordinances, civil or criminal, in force in the said territory, and the Governor in Council may, by commission, appoint such other persons as „justices of the peace or police commissioners, having the authority of two justices of the peace within the said territory, as may be deemed desirable. Justices of the Peace.

**17.** No person shall be summoned or sworn as a juryman on any trial in the Territorial Court unless he is a British subject. Jurymen to be British subjects.

**18.** Every lock-up, guard-room, guard-house or place of confinement provided by or for or under the direction of the North-West Mounted Police Force, or the regular military force, or a municipal body, or by the Commissioner or Commissioner in Council of the territory, shall be a penitentiary, jail, and place of confinement for all persons sentenced to imprisonment in the territory, and the Commissioner of the territory shall direct in which such penitentiary, jail or place of confinement any person sentenced to imprisonment shall be imprisoned. Penitentiaries, jails and places of confinement.

Governor in Council to make rules and regulations as to penitentiaries, etc.

2. The Governor in Council shall have power to make rules and regulations respecting the management, discipline and policy of every penitentiary, jail or place of confinement used as such in the territory.

Coroners.

19. All persons possessing the powers of two justices of the peace in the territory shall also be coroners in and for the said territory. 5

Appointment of necessary officers, fixing of fees, etc.

20. The Governor in Council may appoint such officers as are necessary for the due administration of justice in the territory, [may fix the fees or emoluments of such officers and may fix the fees or emoluments of coroners, justices of the peace, jurors, witnesses and other persons attending or performing duties in relation to the administration of criminal justice and provide the manner in which such fees and emoluments shall be paid.] 10 15

#### SCHEDULE.

##### ABERDEEN.

[L.S.]

##### CANADA.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these presents shall come or whom the same may in anywise concern,—GREETING :

#### A PROCLAMATION.

E. L. NEWCOMBE, } WHEREAS it is in and by the  
Deputy of the Minister of } Revised Statutes, chapter 50,  
Justice, Canada. } and intituled "An Act respecting  
the North-West Territories" in effect enacted, that the Governor in Council may at any time by Proclamation divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner from time to time, alter the limits and extent of such districts.

And whereas by an Order of Our Governor in Council, bearing date the 16th day of August A.D. 1897, the establishment of a judicial district in the said Territories was authorized, to be known as the Yukon Judicial District, and to be bounded as hereinafter mentioned :

Now Know Ye, that We do hereby and by virtue of the authority vested in Us by the said Act, and the said Order in Council respectively establish and set apart a judicial district in the North-West Territories to be named and known as the "Yukon Judicial District," the boundaries of such judicial district to be as follows :—

Beginning at the intersection of the 141st Meridian of West Longitude from Greenwich with a point on the coast of the Arctic Sea, which is approximate north latitude, 69° 39', and

named on the Admiralty charts "Demarcation Point;" thence due south, on said meridian (which is also the boundary line between Canada and Alaska) for a distance of about 650 miles, to a point in latitude about  $60^{\circ} 10'$  north, at which it will intersect the disputed boundary between Canada and the United States on the North Pacific coast; thence in an easterly direction, along the said undetermined boundary, for a distance of about 55 miles (in a straight line) to its intersection with the 60th parallel of north latitude; thence due east along the parallel of latitude (which is also the north boundary of British Columbia) for a distance of about 550 miles, to the Liard River, in approximate longitude  $123^{\circ} 30'$  west; thence northerly along the middle line of said river, for a distance of about 10 miles till opposite the highest part of the range of mountains which abuts upon the river near the mouth of Black River; thence to follow the summit of said range in a north-westerly direction to the southernmost source of the Peel River; thence to follow northward the summit of the main range of mountains which runs approximately parallel to Peel River, on the west, as far as the intersection of the said range with the 136th meridian; thereafter to run due north to the Arctic Ocean, or to the westernmost channel of the Mackenzie Delta, and along that channel to the Arctic Ocean; thence north-westerly following the windings of the Arctic Coast (termination of the mainland of the Continent), including Herschel Island, and all other islands which may be situated within three (3) geographical miles, to the place of beginning.

Provided, that in respect to that part of the line, between the Liard River and the southernmost source of the Peel River, the summit to be followed is the water-shed summit separating streams entering the Liard River below Black River, or flowing directly into the Mackenzie further north, from streams flowing westward either to the Yukon or to upper branches of the Liard River.

Provided, that in respect to the part of the boundary described as following northward the main range of mountains on the west side of Peel River, the line shall run along the watershed between streams flowing eastwardly to the Peel River, and those flowing westwardly to branches of the Yukon, Porcupine, etc., except where such water-shed shall be more than 20 miles distant from the main stream of the Peel, when the highest range within that distance shall be the boundary.

Of all which Our loving subjects and all others whom these presents may concern, are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed. Witness, Our Right Trusty and Right Well-Beloved Cousin and Councillor the Right Honourable Sir JOHN CAMPBELL HAMILTON-GORDON, Earl of Aberdeen; Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie, in the Peerage of Scotland; Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom; Baronet of Nova Scotia; Knight Grand Cross of Our most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada.

At Our Government House, in Our City of Ottawa, in Our said Dominion, this sixteenth day of August, in the year of Our Lord one thousand eight hundred and ninety-seven, and in the sixty-first year of Our Reign.

By Command,

JOSEPH POPE,  
Under-Secretary of State.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

P

An Act to provide for the Government  
of the Yukon District.

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Received and read a first time, Wednesday, 18th  
May, 1898.  
Second reading, Wednesday, 25th May, 1898.

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Honourable Mr. MILLS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act respecting Loan Companies.

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

1. This Act may be cited as *The Loan Companies Act*,  
 5 *Canada*, 1898; and in this Act the expression "Company  
 which is subject to the provisions of this Act" means a com-  
 pany incorporated by charter under this Act, or brought by  
 letters patent under its provisions, or an amalgamated company  
 mentioned in section 45 hereof.
2. *The Companies Clauses Act*, being chapter 118 of  
 10 the Revised Statutes of Canada, except such parts thereof as  
 are inconsistent with this Act, and such parts as by the charter  
 or letters patent issued under this Act are declared not to  
 apply, shall apply to a company which is subject to the pro-  
 15 visions of this Act.
3. The Governor in Council may, from time to time, make  
 regulations with respect to the following matters, viz. :—
- (a.) The cases in which notice of application for charter or  
 20 letters patent or certificate under this Act must be given, and  
 the evidence and information in support of such application ;
- (b.) The forms of charter, letters patent, petitions, notices,  
 certificates and other instruments and documents relating to  
 applications and proceedings under this Act ;
- (c.) The form and manner of giving and the length of any  
 25 notice required by this Act or by regulations made under it ;
- (d.) The persons before whom any affidavit, affirmation, or  
 other evidence required by this Act, or by regulations made  
 under it, may be taken.
- (e.) The departmental or other officers to be charged with  
 30 receiving and reporting upon applications under this Act, and  
 otherwise administering the same.
4. Any five or more persons of the full age of twenty-one  
 years may apply to the Governor General in Council for a  
 charter under the great seal incorporating them as a loan  
 35 company under this Act.
5. Any company incorporated otherwise than by or under  
 the authority of an Act of the Parliament of Canada, whose  
 main business consists in lending money upon the security of  
 mortgages or hypothecs upon freehold or leasehold real estate  
 40 or other immovables within Canada and upon other securities,

Short title.

Interpre-  
tation.Application of  
R.S.C., c. 118.Regulations  
which may be  
made by  
Governor in  
Council.Notice of  
application.Forms of  
documents.Forms of  
notice.Making  
affidavits, etc.

Officers.

Persons who  
may apply for  
charter.Companies  
which may  
apply for  
charter.

may apply to the Governor General in Council for a charter under the great seal incorporating its shareholders as a loan company under this Act.

- Companies which may apply to be brought under Act. **6.** Any company incorporated by or under the authority of an Act of the Parliament of Canada, whose main business is as mentioned in section 5 hereof, may apply to the Governor General in Council for letters patent under the Great Seal bringing such company under the provision of this Act. 5
- Conditions on which application may be granted. **7.** Upon the terms of this Act and of any regulations made hereunder being complied with, and unless it appear that the granting of an application under sections 4, 5, or 6 hereof would not be in the public interest, the Governor General in Council may grant such application and issue the charter or letters patent as the case may be. 10
- Company to show itself solvent. **8.** If the application be made under sections 5 or 6 hereof, the company applying shall show to the satisfaction of the Governor in Council that it is in a solvent condition. 15
- Particulars of application under section 5. **9.** If the application be made under section 5, the applicants shall show, (a) the proposed name of the new company, (b) the place where its head office is to be established, (c) the amount of the proposed capital stock, the number of shares and amount of each share, (d) such other information as may be required by regulations made under this Act. 20
- Application under section 4. **10.** If the application be made under section 4 hereof, the applicants shall show in addition to the particulars mentioned in section 9, the number of the proposed board of directors, and the names of not less than three of the applicants, who are to be the provisional board. 25
- Provisions possible by by-law may be embodied in charter, etc. **11.** Any provision which might be made by by-law of a company which is subject to the provisions of this Act may be embodied in the charter or letters patent, and a provision so embodied shall not be subject to alteration or repeal without the consent of the Governor in Council. 30
- As to naming company. **12.** The name given to a company incorporated under this Act may differ in whole or part from that asked for by the petition, provided that the name given shall not be that of any known company or partnership or individual, or any name under which any known business is being carried on, or so nearly resembling the same as to be calculated to deceive or cause confusion. Provided, however, that a subsisting name may be given in whole or part with the consent of the company or person entitled thereto. Provided also that, where the company applying under section 5 hereof has been using its name before the name of the other company, partnership, individual or business above referred to was used, the first proviso to this section shall not apply. 35 40 45
- Change of name of company applicant. **13.** The name of a Company applying under section 6 hereof may be changed in whole or part by the letters patent bringing it within the provisions of this Act, subject, however, to the provisos of section 12. 50

14. The decision of the Governor in Council as to questions arising under sections 5, 6, 12, 13, 44 and 45 hereof, shall be final, and the provisions of this Act relating to matters preliminary to the issue of a charter, or of letters patent, or of  
 5 any certificate, order, or other proceeding by or on behalf of the Governor in Council, or Treasury Board, or of any Minister or Departmental or other officer under this Act, shall be deemed to be directory only, and the same shall not be void or voidable on account of any irregularity or otherwise in respect  
 10 of any matter preliminary thereto done or omitted to be done.

Governor in Council's decision as to certain questions final.

Certain matters directory only.

15. By virtue of a charter issued upon an application made under sections 4 or 5 hereof, the persons thereby incorporated and such others as may thereafter become shareholders in such corporation shall be a body corporate, with the rights  
 15 and powers conferred by law upon corporations, and with the rights and powers and subject to the obligations and restrictions hereinafter declared.

Effect of charter.

Powers of corporation.

16. The name of the said corporation, the place of its head office, the amount of its capital stock, the number of shares  
 20 and amount of each share, the number of its board of directors, and its provisional board shall be as declared in its charter, subject to such changes as may be lawfully made.

Name and organization.

17. The provisional directors of a company incorporated upon an application under section 4 hereof may receive sub-  
 25 scriptions for stock in the capital of the company, and so soon as a sum not less than one hundred thousand dollars of such capital stock has been subscribed and a sum not less than fifty thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General of Canada, the pro-  
 30 visional directors may call a meeting of the subscribers to said stock, to be held in the place of the company's head office, at which meeting the board of directors of the company shall be elected, who shall hold office until their successors are duly appointed; upon the election of such board the functions of  
 35 the provisional directors shall cease. Two weeks' notice of said meeting shall be given by advertisement in a newspaper published in the place of the head office, and by circular to each subscriber of stock sent through the post office to his last known address. Provided that if all of said subscribers are pre-  
 40 sent in person or represented by proxy, said meeting may be held at any time and at any place without notice.

Subscriptions for stock and proceedings to organize company.

Subscription of stock.

Deposit.

First meeting and election of directors.

Notice.

Proviso.

18. The company referred to in section 17 shall not borrow or lend money or otherwise carry on business until it has obtained from the Minister of Finance a certificate permitting it  
 45 to do so, and no application for such certificate shall be made, and no certificate shall be given, until the board of directors have been elected as provided in section 17 and until it has been shown to the satisfaction of the Minister of Finance that the provisions of the said section have been complied with, and no  
 50 such certificate shall be given unless application therefor be duly made within one year after the issue of the company's charter, or within such extended period as the Governor in Council may, before the expiration of said one year, allow. Provided

Conditions of commencing business.

Certificate.

Subscription of stock payment thereon, and deposit.

that no such certificate shall be given to a company authorized to receive money on deposit unless at least three hundred thousand dollars of its capital stock has been subscribed and at least one hundred thousand dollars has been paid thereon and deposited with the Minister of Finance and Receiver General as above provided. 5

Charter void if certificate not obtained.

**19.** Should application for such certificate not be duly made within the proper time, or if made should such certificate be refused, the company's charter shall thereupon cease and become void, except in so far as it may be necessary to wind up its affairs and return to the subscribers the amounts paid upon the subscribed stock or so much thereof as they may be entitled to. 10

Return of deposit.

**20.** Upon the issue of the said certificate, or upon the refusal thereof, the Minister of Finance and Receiver General shall pay over to the company the amount deposited with him pursuant to section 17 hereof, without interest. 15

Charter under section 5 and letters patent under section 6 to be subject to approval by shareholders of company applying.

**21.** A charter issued upon an application under section 5 hereof, and letters patent issued upon an application under section 6, shall not take effect unless and until, at a special general meeting of the shareholders of the company applying, duly called for considering the same, a resolution accepting and approving thereof and fixing the date or event upon which the same shall take effect has been passed by shareholders present or represented by proxy at such meeting and holding not less than two-thirds of the subscribed capital stock of the company represented at such meeting, but upon such resolution being passed the charter or letters patent, as the case may be, shall take effect and speak from the time or event fixed by such resolution. Provided always, that prior to the time or event so fixed, the provisional board may pass the necessary by-laws for the organization of the company and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 25 hereof, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the company in any part of Canada. 20 25 30 35

Date of effect.

Powers of provisional board.

Effect of charter as to shareholders in old company.

**22.** Upon the taking effect of a charter issued upon an application under section 5 hereof, by an existing company (hereinafter referred to as the old company), incorporating its shareholders as a company under this Act (hereinafter referred to as the new company), the then shareholders of the old company shall thereupon become and be holders respectively of shares in the new Company to the same extent and with the same amounts paid up thereon, and with the same liabilities, preferences and privileges (if any) with respect thereto, as they are then holders respectively of shares in the old company; but no shares in the new company shall be terminating or liable to be withdrawn, and (unless the charter otherwise provides) the president, vice-presidents and directors of the old company shall thereupon become and be president, vice-presidents and directors of the new company until their successors are appointed, and the by-laws, rules and regulations of 40 45 50

Proviso as to "terminating shares."

Officers.

By-laws.

the old company lawfully enacted shall thereupon become and be the by-laws, rules and regulations of the new company, subject to repeal, amendment or other change lawfully made.

- 23.** The new company shall be and is hereby declared to  
5 be liable for and subject to, and shall pay, discharge, carry out  
and perform, all the debts, liabilities, obligations, contracts  
and duties of the old company; and any person having any  
claim, demand, right, cause of action or complaint against the  
old company, or to whom the old company is under any lia-  
10 bility, obligation, contract or duty, shall have the same rights  
and powers with respect thereto and to the collection and en-  
forcement thereof from and against the new company, its  
directors and shareholders, as such person has against the old  
company, its directors and shareholders.
- 24.** The new company may acquire all the assets, rights,  
15 credits, effects and property, real, personal and mixed, of what-  
ever kind and wheresoever situated, belonging to the old  
Company or to which it is or may be or become entitled, and  
a conveyance and assignment thereof, in the form "A" in the  
20 schedule to this Act or to the like effect, shall be sufficient.
- 25.** Upon the taking effect of letters patent issued upon an  
application under section 6 hereof, bringing a company under  
the provisions of this Act, this Act shall (subject to the terms  
and exceptions contained in such letters patent) from thence-  
25 forth apply to such company and to the business carried on  
by it, and, subject as aforesaid, the borrowing and lending  
powers of the Company shall thenceforth be governed by the  
provisions of this Act, and, subject as aforesaid, any provision  
in the company's charter or Act of incorporation or of any  
30 other Act applicable to the company which is inconsistent  
with the provisions of this Act shall from thenceforth cease to  
have effect.
- 26.** Nothing in this Act contained, or done in pursuance  
hereof, shall take away or prejudice any claim, demand, right,  
35 security, cause of action or complaint which any person has  
against the old company or its directors or shareholders, or  
shall relieve the old company, its directors or shareholders,  
from the payment or performance of any debt, liability, obli-  
gation, contract or duty.
- 27.** A company which is subject to the provisions of this  
40 Act shall, subject to the terms and exceptions contained in its  
charter or the letters patent applying thereto, have power to  
carry on in Canada the business of lending money on the  
security of or purchasing or investing in, (a) mortgages or  
45 hypothecs upon freehold or leasehold, real estate or other  
immovables, (b) the debentures, bonds and other securities of  
any government or of any municipal corporation or school  
corporation, or of any chartered bank or incorporated  
company, if incorporated by Canada or any former or present  
50 or future province of Canada.

Rights and obligations of new company.

And of their creditors, etc.

Power to acquire assets of old company.

Form of conveyance,

Effect of letters patent bringing a company under this Act.

Rights against old company not prejudiced.

Business powers of company subject to this Act.

Provided that a company incorporated by charter on an application under section 5 hereof, and a company brought by letters patent under the provisions of this Act, may on addition to the foregoing lend money upon the security of or purchase or invest in the stocks of any such chartered bank or incorporated company, if the old company or the company so brought under the provisions of this Act, had, at the time of the issue of the charter or letters patent as the case may be, power to lend money upon the security of the stock of any incorporated company. 5 10

Provided also that an amalgamated company mentioned in section 44 hereof may also lend money upon the security of or purchase or invest in the stocks of any such chartered bank or incorporated company if any of the companies so amalgamated had at the time of amalgamation, power to lend money upon the security of the stock of any incorporated company. 15

**28.** Except as otherwise provided by such charter or letters patent, a company which is subject to this Act, may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed. 20

Provided always that the total of such company's liabilities to the public outstanding, from time to time, shall not exceed four times the amount paid up upon its capital stock; but the amount of cash on hand or deposited in chartered banks and belonging to such company shall be deducted from such total liabilities for the purposes of this section. 25

Provided also that the amount held on deposit shall not at any time exceed the aggregate amount of such company's then actually paid-up and unimpaired capital and of its cash actually on hand or deposited in any chartered bank or banks in Canada and belonging to the company. 30

**29.** The liabilities of the old company assumed by the new company, and the liabilities of a company brought by letters patent under the provisions of this Act, shall form part of the total liabilities to the public for the purposes of the last preceding section. 35

**30.** So long as a company which is subject to the provisions of this Act is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall not, from time to time, exceed such a percentage of its total assets as will leave the balance of said assets over said percentage equal to at least fifty per cent of the company's indebtedness in respect of money received upon deposit. 40 45

**31.** The directors of a company which is subject to the provisions of this Act may, with the consent of the shareholders, at a special general meeting duly called for the purpose, create and issue debenture stock in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper; but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the company, and shall be included in estimating the company's liabilities to the public under 50

To be included in estimating liabilities.

section 28 hereof, and such debenture stock shall rank equally with such ordinary debenture debt, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of ordinary debentures of the company.

Rank and powers.

**32.** The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose in the head Office of the company, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bond holder, debenture stock holder and shareholder of the company without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors may determine.

Debenture stock to be registered.

Perusal of register.

Transfer of debenture stock.

**33.** All transfers of debenture stock of the company shall be registered at the head office of the company, and not elsewhere; but the said transfers may be left with such agent or agents in the United Kingdom of Great Britain and Ireland, as the company appoints for that purpose, for transmission to the company's head office for registration.

Registry of transfers

**34.** The holders of the ordinary debentures of the company may with the consent of the directors at any time exchange such debentures for debenture stock.

Exchange of debentures for debenture stock.

**35.** The company having issued debenture stock may from time to time, as they think fit, and for the interest of the company, but only with the consent of the holders thereof, buy up and cancel the said debenture stock or any portion thereof.

Cancellation of debenture stock.

**36.** The company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of shareholders present, or represented by proxy, at a special meeting to be called for that purpose; and holding not less than two-thirds of the issued capital stock of the Company represented at such meeting; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the company has any agency.

Agencies in United Kingdom.

**37.** The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of such company, may be subject; and the receipt of the party or parties in whose name such share or shares, debenture stock or moneys stand in the books of the company shall, from time to time, be sufficient discharge to the company for any payment of any kind made in respect of such share or shares, stock or moneys, notwithstanding any trust to which the same may then be subject, and whether or

Trusts, company not liable for execution of.

not the company has had notice of such trust; and the company shall not be bound to see to the application of the money paid upon such receipt.

Increase of capital stock.

**38.** The directors, at any time after ninety per centum of the capital stock of the company has been subscribed and ninety per centum thereof paid in, but not sooner, may by by-law provide for the increase of the capital stock of the Company to any amount which they consider requisite. 5

Decrease of capital stock.

**39.** (1.) The directors at any time may by by-law provide for the decrease of the capital stock of the company to any amount which they may consider sufficient. 10

(2.) The by-law shall declare the number of the shares of the stock so decreased, and the allotment thereof or the rule or rules by which the same is to be made.

(3.) The liability of shareholders to persons who are, at the time the stock is decreased, creditors of the company, shall remain as though the stock had not been decreased. 15

Conditions of such increase or decrease.

**40.** No by-law for increasing or decreasing the capital stock of the company shall have any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two thirds of the issued capital stock of the company represented at such meeting and has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board. 20 25

Minister of Finance to be satisfied as to *bona fides* of increase or decrease.

**41.** Upon an application to the Minister of Finance for a certificate confirming such by-law, the company shall satisfy him of the *bona fide* character of the increase or decrease of capital thereby provided for, and, unless it appear that the granting of such certificate would not be in the public interest, the said Minister, with the approval of the Treasury Board, may grant the same. Provided always that, with the consent of the company, the amount of such increase or decrease of capital may by said certificate be changed and the increase or decrease made subject to such conditions as the Treasury Board may think proper. 30 35

Preference stock.

**42.** (1.) The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. 40

Effect as to control of affairs.

(2.) The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient; 45

Conditions for effect of by-law creating.

(3.) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same, or 50

- unanimously sanctioned in writing by the shareholders of the company. Provided, however, that if at such meeting the by-law be sanctioned by shareholders holding three-fourths of the issued capital stock of the company and present or represented by proxy at such meeting, the company may petition the Minister of Finance for an order approving the said by-law, and the Minister may, with the approval of the Treasury Board, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon ;
- 10 (4.) Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act. Provided, however, that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law ;
- 15 (5.) Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of any company.
- 20 **43.** No parcel of land, or interest therein at any time acquired by the new company and not acquired for its actual use and occupation, or not held by way of security, shall be held by the company, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the company shall no longer retain any interest therein unless by way of security. Provided that any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which shall be held by the company for a longer period than seven years without being disposed of, shall be forfeited to Her Majesty for the use of Canada. Provided also that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years. And further provided that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the company of the intention of Her Majesty to claim such forfeiture ; and it shall be the duty of the company to give the Minister of Finance, when required, a full and correct statement of all lands at the date of such statement held by the company, or in trust for the company, and subject to these provisos.
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- 35
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- 44.** (1) Any two or more companies which are subject to the provisions of this Act, or which are incorporated by or under the authority of an Act of the Parliament of Canada, and whose main business is as mentioned in section 5 hereof, may, in the manner herein provided, amalgamate the one with the other or others, and may enter into all agreements and do all acts necessary or convenient for the purposes of such amalgamation.
- (2.) Any one or more of the companies mentioned in subsection (1) of this section may alone or together purchase the entire assets of any other or others of such companies which may sell said assets, and the companies may enter into all agreements of purchase and sale and do all acts necessary or convenient for the purposes of such purchase and sale.

Rights of preference stock-holders.

Savings clause.

Limitation of time for holding real estate.

Forfeiture.

Enforcement of forfeiture.

Statement to be furnished.

Amalgamation of companies.

Agreements for amalgamation.

Purchase of assets.

Provided always that specified assets may be excepted from such purchase and sale.

Contents of agreement,

(3.) The agreement shall prescribe the terms and conditions of the amalgamation or purchase, and may provide for the mode of carrying the same into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and amount of each share, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn.

Approval of agreement.

(4.) The agreement shall be submitted to the shareholders of each of the said companies at a meeting thereof duly called and held separately for the purpose of taking the same into consideration, and, if at each such meeting the same is accepted and approved by resolution passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreement may be executed under the corporate seals of the companies, and an application may be made to the Governor General in Council by the companies for letters patent confirming the same.

Confirmation by Governor in Council.

(5.) Upon the terms of this Act, and of any regulations made hereunder, being complied with, and, unless it appear that the granting of said application would not be in the public interest, the Governor in Council may grant the same and issue letters patent under the great seal confirming said agreement.

Effect of letters patent confirming agreement.

(6.) On, from and after the date of such letters patent confirming an agreement of amalgamation, the said companies shall be amalgamated and shall form one company by the name in said agreement provided, and, upon the terms and conditions thereof, subject to the provisions of subsection (8) of this section, the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to each of the said companies or to which it may be or become entitled, and shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of each of said companies; and any person having any claim, demand, right, cause of action or complaint against any of said companies, or to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the amalgamated company as such person has against such other company.

Preservation of rights, etc.

(7.) Nothing in said agreement of amalgamation or in this Act contained or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against any of the companies so amalgamated, or its directors or shareholders, or shall

relieve such company, its directors or shareholders, from the payment or performance of any debt, liability, obligation, contract or duty.

- (8.) No action or proceeding by or against any of the said  
5 companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof. Non-abatement of suits.
- 10 (9.) Subject to the terms and exceptions contained in said letters patent, the provisions of this Act shall apply to the amalgamated company and to the business carried on by it, and, subject as aforesaid, the borrowing and lending powers of such company shall be governed by the provisions of this Act, and, subject as aforesaid, any provision in the charter or Act of incorporation, or of any other Act, applicable to any of the amalgamated companies which is inconsistent with the provisions of this Act, shall cease to have effect. Application of this Act to amalgamated company.
- 15 (10.) On, from and after the date of such letters patent confirming an agreement of purchase and sale, the assets purchased and sold shall, in accordance with and subject to the terms of said agreement and without any further conveyance, become vested in the company or companies purchasing, but the selling company shall from time to time (subject to the terms of  
25 said agreement) execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to vest in the purchasing company or companies the full title and ownership of the assets purchased and sold. Vesting of assets conveyed.
- 30 **45.** Any company of any of the kinds mentioned in subsection (1) of section 44 hereof may pass a bylaw providing, upon such terms as may be thought best, for the conversion into fully paid up shares, of shares in its capital stock which have been only partly paid up, but such by-law shall not have  
35 any force or effect whatever unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering the by-law, and holding not less than two-thirds of the issued capital stock of the company represented at such  
40 meeting, and has afterwards been confirmed by a certificate of the Minister of Finance given under the authority of the Treasury Board. Conversion of shares into paid-up shares.
- 46.** Upon an application to the Minister of Finance for a certificate confirming such by-law unless it appear that the  
45 granting of such certificate would not be in the public interest, the said Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate the said bylaw shall come into force and take effect and may be acted on according to its terms. Provided, however,  
50 that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall effect or impair the rights of creditors of the company. Confirmation by Minister of Finance.
- 46.** Upon an application to the Minister of Finance for a certificate confirming such by-law unless it appear that the  
45 granting of such certificate would not be in the public interest, the said Minister may, with the approval of the Treasury Board, grant the same, and upon the granting of such certificate the said bylaw shall come into force and take effect and may be acted on according to its terms. Provided, however,  
50 that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall effect or impair the rights of creditors of the company. Conditions of confirmation.
- 47.** Every company which is subject to the provisions of this Act, shall transmit, on or before the first day of March in  
Savings clause.
- 47.** Every company which is subject to the provisions of this Act, shall transmit, on or before the first day of March in  
Statements to be transmitted.

To whom.	each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of the	
Verification.	president or vice-president and the manager, setting out the capital stock of the company and the proportion thereof paid up, the assets and liabilities of the company, the amount and	5
Contents.	nature of the investments made by the company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the company as the Minister of Finance and Receiver General requires, and in such form and with such	10
Form.	details as he from time to time requires and prescribes; but the company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.	15
Private affairs.		
R.S.C., c. 119. Effect of this Act upon.	<b>48.</b> The Companies Act, chapter 119 of the Revised Statutes of Canada, is hereby repealed so far as regards the formation or incorporation hereafter of any loan company or the amalgamation of any two or more loan companies by virtue of any of the provisions thereof; but every such Company incorporated or formed by virtue of the said Act shall so remain and no provision of the said Act shall as touching any such Company, be in any wise affected by this Act.	20

SCHEDULE.

FORM "A"

THIS INDENTURE made, &c., between (*the old company*), hereinafter called "the old company," of the first part; and (*the new company*), hereinafter called "the new company," of the second part.

Whereas the shareholders of the old company have accepted and approved of the charter of the new company issued pursuant to "The Loan Companies Act, Canada, 1898," and by the resolution of shareholders duly passed in that behalf the .....day of.....(or the execution hereof, or as the case may be), was fixed as the date (or event) from which the said charter should take effect and speak:

And whereas by the said Act the new company is authorized to acquire all the assets, rights, credits, effects and property, real, personal and mixed, of the old company:

And whereas the old company has agreed to convey and assign the same to the new company:

Now this indenture witnesseth that, in consideration of the said Act and of the shares in the capital stock of the new company, which are thereby vested in the shareholders of the old company; and in consideration of the covenants by the new company hereinafter contained, the old company does hereby grant, assign, transfer and set over unto the new company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company, or to which it is or may be or may become entitled.

SENATE BILL.

Q

An Act respecting Loan Companies.

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Received and read the first time, Wednesday,  
18th May, 1898.  
Second reading, Wednesday, 25th May, 1898.

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Honourable Mr. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

To have and to hold unto the new company, its successors and assigns, to and for their sole and only use for ever.

And the old company covenants with the new company to execute and deliver, at the expense of the new company, 5 all such further and other separate and formal assurances, assignments, transfers and conveyances, for registration purposes or otherwise, as may be required to vest in the new company, its successors and assigns, the full legal and equitable and beneficial title and interest to and in the said assets, 10 rights, credits, effects and property and each and every part thereof.

And in consideration of the foregoing, the new company covenants with the old company, its successors and assigns, to pay, discharge, carry out and perform all the debts, liabilities, obligations, contracts and duties for or in respect of which 15 the old company is now liable or which it should pay, discharge, carry out or perform; and to indemnify and save harmless the old company in respect thereof.

Q—3

An Act respecting the identification of Criminals.

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

1. Any person in lawful custody, charged with, or under  
 5 conviction of an indictable offence, may be subjected, by or  
 under the direction of those in whose custody he is, to the  
 measurements, processes and operations practised under the  
 system for the identification of criminals commonly known as  
 the Bertillon Signaletic System, or to any measurements, pro-  
 10 cesses or operations sanctioned by the Governor in Council  
 having the like object in view. Such force may be used as is  
 necessary to the effectual carrying out and application of such  
 measurements, processes and operations; and the signaletic  
 cards and other results thereof may be published for the pur-  
 15 pose of affording information to officers and others engaged in  
 the execution or administration of the law.

Systems for  
 identifying  
 criminals  
 authorized.

Bertillon  
 system.

Or others.

Use of force.

Publication  
 of results.

2. No one having the custody of any such person, and no  
 one acting in his aid or under his direction, and no one concern-  
 ed in such publication shall incur any liability, civil or criminal,  
 20 for anything lawfully done under the provisions of section 1  
 of this Act.

Non-liability  
 of persons  
 concerned in  
 operation.

3. This Act may be cited as *The Criminals Identification* Short title.  
*Act, Canada, 1898.*

S. F.

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2nd Session, 8th Parliament, 60 Victoria, 1897

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SENATE BILL.

R

An Act respecting the identification of  
Criminals.

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Received and read a first time, Wednesday,  
25th May, 1898.  
Second reading, Friday, 27th May, 1898.

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Honourable Mr. MILLS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1897

S.]

**SENATE BILL.**

[1898.

An Act to amend the Companies Act.

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

- 5 **1.** Any joint stock company or corporation duly incorporated under the laws of the Parliament of the United Kingdom, or under the laws of any foreign country for the purpose of carrying on mining operations or of buying, selling, leasing and operating mines of all kinds may, on receiving a license from the Secretary of State of Canada, carry on mining operations in that part of the North-west Territories of Canada known as the Yukon Judicial District, and may buy, sell, lease and operate mines of all kinds situate in the said district, and shall be entitled to all the rights and privileges of a free miner, subject to the regulations governing and affecting free  
10  
15 miners.
- 2.** Every company desirous of obtaining such license as aforesaid shall first file in the office of the Secretary of State of Canada a certified copy of the charter or Act incorporating the company.
- 20 **3.** Notice of the issue of such license shall be published in the *Canada Gazette*.
- 4.** The fees payable for the license shall, from time to time, be fixed by the Governor in Council.

British and Foreign mining corporations may obtain license to mine in Yukon District.

Copy of charter to be filed.

Notice of license.

Fees.

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3rd Session, 8th Parliament, 61 Victoria, 1898

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SENATE BILL.

S

An Act to amend the Companies Act.

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Received and read the first time, Thursday,  
26th May, 1898.  
Second reading, Friday, 27th May, 1898.

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Honourable Mr. Scott.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the Queen's most Excellent Majesty  
1898

An Act further to amend the Act respecting Public Officers.

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

1. Section 22 of the Revised Statute respecting Public Officers, as said section is enacted by chapter 9 of the statutes of 1887, is hereby repealed and the following is substituted therefor:—

R.S.C., c. 19, s. 22 and 1887, c. 9, s. 1 amended.

“22. The Governor in Council may direct that whenever any person is required to give security as aforesaid, for the due performance of his office, trust or employment, and for his duly accounting for all public moneys entrusted to him or placed under his control, or for the due fulfilment in any way of his duty, or of any obligation undertaken towards the Crown, the bond or policy of guarantee of any incorporated or joint stock company, incorporated and empowered to grant guarantees, bonds, covenants or policies, for the integrity and faithful accounting of public officers or other like purposes, and named in the Order in Council, or a conditional assignment of a deposit standing in the name of such public officer in the books of the Post Office or any other Government Savings Bank, may be accepted as such security, upon such terms as are determined by the Governor in Council; but in the case of an assignment of a deposit as aforesaid, the interest shall be payable to the depositor, until forfeiture of the security, in like manner as if no such assignment had been made.

Acceptance of certain securities may be authorized by Governor in Council.

Guarantee bonds or policies.

Assignment of deposit in Government Savings Bank.

“2. The Governor in Council may direct that in all cases, or in any case or class of cases in which the bond or policy of guarantee of an incorporated or joint stock company is accepted as such security, the money necessary to pay the premium upon such bond or policy may be deducted from the salary or pay of the person or persons for whom the security is given, either by monthly instalments or otherwise.

Premiums may be deducted from officer's salary.

“3. The Governor in Council may from time to time make regulations for the establishment and maintenance of a fund to be derived from moneys contributed by, or deducted from the salaries or pay of, the persons concerned, wherewith to make good to the Crown any loss sustained by reason of the failure of any person required to give security as aforesaid to duly discharge the duties of his office, trust or employment, or to duly account for public moneys entrusted to him or placed under his control.

Indemnification fund may be established

Application  
of regulations  
as to indemni-  
fication fund.

“ 4. Such regulations may apply generally to all persons  
required to give security as aforesaid, or to any class or  
classes of such persons, and, if the Governor in Council  
thinks fit, may provide as to all or any of the persons or  
classes of persons affected by them that the security afforded 5  
by such fund shall be in substitution or in partial substitu-  
tion for the security so required to be given as aforesaid.”

3rd Session, 8th Parliament, 61 Victoria, 1898

SENATE BILL.

T

An Act further to amend the Act  
respecting Public Officers.

Received and read a first time, Thursday,  
2nd June, 1898.  
Second reading, Monday, 6th June, 1898.

Honourable Mr. MILLS.

OTTAWA

Imprimé par S. E. DAWSON  
Imprimeur de Sa Très Excellente Majesté la Reine  
1898







