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ACTS
OF THE
PARLIAMENT
OF THE
DOMINION OF CANADA

PASSED IN THE SESSION HELD IN THE
FIFTY-EIGHTH AND FIFTY-NINTH YEARS OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

BEING THE
FIFTH SESSION OF THE SEVENTH PARLIAMENT

*Begun and holden at Ottawa, on the Eighteenth day of April, and closed by
Prorogation on the Twenty-second day of July, 1895*



HIS EXCELLENCY
THE RIGHT HONOURABLE SIR JOHN CAMPBELL HAMILTON-GORDON, EARL OF ABERDEEN
GOVERNOR GENERAL

VOL. II.
LOCAL AND PRIVATE ACTS

OTTAWA
PRINTED BY SAMUEL EDWARD DAWSON
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY
ANNO DOMINI 1895



58-59 VICTORIA.

CHAP. 45.

An Act respecting the Alberta Railway and Coal Company.

[Assented to 28th June, 1895.]

WHEREAS the capital stock of the Alberta Railway and Coal Company, hereinafter called "the Company," now consists of ordinary shares to the nominal amount of one million seven hundred and fifty thousand dollars, which have been issued as fully paid, and six per cent preferred shares, commonly known and in this Act referred to as "preference shares" to the nominal amount of one million five hundred thousand dollars, entitling the holders in each year to participate in dividends ratably with the holders of the ordinary shares, after the latter shall have received six per cent upon their shares in that year, of which preference shares to the nominal amount of one million dollars have been issued as fully paid; and whereas the Company has issued six per cent first mortgage debentures to the nominal amount of eight hundred and ninety thousand pounds sterling, secured, so far as relates to the undertaking of the Company in the Dominion of Canada, by deed of trust, dated the 11th of August, 1891, and made between the Company of the one part and the Trustees, Executors and Securities Insurance Corporation, Limited, of the other part, as authorized by chapter seventy-seven of the Statutes of 1891; and whereas the Company has not hitherto paid any dividend on its ordinary or preference shares; and whereas the interest on the first mortgage debentures has fallen into arrear, and there was due and owing by the Company, in respect to such interest, on the 1st of January, 1895, the sum of one hundred and six thousand eight hundred and eighty-nine pounds sterling; and whereas, by an indenture dated the 1st of June, 1893, and made between the Company of the first part, the Canadian Pacific Railway Company of the second part, the Trustees, Executors and Securities Insurance Corporation, Limited, of the third part, and the Canada Life Assurance Company, of the fourth part, the Company has, under the authority of chapter thirty-eight of the Statutes of 1893, entered into a contract for a lease and ultimate sale of

Preamble.
1891, c. 77.
1893, c. 38.
that

that portion of its undertaking which is known as the Dunmore and Lethbridge Railway to the Canadian Pacific Railway Company, and has in pursuance of one of the terms of the said contract converted the said portion of railway from a narrow gauge to a standard gauge railway with moneys provided for that purpose by the Canada Life Assurance Company; and whereas, by another indenture dated the 1st of June, 1893, and made between the Company of the first part and the Canada Life Assurance Company of the second part, the Company conveyed the said Dunmore and Lethbridge Railway to the Canada Life Assurance Company, subject to the partly hereinbefore recited indenture of the 1st June, 1893, but by way of mortgage for the purpose of securing the sums due from the Company to the Canada Life Assurance Company; and whereas the Company is otherwise indebted to various bodies and persons in an amount, hereinafter referred to as "the floating debt," estimated as on the 1st of January, 1895, at one hundred thousand pounds sterling or thereabouts, exclusive of the amount due to the Canada Life Assurance Company, which is estimated at one hundred and thirteen thousand pounds sterling or thereabouts, but inclusive of fifty thousand pounds sterling or thereabouts due to loan creditors in London, and twenty-five thousand pounds sterling or thereabouts due to the Union Bank of Canada, which two last mentioned sums are secured debts of the Company; and whereas a scheme, having for its object the improvement of the financial position of the Company, was, on the 23rd of November, 1894, laid before a meeting of the holders of the first mortgage debentures of the Company, which had been duly convened in that behalf pursuant to the provisions of the deed of trust of the 11th of August, 1891, at which holders of debentures to the aggregate amount of seven hundred and fifteen thousand six hundred pounds sterling were present or represented by proxy, when certain resolutions embodying the proposed scheme were unanimously passed, and since the holding of the last mentioned meeting other holders of first mortgage debentures, to the aggregate amount of one hundred and twenty-nine thousand eight hundred pounds sterling, have in writing assented to the scheme; and whereas the proposed scheme has been unanimously approved and adopted by a meeting of the ordinary shareholders and preference shareholders of the Company held on the 22nd of January, 1895, at which the holders of ordinary shares to the nominal amount of one million six hundred and ninety thousand two hundred dollars, and of preference shares to the nominal amount of eight hundred and twenty-five thousand six hundred dollars, were present or represented by proxy; and whereas the said several secured loan creditors of the Company in London, and the Union Bank of Canada, have also, by agreement in writing, assented to and confirmed the proposed scheme; and whereas it will be greatly to the benefit of all persons interested in the Company, whether

as debenture holders, creditors or shareholders, that the proposed scheme should be carried into effect, but in order to give effect thereto the intervention of the Parliament of Canada is necessary; and whereas the Company has by its petition prayed for the passing of an Act to enable it to carry the proposed scheme into effect, 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. This Act may be cited as *The Alberta Railway Debenture Stock Act, 1895.* Short title.

2. In addition to the amounts which the Company is authorized to borrow and raise under chapter seventy-seven of the Statutes of 1891, the directors of the Company may create and issue consolidated debenture stock, to be called “prior lien debenture stock,” carrying interest at a rate not exceeding four per cent per annum, to a nominal amount not exceeding one hundred and twenty-five thousand pounds sterling, redeemable at any time by purchase in the market or by tender, or at the option of the Company on three months’ notice at one hundred and ten pounds sterling, or after the expiration of ten years from the passing of this Act at one hundred and five pounds sterling, for every one hundred pounds sterling of stock. The first issue of the prior lien debenture stock shall not exceed one hundred thousand pounds sterling, and the balance shall only be issued with the consent in writing of the trustees of the said deed of trust of the 11th August, 1891, if such subsequent issue shall take place before the said six per cent first mortgage debentures shall have been called in as hereinafter provided, and if afterwards, then with the like consent of the trustees for the time being, if any, for the holders of the “A” and “B” debenture stock hereinafter mentioned. The interest at the rate aforesaid on the prior lien debenture stock shall be payable in London half-yearly on the 1st January and 1st July in each year, and in respect to the first issue of one hundred thousand pounds sterling shall commence to accrue as from the 1st January, 1895. Issue of consolidated debenture stock.

3. In substitution for the said existing eight hundred and ninety thousand pounds sterling six per cent first mortgage debentures, which are to be called in as hereinafter provided, and for the arrears of interest thereon which the directors of the Company are to be at liberty to capitalize as upon the 1st of January, 1895, at the aggregate sum of one hundred and ten thousand pounds sterling, the directors of the Company may create and issue additional consolidated debenture stock to the aggregate amount of one million pounds sterling and carrying interest as hereinafter mentioned. The last mentioned consolidated debenture stock shall be divided into two classes, as follows:— Further issue of consolidated debenture stock.

Class A.

(a.) Two hundred and fifty thousand pounds sterling part thereof shall be called "A" debenture stock, and shall be redeemable at par at any time or from time to time on three months' notice to be given by the Company, and shall bear interest at the rate of four per cent per annum as from the 1st January, 1895, payable in London half-yearly on the 1st January and 1st July in each year;

Class B.

(b.) The remaining seven hundred and fifty thousand pounds sterling thereof shall be called "B" debenture stock, and shall be redeemable as to one hundred thousand pounds sterling part thereof as hereinafter provided, and as to the remainder in the same manner as the "A" debenture stock, and shall bear interest at the rate of five per cent per annum, payable in London, on the 31st December in each year, in respect to the year ending on the previous 30th June; but, except and subject as hereinafter provided, such interest shall not be cumulative, but shall constitute a first charge upon the profits, if any, of the Company, for the year in which such interest shall accrue, after the payment of the interest on prior encumbrances, including interest on the aforesaid sum due to the Canada Life Assurance Company so long as the same shall remain undischarged, and also after such a sum, not exceeding fifty per cent of the amount available for payment of interest on the "B" debenture stock, as the directors determine, shall have been placed to a reserve fund, until such reserve fund shall amount to thirty thousand pounds sterling.

Ranking of said stock.

4. The said prior lien debenture stock, and any trust deed executed as hereinafter provided for better securing the same, shall, without registration, be and constitute a specific first charge; and the said "A" debenture stock, and any trust deed executed for better securing the same, shall, without registration, be and constitute a specific second charge; and the said "B" debenture stock, and any trust deed executed for better securing the same, shall, without registration, be and constitute, subject to the foregoing provision with respect to interest, a specific third charge upon all the real and immovable property of the Company, and upon any shares, bonds, or other securities of any railway company formed under the laws of the territory of Montana, which have been or may hereafter be acquired by the Company, pursuant to section fourteen of chapter fifty of the Statutes of 1889.

1889, c. 50,
s. 14.

Debenture stock to constitute floating charge on assets of company.

2. The said respective classes of debenture stock, and any trust deed or deeds executed to better secure the same as aforesaid, shall also, in the same order of priority and without registration respectively, constitute floating charges upon all the other property and assets of the Company: Provided, however, that the said classes of debenture stock, and any deed or deeds executed as aforesaid to better secure the same, shall not nor shall any of them constitute any charge upon—

Proviso: property exempt from charges.

(a.) The Dunmore and Lethbridge Railway and the purchase money payable for the same by the Canadian Pacific Railway Company

Company under the said contract of the 1st June, 1893, or any modification thereof; and the rents payable under the said contract to the extent of the charge upon the said rents under the said agreement in favour of the Canada Life Assurance Company;

(b.) A portion, estimated at fifteen thousand pounds sterling or thereabouts, of the proceeds of sale of the narrow gauge rolling stock, rails, plant and machinery of the Company removed from the Dunmore and Lethbridge Railway.

Provided further, that the revenues of the Company shall be subject in the first instance to the payment of any penalty imposed under the provisions of section ninety-four of *The Railway Act* and to the working expenses of the Company's business; and in the event of a winding up of the Company, the holders of the said respective classes of debenture stock shall be entitled to rank as secured creditors of the Company, according to the priorities hereinbefore defined, for the nominal amount of their respective holdings.

Proviso: as to revenues of company. 1888, c. 29, s. 94.

5. Any balance which shall remain out of the purchase money payable as aforesaid by the Canadian Pacific Railway Company, after the discharge thereof of the aforesaid loan made by the Canada Life Assurance Company, together with such portion, estimated as aforesaid at fifteen thousand pounds sterling, or thereabouts, of the proceeds of sale of the narrow gauge rolling stock, rails, plant and machinery of the Company removed from the Dunmore and Lethbridge Railway, as shall with such balance suffice to make up a total sum of one hundred thousand pounds sterling shall be applied ratably in the redemption at par of "B" debenture stock to the amount of one hundred thousand pounds sterling.

Moneys to be applied to redemption of debenture stock.

6. The directors of the Company may further secure the prior lien debenture stock and "A" and "B" debenture stock respectively upon all or any part of the aforesaid property and assets, by such deed or deeds of trust or mortgage as they may be advised, having due regard to the priorities hereinbefore declared; and the trustees of the aforesaid deed of trust of the 11th of August, 1891, shall, if so required, concur in the execution of such deed or deeds; and by the said deed or deeds the Company may grant to the holders of the respective classes of debenture stock, or to the trustee or trustees named in such deed or deeds, such powers, rights, remedies and privileges, and may make such rules and regulations concerning the respective debenture stocks and the transfer, devolution, and registration of the same, the holding of meetings of stockholders and proceedings thereat, not inconsistent with this Act, as shall be described and contained in such deed or deeds of trust; and all such powers, rights, remedies, privileges, rules and regulations shall be valid and binding and available to the holders of such respective classes of debenture stock, or to their

Further security.

their respective trustee or trustees, as the case may be, in manner and form as therein provided.

Copy of deed of trust to be deposited in office of Secretary of State. **7.** A copy of each of such deeds of trust hereinbefore mentioned shall be deposited in the office of the Secretary of State of Canada, at Ottawa, within six months after the execution thereof respectively,—of which deposit notice shall be given forthwith thereafter in the *Canada Gazette*.

Meeting of holders of debenture stock. **8.** The directors of the Company or the trustees or trustee under any such trust deed or deeds, if any, for the holders of any of the aforesaid classes of debenture stock respectively may, and at the request in writing of persons holding not less than one-fifth of the nominal amount of the debenture stock of such class outstanding shall, at any time convene a meeting of the holders of such class of debenture stock, by sending at least seven days' notice, specifying the place, day and hour of meeting and the object of such meeting, to the registered address of each such debenture stockholder; but no business except such as is specified in such notice shall be transacted at such meeting.

Notes and proxies at such meeting. **9.** At such meeting each debenture stockholder present or represented by proxy shall have one vote for every one hundred pounds sterling of his holding. No person shall be appointed as a proxy who is not a stockholder of the class of stockholders convened to the meeting; but in the case of a proxy given by a corporation, the proxy may be any member or officer of that corporation. A proxy may be in the words or to the effect of the schedule to this Act.

Stock held by two persons or corporations. **2.** In the case of debenture stock registered in the names of two or more persons or corporations, the person or corporation who stands first on the register of the stock, and no other, shall be entitled to vote in respect of the same and to grant a proxy for that purpose.

Powers of holders of debenture stock. **10.** At any such meeting the debenture stockholders shall have the following powers, exercisable by special resolution as hereinafter defined, viz. :—

(a.) To sanction the release of any part of the property forming the security for the debenture stock of the class represented at the meeting;

(b.) To sanction any modification or compromise of the rights of the holders of the debenture stock of the class represented at the meeting against the Company or against its property;

(c.) In the case of the holders of the said "B" debenture stock, to elect that the said "B" debenture stock shall be subdivided in such manner that from thenceforth a proportion not exceeding one-half of such stock, to be thereafter called preferred "B" debenture stock, shall entitle the holders thereof to receive interest thereon at four per cent per annum

only, instead of five per cent per annum, such four per cent interest to be cumulative and to be paid in priority to the non-cumulative interest on the remaining portion of the said "B" debenture stock, which shall thereafter be called deferred "B" debenture stock.

11. The expression "special resolution," as hereinbefore made use of, shall mean a resolution passed at a meeting of the debenture stockholders of the particular class at which not less than six stockholders shall be personally present, and carried by a majority in number and representing not less than three-fourths in value of the debenture stock held by the persons present at the meeting or represented by proxy, and entitled to vote thereat.

Interpretation: "special resolution."

12. The preferential dividend upon the existing six per cent preference shares of the Company shall, as from the 1st of January, 1895, be reduced to five per cent per annum, and shall be non-cumulative; but the holders of the preference shares shall be entitled in each year to participate in dividends ratably with the holders of the ordinary shares, after the latter shall have received five per cent upon their shares in that year.

Preferential dividend.

13. The proceeds of the first issue of the prior lien debenture stock shall be applied in or towards the discharge of the said floating debt, estimated at one hundred thousand pounds sterling; or the directors of the Company may discharge any part of such debt by the allotment at par of such portions of the prior lien debenture stock as any of the creditors may be willing to accept by way of payment.

Proceeds of first issue of debenture stock how applied.

14. The balance of the proceeds of the prior lien debenture stock shall be applicable for the general purposes of the Company.

Balance of proceeds.

15. The directors of the Company shall be at liberty to call in the existing first mortgage debentures, and to allot to the respective holders thereof such an aggregate proportion of the said "A" and "B" debenture stock as the amount of their respective holdings in such first mortgage debentures shall respectively bear to the whole issue of eight hundred and ninety thousand pounds sterling of such debentures,—such stock to be allotted in the proportion of one-fourth of "A" debenture stock to three-fourths of "B" debenture stock; and the said holders shall respectively accept the same in exchange for their said first mortgage debentures and the unpaid coupons belonging thereto and interest thereon,—all of which debentures and coupons are to be delivered up by the said holders to the trustees of the said deed of trust of the 11th August, 1891.

Directors may call in first mortgage debentures.

Surrender of existing preference shares.

16. The respective holders of the existing preference shares shall relinquish and make over as nearly as may be one equal half part of their respective holdings, and shall surrender to the Company for cancellation the certificates of their said preference shares, to the intent that the preference shares so relinquished be distributed as nearly as may be ratably among the holders of the said "B" debenture stock.

Settlement of disputes.

2. Any question which may arise as to the meaning or mode of carrying this provision into effect, shall be decided by the directors of the Company in accord with the trustees of the trust deed of the 11th of August, 1891; and their decision shall be final.

Reduction of ordinary share capital.

17. The ordinary share capital of the Company shall be reduced by the writing off and cancellation of an amount of capital equal in nominal amount to the sum which on the 31st of December, 1894, shall be standing at the debit of the profit and loss account of the Company, taking into account any loss or gain that may, in the reasonable judgment of the directors of the Company, have occurred as at that date in the values of the properties and securities belonging to the Company; and the amount of such reduction shall be certified under the seal of the Company.

Surrender of ordinary shares.

18. The respective holders of the ordinary shares, when so reduced as aforesaid, shall relinquish and make over as nearly as may be one equal half part of their respective holdings, and shall surrender to the Company for cancellation the certificates of their ordinary shares, to the intent that the ordinary shares so relinquished be distributed as nearly as may be ratably among the holders of the "B" debenture stock; and any question as to the meaning or mode of carrying out this provision shall be decided in the manner aforesaid.

Time for surrender.

19. The board of directors of the Company and the trustees of the said trust deed shall appoint a day for the surrender of the certificates of the preference and ordinary shares respectively.

Shares not surrendered may be forfeited.

2. Should any certificate not be surrendered by the appointed day, the shares represented thereby shall be *ipso facto* liable to be forfeited by resolution of the board of directors for the purpose of giving effect to the foregoing scheme, and subject thereto for the absolute benefit of the Company.

Application of this Act.

20. Notwithstanding the provisions of the said deed of trust of the eleventh day of August, eighteen hundred and ninety-one, or of any other indentures or instruments constituting the security for the existing first mortgage debenture holders, and notwithstanding any resolutions passed by the said debenture holders prior to the said twenty-third day of November, eighteen hundred and ninety-four, the provisions of this Act

shall be binding upon all the holders of the said first mortgage debentures and upon all the shareholders and upon the Company; and the trustees of the said trust deed of the eleventh day of August, eighteen hundred and ninety-one, are hereby authorized and empowered to do all such acts and things and execute all deeds and instruments necessary or desirable for carrying the provisions of this Act into effect: Provided however, that this Act shall be inoperative unless the same shall have been passed on or before the first day of August, eighteen hundred and ninety-five, by the Parliament of Canada, or on or before such later date in that year as the trustees of the said trust deed of eleventh of August, eighteen hundred and ninety-one, shall fix in that behalf.

Proviso: as to date of passing of this Act.

SCHEDULE.

FORM OF PROXY.

I _____ of _____ one of the holders of the _____ debenture stock of the Alberta Railway and Coal Company, do hereby appoint _____ of _____ to be my proxy to represent me for all purposes and to vote for me and on my behalf at a meeting of the said class of debenture stockholders to be held on the _____ day of _____ or at any adjournment thereof. As witness my hand this _____ day of _____ .

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58-59 VICTORIA.

CHAP. 46.

An Act respecting the Canada Southern Railway Company.

[Assented to 28th June, 1895.]

WHEREAS the Canada Southern Railway Company has petitioned that the time limited by the several Acts relating to the said Company and to the Erie and Niagara Railway Company, for the commencement and completion of the several lines and branches authorized by such Acts, and as yet unconstructed, be extended; 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.
 1874, c. 68;
 1875, c. 66;
 1878, c. 27;
 1882, c. 68;
 1885, c. 15;
 1888, c. 59, 60,
 61; 1892, c.
 34; 1894, c.
 66.

1. The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to chapter sixty-one of the Statutes of 1888, for commencing and completing the lines or branches of railway authorized by such Acts, or any of them, are hereby extended as follows:—the said lines or branches shall be commenced within two years and completed within five years from the fourth day of May, one thousand eight hundred and ninety-five; and the powers conferred by the said Acts, with respect to such lines and branches, are hereby revived and confirmed, and shall, if the said lines or branches are not commenced and completed as herein provided for the construction thereof, be null and void as respects so much of the railway as then remains uncompleted.

Time for construction extended.
 1888, c. 61.

2. In addition to the powers granted by the third section of chapter sixty-eight of the Statutes of 1882, and the third section of chapter sixty-one of the Statutes of 1888, which are hereby confirmed, it shall be lawful for the said Canada Southern Railway Company to lease the railway of the Leamington and St. Clair Railway Company on such terms and conditions and for such period as the directors of the said companies agree upon: Provided that the lease has been first sanctioned by a two-thirds majority vote of the shareholders of the Canada

Power to lease railway of the Leamington and St. Clair Railway Company.

Approval of
shareholders
and of Govern-
nor in Council.

Southern Railway Company, present in person or represented by proxy at any annual meeting or any special meeting called for the purpose of sanctioning such lease and that such lease has also received the approval of the Governor in Council.

Notice of ap-
plication for
approval.

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

Necessary
powers.

3. Each of the said companies may do whatever is necessary to give effect to such lease or to any agreement made or to be made under the powers conferred by the third section of chapter sixty-eight of the Statutes of 1882, and the third section of chapter sixty-one of the Statutes of 1888.

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58 - 59 VICTORIA.

CHAP. 47.

An Act to incorporate the Dominion Atlantic Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the Windsor and Annapolis Railway Company, Limited, hereinafter called "The Windsor Company" was on the first day of March, one thousand eight hundred and sixty-seven, incorporated and registered in England under the provisions of the statute of the United Kingdom called *The Companies Act, 1862*, with a memorandum and articles of association, and having for its objects amongst other things the acquisition, construction and working of a railway from Windsor to Annapolis, in the province of Nova Scotia, and of any branch or extension or other railways in the said province; and whereas by an Act of the legislature of the province of Nova Scotia, being chapter thirty-six of the Acts of 1867, the Windsor and Annapolis Railway Company was incorporated in that province, and by another Act of the same legislature, being chapter twenty-three of the Acts of 1869, the said memorandum and articles of association of the Windsor Company, and any alterations, additions and amendments thereto, were made binding upon the Windsor and Annapolis Railway Company and incorporated into the before-mentioned Act of the same legislature, chapter thirty-six of the Acts of 1867; and whereas the Western Counties Railway Company was duly incorporated by an Act of the same legislature passed in the thirty-third year of Her Majesty's reign, chapter eighty-one, for the purpose among others of constructing and operating a railway from Yarmouth to Annapolis and the said Act was subsequently amended by various Acts of the said legislature; and whereas the said Western Counties Railway Company afterwards built and operated the said railway or a portion thereof under the said Acts; and whereas by an Act of the Parliament of Canada, chapter seventy-seven of the Statutes of 1887, the Western Counties Railway and all lines of railway at the date of the passing of such Act or thereafter owned by the Western Counties Railway Company were declared to be works for the general advantage of Canada, and

Preamble.

N. S., 1867,
c. 36.

N. S., 1869,
c. 23.

N. S., 33 Vic.,
c. 81.

Can., 1887,
c. 77.

Can., 1893,
c. 63.

Can., 1894,
c. 69.

N. S., 55 Vic.,
c. 107.

it was declared that all such railways should thereafter be subject to the legislative authority of the Parliament of Canada subject as therein mentioned; and whereas by an Act of the said Parliament, chapter sixty-three of the Statutes of 1893, the name of the Western Counties Railway Company was changed to the Yarmouth and Annapolis Railway Company; and whereas by an Act of the Parliament of Canada, chapter sixty-nine of the Statutes of 1894, the Yarmouth and Annapolis Railway Company was authorized to sell, and the Windsor Company was authorized to purchase all and singular the undertaking known as the Yarmouth and Annapolis Railway and all the property of the Yarmouth and Annapolis Railway Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances and the agreement for the said sale and purchase dated the twelfth day of October, one thousand eight hundred and ninety-three, and set out in the schedule to the said Act, was by the said Act ratified and confirmed; and whereas by the said Act it was further enacted that the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway should, from and after the completion of such purchase, be jointly known and operated as the Dominion Atlantic Railway and that thenceforth the Windsor Company should be incorporated in Canada under the name of the Dominion Atlantic Railway Company; and whereas the said agreement for the sale of the Yarmouth and Annapolis Railway to the Windsor Company has been fully executed and took effect on the first day of October, one thousand eight hundred and ninety-four, and the said lines of railway are now being operated by the said Windsor Company under the name of "The Dominion Atlantic Railway Company," and whereas by an Act of the legislature of Nova Scotia, fifty-fifth Victoria, chapter one hundred and seven, the Cornwallis Valley Railway Company, Limited, was empowered to sell to the Windsor Company and the Windsor Company was authorized to purchase the Cornwallis Valley Railway with all its franchises, powers, rights, privileges, equipments, plant, rolling stock, property and appurtenances, and the said sale and purchase have been carried out under the provisions of the last-mentioned Act, and the said Cornwallis Valley Railway has been operated by the Windsor Company; and whereas the Windsor Company operates the railway extending from Windsor to Windsor Junction under an agreement dated the thirteenth day of December, one thousand eight hundred and ninety-two, made between the Government of Canada and the Windsor Company; and whereas the Windsor Company has, by the same agreement of the thirteenth day of December, one thousand eight hundred and ninety-two, acquired from the Government of Canada running powers over the Intercolonial Railway between Windsor Junction and Halifax, on the terms and conditions therein mentioned; and whereas

the Windsor Company has found that the powers contained in its memorandum of association require to be extended and enlarged and the Windsor Company is desirous for that and other reasons of obtaining a reconstruction of the Company; and whereas the Windsor Company is desirous of carrying out such reconstruction by winding up the Windsor Company as incorporated in England under *The Companies Act, 1862*, and by organizing a Canadian company to be incorporated under an Act of the Parliament of Canada, and by such Act obtaining for such Company the power to take over the undertakings of the Windsor Company with all its assets, liabilities and obligations, and also the further and additional powers required for the fuller development and extension of the several undertakings and railways hereinbefore mentioned; and whereas it is necessary for that purpose to constitute a new company which shall take over and acquire the undertaking, business, property and assets of the Windsor Company, and discharge its now subsisting obligations; and whereas the persons hereinafter mentioned have, by their petition, prayed that they may be incorporated as a company for the purpose of acquiring the business and property of the Windsor and Annapolis Railway Company, Limited, of England, and for other the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act the expression "The Dominion Company" means the Dominion Atlantic Railway Company as at and immediately prior to the passing of this Act constituted and working the several railways hereinbefore mentioned as worked by such Company.

Interpretation.

"The Dominion Company."

2. Francis Tothill, of the Grove, Stoke Bishop, England; Thomas Robert Ronald, of Richmond, Surrey, England, and Robert Lee Campbell, of London, England, and such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name and style of "The Dominion Atlantic Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

3. The head office of the Company shall be in London, England, or in such other place in Great Britain or in Canada as the directors of the Company from time to time lawfully determine.

Head office.

4. The Windsor Company may sell and the Company may purchase, for the consideration and upon the terms and conditions herein set forth, and upon such other terms and conditions as may hereafter be mutually agreed upon between the Windsor Company or its liquidators and the Company, all and singular

Sale of railway authorized.

Can. 1894,
c. 69.

the undertakings formerly known as the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway, and now jointly known and operated under the name of the Dominion Atlantic Railway as defined by section eight of the said recited Act, chapter sixty-nine of the Statutes of 1894, together with the Cornwallis Valley Railway, as owned by the Windsor Company, and the benefits and obligations of the said agreement, dated the thirteenth day of December, one thousand eight hundred and ninety-two, between Her Majesty and the Windsor Company, and all the property in Canada of the Windsor Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances.

Power to enter into agreement for sale.

5. The Company may enter into such agreement as is approved of by the Windsor Company, or the liquidators of the Windsor Company, on the one hand, and the Company on the other hand, for the purchase aforesaid, or any modification thereof, and as to the payment therefor, in such manner as shall be set forth in such agreement; and the directors or provisional directors of the Company may, without application or allotment, issue fully paid-up shares of the stock of the Company to the Windsor Company, to be distributed to the shareholders of the Windsor Company, or may issue such fully paid-up shares to the liquidators of the Windsor Company under any proceedings taken for the winding up of the Windsor Company, upon such terms and conditions and in such proportions as are set forth in such agreement, and subject, as hereinafter provided, may determine that certain of the shares of the Company issued or unissued are to have preference as regards dividends or capital over other shares issued or unissued.

Consideration of sale payable in cash or shares.

6. The consideration to be paid by the Company to the Windsor Company, or to the liquidators of the Windsor Company as mentioned in the next preceding section, as part of the purchase money of the said undertaking of the Windsor Company, shall be the sum of five hundred thousand pounds, to be paid at the option of the Company in cash or shares as hereinafter mentioned; and the purchase shall be subject to the existing debt of the Windsor Company created by the issue of debenture stock amounting to the sum of five hundred thousand pounds secured by a mortgage to trustees dated the third day of September, one thousand eight hundred and ninety-four, and registered in the office of the Secretary of State for Canada, on the thirty-first day of October, one thousand eight hundred and ninety-four, which debt the Company shall assume and become liable for; and in addition thereto the Company shall pay and discharge all the costs and expenses both of the Windsor Company and of the Company, connected with the obtaining of this Act and any other Acts which may be passed or applied for to enable the Windsor

Company to sell and convey, and also the costs and expenses of the Windsor Company and of this Company in connection with the purchase hereby authorized, and the costs of winding up and dissolving the Windsor Company.

7. If the Company elects to pay the first named sum in shares, the Company may in part satisfaction thereof issue preference share capital of two hundred and seventy thousand pounds in thirteen thousand five hundred fully paid-up preference five pounds per centum shares of twenty pounds each, to be issued to the Windsor Company, or the liquidators thereof, in England, if then appointed, to be distributed to the shareholders of the Windsor Company, in the proportion to which they are or may be entitled thereto, and in satisfaction of the residue of such consideration, the Company may issue not more than eleven thousand five hundred fully paid-up ordinary shares of twenty pounds each, which shall be issued and distributed to or among the ordinary shareholders of the Windsor Company, in the proportion and in the manner provided for, by the fourth section of the agreement of the twelfth day of October, one thousand eight hundred and ninety-three, as set forth in the schedule to the said Act, chapter sixty-nine of the Statutes of 1894.

Power to issue preference share capital in satisfaction of sale.

8. The capital stock of the Company shall be five hundred thousand pounds, divided into thirteen thousand five hundred preference shares of twenty pounds each, and eleven thousand five hundred ordinary shares of twenty pounds each.

Capital stock.

2. The preference shares shall, up to five per centum per annum, entitle the holder thereof to rank first for dividends on the net profits of the Company, after payment of the interest on the debenture stock, but if, in any year, the net profits of the Company shall not be sufficient to pay a dividend of five per centum to the holders of preference shares, the holders of such shares shall not be entitled to any cumulative preference in ranking for dividend upon the net profits of the next or any succeeding year; and the deficiency of any year shall not be paid or made good out of the income of any succeeding year.

Preference shares.

3. Any profits remaining after payment of the dividend upon the preference shares and divisible among the shareholders as dividend (subject to the provisions of section seventy of *The Railway Act*) shall be divided amongst the holders of ordinary shares.

Profits after payment of dividend on preference shares.

4. The directors of the Company may, whenever they deem expedient, upon the application of any shareholder, whether preference or ordinary, convert any number of preference shares held by him into preference stock, and ordinary shares held by him into ordinary stock, and may, by by-law, make provision for the registration of the holders of such stock, the form and mode of transfer, and all other regulations in reference thereto: Provided, that the stock shall only take the place of an equal amount at par of the shares of the same kind for

Preference shares may be converted into preference stock and ordinary shares into ordinary stock.

Proviso.

which it is issued, and that the holders of such stock shall have the same rights and privileges, as to dividends, voting at meetings of shareholders, and qualification to become directors of the Company, as if they were holders of an equal amount, at par, of the shares of the Company of the same class.

Votes on preference and ordinary shares.

5. Every shareholder, whether preference or ordinary, shall have one vote for every share held by him, and every holder of preference or ordinary stock shall have one vote for each twenty pounds of stock held by him, subject to the regulations of the Company from time to time in force requiring registration.

Increase of capital stock.

6 The capital stock of the Company may be further increased from time to time in accordance with the provisions of section thirty-seven of *The Railway Act*, and for the purposes of the said section the shareholders of the Company, whether preference or ordinary, shall alike have one vote for each share held by them respectively, and the holders of preference or ordinary stock shall have one vote for each twenty pounds of stock respectively held by them as provided in the next preceding subsection.

Borrowing powers.

9. The Company may borrow money in the manner prescribed by section ninety-three of *The Railway Act*, and may secure repayment of any money so borrowed as in said Act provided, and may issue bonds, debentures or debenture stock, and may mortgage the property of the Company as security, and for the purposes of voting the shareholders of the Company, whether preference or ordinary, shall alike have one vote for each share held by them respectively, and the holders of preference or ordinary stock shall have one vote for each twenty pounds of stock respectively held by them as provided in subsection five of the next preceding section : Provided that the amount of money so borrowed shall not exceed in all the sum of five thousand pounds per mile of the said railway and branches constructed or under contract to be constructed, including the debenture stock representing the existing debt.

Proviso : amount limited.

Provisional directors.

10. For the purpose of organizing the Company the above named Francis Tothill, Thomas Robert Ronald and Robert Lee Campbell shall constitute a board of provisional directors of the Company, two of whom shall be a quorum, and the said provisional directors shall hold office as such until the election of directors by the shareholders of the Company as hereinafter provided, and the board of provisional directors may enter into and execute on behalf of the Company an agreement with the Windsor Company for effecting and facilitating the purchase and transfer of the assets, liabilities and property of the Windsor Company to the Company, and may without application and allotment issue paid-up shares in the stock of the Company to the Windsor Company, or to the liquidators of the Windsor Company, in the manner provided by the said agreement or otherwise, and generally may do all

Quorum.

Provisional directors may enter into agreement to purchase the Windsor Company.

acts necessary or expedient for the purpose of effecting such purchase and transfer.

11. So soon as the board of provisional directors shall have issued paid-up stock to the amount of two hundred and fifty thousand pounds, either preference or ordinary, or partly preference and partly ordinary, they shall call a general meeting of shareholders at the city of London, England, for the purpose of electing a board of directors, giving in a daily newspaper published in the city of London, England, at least three weeks' notice of the time, place and object of such meeting, and at such general meeting the shareholders present in person or represented by proxy shall elect three directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors, hereinafter called "the board."

First meeting of shareholders.

Notice.

Number of directors.

12. Public notice shall be given of all general meetings at least four weeks previously by advertisement in the *Canada Gazette* and in a daily newspaper published in the place where the head office is situate.

Notice of general meetings.

13. The qualification of a member of the board shall be the holding in his own right of shares or stock in the Company of the nominal value of at least five hundred pounds.

Qualification of directors.

14. For the purpose of completing the said sale and transfer, the Windsor Company shall execute and deliver a deed of conveyance of all the said railways, undertaking, benefits, franchises and property, to the Company, and such deed, shall be sealed with the common seal of the Windsor Company, and signed by the hand of its president, or if the Windsor Company be in liquidation by the hands and seals of the liquidators, and shall have the effect, subject to the provisions of sections seventeen and eighteen of this Act, of absolutely conveying to and vesting in the Company, all the property of the Windsor Company, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, including all rights, privileges, advantages and emoluments, granted to the Windsor Company, or to the Yarmouth and Annapolis Railway Company, or to the Cornwallis Valley Railway Company, either by the Legislature of Nova Scotia, or by the Parliament of Canada, and now subsisting and vested in the Windsor Company, or in the Dominion Company, and, thereupon, the Company shall become liable to maintain and operate the railways of the said Windsor Company, and of the Dominion Company, to the same extent, as the said respective companies are now liable to maintain and operate the same.

Deed of sale to be executed by the Windsor Company.

2. From the date of the execution of the said deed of conveyance, the Company shall be and become liable for, and shall satisfy every obligation or liability of the Windsor Company,

Company shall become liable for debts of the Windsor Company.

pany, or the Dominion Company, then subsisting, or accruing, whether in respect to operating the said railways, or any of them, or in relation to any of the matters hereinbefore referred to.

Effect of sale.

15. From and after the completion of the said purchase by the Company, the Company shall have, possess and enjoy, and shall be entitled to all the property, rights and privileges of the Windsor Company, and to all the benefits of, and shall be subject to the duties and obligations imposed by the 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, thirtieth Victoria, chapter thirty-six, incorporating the Windsor and Annapolis Railway Company, and confirming the said agreement, and the Acts in amendment thereof, and by all such schemes of arrangement and contracts made by, with, or on behalf of the Windsor Company, in the same manner, as if the words "The Dominion Atlantic Railway Company" had been inserted in such Acts, schemes and contracts, whenever the words "The Windsor and Annapolis Railway Company" occur: Provided that nothing herein contained shall be construed to confer upon the Company, any right or privilege to or in respect of the drawback of customs or import duties, other or greater than such as the Windsor and Annapolis Railway Company would have been entitled to if this Act had not been passed.

N. S., 30 Vic.,
c. 36.

Proviso.

Privilege with respect to drawback of customs duties may be commuted.

16. The Governor in Council may enter into an agreement with the Company providing for the commutation and release of any right or privilege with respect to the drawback of customs or import duties under the said contract or agreement between the chief commissioner of railways for the province of Nova Scotia, and William Henry Punchard, Frederick Barry and Edwin Clark, dated the twenty-second day of November, one thousand eight hundred and sixty-six, in consideration of the payment of such sum in cash as is determined upon and mentioned in the said agreement; and the Company is hereby authorized to enter into such agreement for commutation of any such right or privilege in consideration of the payment of a sum in cash, and to release and surrender such right or privilege to Her Majesty in consideration of such payment.

Repeal of Acts in such case.

2. The Governor in Council may, upon the execution of such an agreement, by proclamation, repeal any provision of any Act of the legislature of Nova Scotia or of the Parliament of Canada, granting such right or privilege so commuted.

Certain agreement to be assigned to the Company.

17. The agreement respecting the lease of the Windsor Branch of the Intercolonial Railway, dated the 13th December, 1892, and made between Her Majesty represented therein by the

the Minister of Railways and Canals of the one part, and the said Windsor Company of the other part, shall also be assigned to the Company, and upon the completion of the said purchase, the rights and privileges as well as the liabilities and obligations of the Windsor Company under the said agreement, shall be vested in the Company, as the assignees of the said agreement. without further consent or concurrence on the part of Her Majesty, as if the words "The Dominion Atlantic Railway Company" had been inserted in the said agreement whenever the words "The Windsor and Annapolis Railway Company" occur, and this section and section fifteen of this Act are hereby expressly declared to be binding upon Her Majesty, her successors and assigns.

18. Any winding up of the Windsor Company, whether commenced before or after the passing of this Act, shall proceed under *The Companies Act* of England, 1862-90, and so that after the sale and purchase hereby authorized is completed, the said Windsor Company shall, as soon as practicable, be completely wound up and dissolved: Provided that prior to such dissolution due provision shall be made during such winding up by advertisement and otherwise in England, and in Canada, for notice of such winding up, and so that the liquidators shall make provision, so far as the assets in England or in Canada extend, for the satisfaction of all just claims against the Windsor Company, and no liability of the Windsor Company shall be in any way impaired or affected by the said sale or purchase, nor shall any suit or proceeding now pending or judgment existing either by, in favour of or against the Windsor Company or the Dominion Company, be in any way affected, but such suit or proceeding may be prosecuted, continued and completed and such judgment may be enforced as if this Act had not been passed, but so that any payments to be made in respect thereto shall be made and discharged by the Company.

Winding up of the Windsor Company to proceed under *The Companies Act* of England.

19. 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 Windsor Company or its railway or assets.

Saving.

20. The Company, may for any purpose connected with its undertaking, acquire, equip, man, work and own, or may hire, or charter, or freight, any ship, barge, or vessel, and may use the same in any manner, and may contract for, and undertake the transport by water, of passengers, animals, goods, and other things, and may acquire by agreement, take on lease, or hire, or contract for the use of warehouses, wharfs, quays and docks.

Power to acquire ships, &c.

21. The Company may enter into contracts with owners, charterers or freighters of any ship, barge, or vessel, for the transport

Contracts as to transfer of passengers.

transport or forwarding of passengers, or cattle, goods, or other things, passing or intended to pass over any part of the Company's railways, whether such traffic originates at or is destined for any station on the Company's railways or not, and such contracts may include provisions for charging through rates for such traffic.

Agreement
as to traffic.

22. The Company may enter into an agreement with the Government of Canada, or with any duly incorporated steamship or express company for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railways, on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a general or special meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock of the Company are present in person or represented by proxy, —and that such agreement has also received the approval of the Governor in Council.

Approval re-
quired.

Notice.

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

Company may
enter upon
public roads.

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

May erect
poles.

And stretch
wires.

And break up
roads, &c.

Travel not to
be obstructed.

(a.) The Company shall not interfere with the public right of travelling on or using such public roads, highways, streets,

bridges or watercourses and other like places, and shall not do any unnecessary damage nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity ;

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

Height of wires.

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

Kind of poles

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

Cutting poles or wires in case of fire.

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

Liability for damage.

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

Trees.

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

Approval of municipality.

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;

Company may be required to carry wires under ground.

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

Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 saved.

(k.) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road,

Temporary removal of lines in certain cases.

highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles; and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; such notice may be given either at the office of the Company, or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there shall be no such agent or officer of the Company, then either at the head office, or to any agent or officer of the Company, in the nearest of any adjoining municipalities to that in which such wires or poles require to be removed.

Notice to the Company.

Wharfs, &c.

24. The Company may construct, equip and maintain wharfs, docks, elevators, warehouses and such other buildings as are requisite for carrying on the traffic of the Company or otherwise carrying out any of its objects.

Hotels, &c.

25. The Company may build, acquire or lease any buildings for hotels, restaurants or houses of entertainment, at such points or places along the lines of railway as it deems advisable, and may carry on all such business in connection therewith as is necessary or expedient for the comfort and convenience of travellers, and may let any part of any such building for such purposes or any of them.

Agreement with another company.

26. The Company may enter into an agreement with the Nova Scotia Central Railway Company, or the South Shore Railway Company, Limited, for conveying or leasing to such company the railways of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for the amalgamation with such company, or for the acquisition of the railways and undertaking of such companies, or either of them, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council:

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

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

one newspaper in each of the counties through which the railways of the Company hereby incorporated run, and in which a newspaper is published.

3. For the purposes of this section and of section twenty-two of this Act, every shareholder, whether preference or ordinary, shall have one vote for every share held by him, and every holder of preference or ordinary stock shall have one vote for each twenty pounds of stock held by him, subject to the regulations of the Company from time to time in force requiring registration.

Votes on preference and ordinary shares.

27. All references hereinbefore contained to any sum of money and amounts of money shall be deemed to be and mean sterling money of Great Britain, and all references to pounds and pounds per cent in this Act shall be deemed to be pounds sterling.

Interpretation.

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



58-59 VICTORIA.

CHAP. 48.

An Act respecting the Great North-west Central Railway Company.

[Assented to 28th June, 1895.]

WHEREAS the Great North-west Central Railway Com- Preamble.
pany by its petition has represented that by chapter 1888, c. 85 ;
eighty-five of the Statutes of 1888, intituled *An Act to confirm* 1889, c. 67 ;
the charter of incorporation of the Great North-west Central Rail- 1890, c. 81 ;
way Company, it was enacted that the charter of the said Com- 1891, c. 80.
pany, under certain letters patent dated the twenty-second July,
one thousand eight hundred and eighty-six, set forth in the
said Act, and as amended by the said Act, was confirmed as
amended and declared to have the same force and effect as if it
were an Act of the Parliament of Canada since the publication
thereof on the sixth day of November, one thousand eight
hundred and eighty-six ; and whereas the said Company has
complied with the requirements of the law with regard to
initial expenditure and construction, and has had constructed
and in operation for some years fifty miles of its railway, and
the time allowed by law for the construction of the remaining
portion of its railway has expired, and it is expedient to
extend such time as hereinafter mentioned ; and whereas a
by-law has been passed by the said Company for the change
of its head office from the city of Ottawa to the city of Toronto,
and the said by-law has been submitted to the Governor in
Council for approval, and it is doubtful whether the said head
office can lawfully be changed except by statute, and it is desir-
able that the head office of the said Company should be at
Toronto ; and it has by its petition prayed that the time for the
construction of the said railway be extended and that the head
office of the Company be changed ; 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 finishing and putting in operation that part of the railway of the Great North-west Central Railway Company yet unconstructed to the Rocky Mountains, authorized by
- Time for finishing rail-
way extended.

Proviso :
twenty miles
to be built
annually.

by the charter of the said Company, as set forth and confirmed by chapter eighty-five of the Statutes of 1888, is hereby extended for seven years from the twenty-second day of May, one thousand eight hundred and ninety-five: Provided that the Company shall complete, before the end of the year one thousand eight hundred and ninety-seven, and also during each calendar year thereafter, such a portion of its railway, not less than twenty miles, as is from time to time prescribed by the Governor in Council, otherwise the powers granted by the Acts relating to the Company and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Head office
changed.

2. From and after the passing of this Act, the head office of the Company shall be at the city of Toronto in lieu of the city of Ottawa.

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



58-59 VICTORIA.

CHAP. 49.

An Act to incorporate the International Radial Railway Company.

[Assented to 22nd July, 1895.]

WHIEREAS a petition has been presented praying for the incorporation of a company to construct and operate the following lines of railway, 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, declares and enacts as follows:—

Preamble.

1. Alexander Burns, Alexander McKay, John Hoodless, James Edwin O'Reilly, Thomas Miller, Frederick A. Carpenter, Peter D. Crerar, Thomas Ramsay, William N. Myles, Richard H. McKay, Arthur H. McKeown and James Frank Smith, all of the city of Hamilton; Thomas Bain, of the town of Dundas; William Andrews, of the city of Guelph, and Edward J. Powell, of the city of London, 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 International Radial Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the city of Hamilton, in the province of Ontario.

Head office.

3. The Company may lay out, construct and operate lines of railway of the gauge of four feet eight and one-half inches, radiating from a central point in or near the city of Hamilton to the following terminal points:—

Lines of railway described.

(a.) To the town of Waterloo, in the county of Waterloo, passing through or near the towns of Galt, Preston, and Berlin, with a branch from some point on the said line between Hamilton and Waterloo to the city of Guelph, in the county of Wellington;

(b.) Also to a point on the Niagara River in or near the village of Fort Erie, in the county of Welland, passing through

the counties of Wentworth, Lincoln and Welland, with a branch from some point on the said line to a point on the shore of Lake Erie near the mouth of the Grand River, passing through or near the village of Dunnville ;

(c.) Also to the town of St. Mary's, in the county of Perth, passing through or near the city of Brantford and the town of Woodstock, with a branch from a point on the said line to the shore of Lake Erie, in or near the village of Port Burwell.

Declaratory. **4.** The undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Power to build docks, etc. **5.** The Company, at any point where the railway, or any branch thereof, touches or crosses any navigable waters, may for the purposes of its business, build, equip, 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, between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway, and may sell and dispose of such vessels.

Water and steam power. **6.** The Company may acquire and utilize water and steam power for the purposes of generating electricity for lighting and motor purposes in connection with its railway, or any branch or part thereof, and may operate the said railway or any branch or part thereof by electricity.

Provisional directors. **7.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Vacancies. **2.** If any provisional director dies or resigns before the first general meeting of the Company the vacancy may be filled by the remaining provisional directors.

Capital stock. **8.** The capital stock of the Company shall be seven 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.

Amount to be subscribed before construction. **9.** Notwithstanding anything contained in *The Railway Act*, the provisional directors, for the purposes of commencing construction of any section of the said railway not to be less than twenty miles in length, may, so soon as twenty per cent of two hundred thousand dollars of the capital stock or such larger sum as is equal to two thousand five hundred dollars per mile of such section, has been subscribed, and ten per cent paid thereon into one of the chartered banks in Canada, call a meeting of the subscribers, elect the directors, and proceed to the construction of a section of the said railway in the manner prescribed by *The Railway Act*.

2. Before commencing construction of a second section of the railway measuring not less than twenty miles in length, twenty-five per cent of two hundred thousand dollars more of the unsubscribed capital stock, or such larger sum as is equal to two thousand five hundred dollars per mile of such section, shall be subscribed, and ten per cent paid thereon as aforesaid.

3. In like manner the construction of any further section or sections of the said proposed railway measuring not less than twenty miles each may be commenced as aforesaid when not less than two hundred thousand dollars of the capital stock of the Company, in addition to all capital stock of the Company already subscribed for sections previously commenced, as hereinbefore provided, or such larger sum as shall be equal to two thousand five hundred dollars per mile of such section, has been subscribed, and ten per cent paid thereon as aforesaid.

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

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

12. The Company may issue bonds, debentures, or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and six thousand dollars per mile additional debentures for each mile double-tracked, 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. Amount of bonds, etc., limited.

13. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canada Southern Railway Company or the New York Central Railroad Company for conveying or leasing to such companies, or any one of them, the railway of the Company hereby incorporated, in whole or in part, or any rights acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such Company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council. Agreement with another company.

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

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

Agreement to be filed in office of Secretary of State.

14. A duplicate of each agreement, conveyance or lease referred to in section thirteen 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 *Gazette* containing such notice shall be *prima facie* evidence of the requisites of this Act having been complied with.

Company may enter upon public roads.

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

May erect poles.

And stretch wires.

And break up roads.

Travel not to be obstructed.

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

Height of wires and number of poles.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

(d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of

the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;

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

Liability for damages.

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

Trees.

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

Approval of municipality.

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

Company may be required to carry wires under ground.

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

Workmen to wear badges.

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 of the property for the time being ;

Private rights saved.

(k.) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby ; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality where there is no such agent or officer of the Company, 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 require to be removed.

Temporary removal of lines or poles.

Notice to the Company.

Time for
construction
limited.

16. If the construction of any of the lines mentioned in paragraphs (a), (b) and (c) of section three of this Act is not commenced and an amount equivalent to fifteen per cent of the whole amount of the capital stock is not expended within two years after the passing of this Act, then the powers granted by *The Railway Act* and by this Act shall cease and be null and void as respects any of the said lines not commenced ; and if any of the said lines or any portion thereof is not finished and put in operation within five years from the passing of this Act, then the powers granted by *The Railway Act* and by this Act shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Power of
Parliament
reserved.

17. The powers hereby conferred as to an electric railway shall be subject to the provisions of any general Act hereafter passed by the Parliament of Canada relating to electric railways.

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



58-59 VICTORIA.

CHAP. 50.

An Act to incorporate the James Bay Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS 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. William McKenzie, Hugh D. Lumsden, George A. Cox, Frederic Nicholls and Donald D. Mann, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The James Bay Railway Company," hereinafter called "the Company."

2. The head office of the Company shall be in the city of Toronto.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from Parry Sound, in the province of Ontario, to French River at or near the Doke's Indian reserve, thence in a northerly direction to the easterly side of Lake Wahnapiatae, and thence to a point at or near the mouth of Moose River on James's Bay.

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

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

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

Number 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 of the Company.

Amount of bonds, &c., limited.

8. 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.

9. 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 surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, —at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that it has also received the approval of the Governor in Council.

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

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

Power to build steamboats, docks, &c.

10. The Company, in connection with and for the purposes of its railway, may own, construct, charter and navigate steamboats and other vessels upon the Georgian Bay and upon James's Bay, and upon rivers and other waters connected therewith, and also upon all lakes and rivers upon the line of their said railway, and for like purposes may construct, own, lease and use docks, warehouses, grain elevators, and other works for facilitating transportation upon the said rivers or streams or other waters or any of them.



58-59 VICTORIA.

CHAP. 51.

An Act respecting the Kingston and Pembroke Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the Kingston and Pembroke Railway Company, hereinafter called "the Company," has by its petition prayed for certain amendments, as hereinafter set forth, to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1871, c. 49;
1879, c. 61;
1883, c. 64;
1884, c. 59;
1889, c. 77;
1889, c. 78.

1. The time for the completion of the said railway and the branches authorized by the said Acts 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 this Act shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted: Provided always, 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.

Time for completion of railway and branches extended.
Proviso:
Rights saved.
Proviso:
Expropriation powers not revived.

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58-59 VICTORIA.

CHAP. 52.

An Act to revive and amend the Act respecting the Lake Manitoba Railway and Canal Company.

[Assented to 22nd July, 1895.]

WHEREAS the several persons incorporated under the name of the Lake Manitoba Railway and Canal Company, hereinafter called "the Company," have by their petition prayed that the Act incorporating the Company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1889, c. 57 ;
1890, c. 79 ;
1892, c. 41.

1. Subject to the provisions of this Act, the *Act respecting the Lake Manitoba Railway and Canal Company*, being chapter forty-one of the Statutes of 1892, is hereby revived and declared to be in force, and the time limited for the expenditure of fifteen per cent of the amount of the capital stock required by section eighty-nine of *The Railway Act* is hereby extended for the period of two years from the passing of this Act; and if such expenditure is not so made, and if the railway is not completed within five years from the passing of this Act, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Chapter 41 of 1892 revived and time for expenditure of 15 p.c. of capital stock and for completion of railway extended.

2. The Company may, at its option, and in addition to the powers contained in the said Act, begin its said railway from a point at or near Gladstone or Arden, on the line of the Manitoba and North-western Railway, and may extend the said railway northerly or north-westerly until it reaches the neighbourhood of Lake Dauphin and thence westerly or north-westerly on a general course to a point not more than one hundred miles from Gladstone or Arden.

Location of railway.

3. The Company may enter into any agreement with the Manitoba and North-western Railway Company of Canada, for acquiring by purchase or otherwise or for taking on lease the railway of the said last mentioned company, in whole or

Agreement with another company.

in part, and all its rights, powers, surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or any of them or any portion thereof,—and may also enter into an agreement with the Canadian Pacific Railway Company or the Manitoba and North-western Railway Company of Canada, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or for an amalgamation with such company,—in either case on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit: Provided that in either case every such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

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

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58-59 VICTORIA.

CHAP. 53.

An Act to incorporate the Langenburg and Southern Railway Company.

[Assented to 28th June, 1895.]

WHEREAS 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 Commons of Canada, enacts as follows:—

1. Andrew Allan, Hugh A. Allan, Andrew A. Allan, James B. Allan, A. A. McKenzie and Charles McEachren, all of the city of Montreal, and Bryce J. Allan, of the city of Boston, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Langenburg and Southern Railway Company," hereinafter called "the Company." Incorporation.
Corporate name.

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

3. 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 village or station of Langenburg, on the line of the Manitoba and North-western Railway Company of Canada, in the district of Assiniboia, in the North-west Territories, to a point on the line of the Canadian Pacific Railway Company between Red Jacket, in the said district, and Elkhorn, in the province of Manitoba, and also a branch to Binscarth, in the said province of Manitoba. Line of railway described.

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

5. The capital stock of the Company shall be two hundred and fifty thousand dollars, and may be called up by the directors Capital stock and calls thereon.

tors from time to time, as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

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

Number 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 of the Company.

Amount of bonds, &c., limited. **8.** 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.

Agreement with another company. **9.** The Company may enter into any agreement with the Manitoba and North-western Railway Company of Canada, for acquiring by purchase or otherwise or for taking on lease the railway of the said last mentioned company, in whole or in part, and all its rights, powers, surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or any of them or any portion thereof,—and may also enter into an agreement with the Canadian Pacific Railway Company or the Manitoba and North-western 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 surveys, plans, works, plant, material, machinery, franchises and other property to it belonging, or for an amalgamation with such Company,—in either case on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit : Provided that in either case every such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Sanction of the shareholders and of the Governor in Council.

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



58-59 VICTORIA.

CHAP. 54.

An Act to incorporate the Lindsay, Haliburton and Mattawa Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS 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:—

Preamble.

1. James Mortimer, Wm. Gainer, J. W. Watson, and Michael Brown, all of the village of Minden, in the provisional county of Haliburton, in the province of Ontario; William McArthur, John H. Brandon, and Frank Sandford, all of the village of Fenelon Falls; John H. Harvey and M. O. Revell, both of the village of Coboconk; John Dobson, Sam. Hughes and Robert Bryans, all of the town 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 Lindsay, Haliburton and Mattawa Railway Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be in the town of Lindsay, in the county of Victoria, in the province of Ontario.

Head office.

3. 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 village of Gelert, or the village of Haliburton, on the Midland division of the Grand Trunk Railway, to a point at or near the village of Mattawa, in the district of Nipissing, crossing the streams forming the Madawaska and Petawawa rivers, and near Great Opeongo Lake, with a branch line starting from or near the aforesaid village of Gelert towards the village of Minden, and onwards via the village of Dorset or Colebridge, to a point at or near the village of Huntsville in Muskoka, and with another branch from the main line at or

Line of railway described.

near Great Opeongo Lake to the Ottawa River at a point between Deux Rivières and Rockcliffe, in the county of Renfrew.

- Provisional directors.** **4.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.
- Capital stock.** **5.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time, as they deem necessary; but no one call shall exceed ten per cent on the shares subscribed.
- Annual general meeting.** **6.** The annual general meeting of the shareholders shall be held on the first Wednesday in September in each year.
- Number of directors.** **7.** 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 of the Company.
- Amount of bonds, &c., limited.** **8.** 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.
- Agreements with another company.** **9.** 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 surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.
- Approval of the shareholders and of the Governor in Council.** **2.** Such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.
- Notice of application for approval.**



58-59 VICTORIA.

CHAP. 55.

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

[Assented to 28th June, 1895.]

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

Preamble.

1889, c. 60;
1890, c. 77;
1892, c. 46;
1893, c. 53.

1. The section substituted by section one of chapter fifty-three of the Statutes of 1893 for section one of chapter forty-six of the Statutes of 1892, is hereby repealed and the following substituted therefor:—

New section substituted for substituted section 1, c. 53 of 1893.

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

Time for construction extended.

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



58-59 VICTORIA.

CHAP. 56.

An Act respecting the Oshawa Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the Oshawa Railway Company, hereinafter called "the Company," has by its petition prayed for the passing of an Act to re-arrange its capital stock and for other 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.

1887, c. 92;
1891, c. 91.

1. Notwithstanding anything contained in the Acts relating to the Company or any other Act, the directors may receive surrenders from the present shareholders of the stock now subscribed for and held by them, and may issue to the said shareholders in lieu thereof new paid-up non-assessable stock in shares of one hundred dollars, one share of such new stock being issued in exchange for each hundred dollars actually paid up in cash by the said shareholders on the stock so surrendered.

Surrenders of
stock

2. The directors may re-issue and sell, either by public auction or private sale and in such manner and on such terms as to them seems meet, the surrendered shares remaining after the issue herein provided for.

Sale of surren-
dered shares.

3. The register of the shareholders of the Company shall be amended in accordance with the provisions of this Act.

Register to
be amended.

4. Nothing in this Act shall be construed so as to lessen the liability of the present shareholders of the Company to the present creditors thereof.

Saving.

4. The Company may, in lieu of the bonds authorized to be issued under the provisions of chapter ninety-two of the Statutes of 1887, 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 con-

Issue of bonds.

structed or under contract to be constructed ; and such bonds, debentures or other securities may be of three classes, viz. :—

“ A ” bonds.

(a.) “ A ” bonds, which may be issued to an amount not exceeding eight thousand dollars per mile of the railway and branches constructed or under contract to be constructed ; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form and be a first charge upon the whole of the property, assets, rents and revenues of the Company, present or future, or both ;

“ B ” bonds.

(b.) “ B ” bonds, which may be issued to an amount not exceeding six thousand dollars per mile of the railway and branches constructed or under contract to be constructed ; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act*, and to the “ A ” bonds hereinbefore mentioned, form and be a second charge upon the whole of the property, assets, rents and revenues of the Company, present or future, or both ;

“ C ” bonds.

(c.) “ C ” bonds, which may be issued to an amount not exceeding six thousand dollars per mile of the railway and branches constructed or under contract to be constructed ; such bonds shall, subject to the provisions contained in section ninety-four of *The Railway Act* and to the “ A ” and “ B ” bonds hereinbefore mentioned, form and be a third charge upon the whole of the property, assets, rents and revenues of the Company, present or future, or both.

Saving.

5. 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 railway or assets.

By-law and agreement confirmed.

6. By-law number five hundred and forty-two, passed by the municipal corporation of the township of East Whitby on the twenty-second day of August, one thousand eight hundred and ninety-four, to authorize the said Company to construct a railway on and along certain highways in the said township, and an agreement made on the same date between the Company and the said corporation, as set out in schedules “ A ” and “ B ” to chapter one hundred and nine of the Statutes of 1895 of the legislature of the province of Ontario, and the agreements made the seventeenth day of May, one thousand eight hundred and ninety-four, and the thirteenth day of November, one thousand eight hundred and ninety-four, between the corporation of the town of Oshawa and the Company, as set out in schedules “ A ” and “ B ” to chapter one hundred and ten of the Statutes of 1895 of the said province, are hereby confirmed and declared, so far as it is within the legislative authority of the Parliament of Canada to do so, to be binding upon the several parties thereto according to the terms thereof.

Time for construction limited.

7. The time for the completion of the railway and branches of the Company is hereby extended for a period of five years from

from the passing of this Act; and if the railway and branches are not then completed, then the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

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58-59 VICTORIA.

CHAP. 57.

An Act respecting the Ottawa, Arnprior and Parry Sound Railway Company.

[Assented to 28th June, 1895.]

WHEREAS the Ottawa, Arnprior and Parry Sound Railway Company, hereinafter called "the Company," has, by its petition, prayed that chapter ninety-three of the Statutes of 1891, being an Act respecting the said Company, be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1891, c. 93.

1. The said railway shall be completed within five years from the passing of this Act, otherwise the powers granted under the Acts incorporating the Company and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for completion of railway extended.

2. The annual general meeting of the shareholders of the Company shall be held on the last Tuesday in September of each year, instead of the last Tuesday in May of each year as mentioned in the schedule to chapter ninety-three of the Statutes of 1891.

Annual general meeting, date changed

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58-59 VICTORIA.

CHAP. 58.

An Act to incorporate the Ottawa and Aylmer Railway and Bridge Company.

[Assented to 28th June, 1895.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a line of railway from the city of Ottawa through the township of Nepean and, by bridge over the River Ottawa, to the village of Aylmer, and to some point in the county of Pontiac, and also to the city of Hull, 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, declares and enacts as follows:—

1. John William McRae, Peter Whelan, Thomas Ahearn, Thomas Workman, Warren Young Soper, George P. Brophy and William Scott, together with such persons as become shareholders in the Company hereby incorporated are hereby constituted a body corporate under the name of "The Ottawa and Aylmer Railway and Bridge Company," hereinafter called "the Company."

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

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

4. The Company may lay out, construct, complete, equip, maintain and operate, and from time to time remove and change, one or more lines of double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, with all necessary switches, side tracks and turn-outs, for the passage of cars, carriages and other vehicles adapted to the use thereof, from some point at or near the westerly limit of the city of Ottawa, in the township of Nepean,

or in the village of Hintonburgh, in the county of Carleton, to the Ottawa River, at or near the Deschênes Rapids or at or near Remous Rapids, in the said township; and thence by bridge over the Ottawa River to the township of Hull, in the province of Quebec, and also to the village of Aylmer and the city of Hull; and thence to some point in the county of Pontiac, at or near the village of Coulonge, with power to operate the said railway by electricity or by such other motive power, except steam, as the Company from time to time determines.

Power to construct line along streets.

5. The Company may construct and carry the said lines of railway along and upon such streets and highways in any municipality as they may be authorized to use for the purposes of their undertaking, under any agreement with, or by-law of, any municipal or other corporation having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements between the councils of any of the said municipal corporations and the said Company : Provided that nothing in this Act contained shall empower, or be construed to empower, the Company to contravene the laws of the province of Ontario or of the province of Quebec, with respect to drainage.

Proviso : as to provincial laws.

Conduits, poles, &c.

6. The Company, subject to any restrictions contained in any resolution of or agreement with any municipality having jurisdiction over any of the streets or highways upon which it may be authorized to carry its lines of railway as aforesaid, and subject to the provisions contained in section twenty-three of this Act, except paragraphs (b) and (h) thereof, may, for the purposes of operating its lines, lay conduits under or erect poles and wires along, over and upon any of the public roads and highways of the said municipalities respectively, and may also acquire by purchase or agreement the right to lay conduits under or to erect poles and wires along, over and upon and to convey electricity required for the working of the railway or lighting the same, upon, over, or under lands not owned by the Company, and upon, over, under or across any streams, rivers, lakes or waters, and for any of the purposes aforesaid to erect the necessary fixtures, including posts, piers or abutments for sustaining wires, cables, conduits and other electrical appliances.

Power to acquire lands.

7. The Company may enter upon and acquire any lands situate outside the present boundaries of the city of Ottawa and the city of Hull which may be suitable for the purpose of the railway, but shall not acquire more than ninety-nine feet in width thereof for right of way; and the Company shall in the exercise of the powers by this section granted 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 compensation, in case of disagreement, shall be settled in the same manner as

is provided for fixing compensation under the provisions of *The Railway Act*; and the Company shall, for the purposes of this section, have the powers of expropriation contained in *The Railway Act*, and sections ninety-nine to one hundred and seventy-two inclusive of *The Railway Act* shall apply to the Company for the purpose of exercising the powers contained in this section. 1888, c. 29.

8. Subject to the provisions contained in section twenty of this Act, the vehicles of the Company shall have the right to use the tracks of the Company as against all other vehicles whatever; and all other vehicles using the said tracks shall turn out of the said tracks and permit the vehicles of the Company to pass, and shall in no case and under no pretense whatever obstruct or unnecessarily hinder the passage on and the free use of the said tracks for the vehicles of the said Company. Right of company's vehicles.

9. Subject to the provisions contained in sections two hundred and forty-seven and two hundred and forty-eight of *The Railway Act*, the fare shall be due and payable by every passenger on entering the car; and any person who refuses to pay the fare when demanded by the conductor or driver, and refuses to leave the car when requested to do so by the conductor or driver, shall on summary conviction thereof before a justice of the peace be liable to a fine not exceeding ten dollars. Fares.

10. The municipal council of any municipality through which the said railways are to be constructed may, subject to the provisions of this Act, make and enter into an agreement with the Company relating to the construction of the said railways, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railways and the particular streets along which they shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, and the rates to be paid on freight, the time in which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers. Agreement with municipalities.

11. The municipal council of any municipality through which the said railways pass may make by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreement. By-laws of municipalities.

12. John William McRae, Peter Whelan, Thomas Ahearn, Thomas Workman, Warren Young Soper, George P. Brophy, and William Scott, shall be first or provisional directors of the Company. Provisional directors-

Capital stock and calls thereon.

13. The capital stock of the Company shall be one 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, but no one call shall exceed ten per cent on the shares subscribed.

Annual general meeting.

14. The annual general meeting of shareholders shall be held on the third Monday in September in each year.

First meeting of shareholders.

15. So soon as one hundred thousand dollars of the capital stock have been subscribed and ten per cent thereon paid up, the provisional directors shall call a meeting of the shareholders of the Company for the purpose of electing directors; but the Company shall not commence the construction of the said bridge until at least twenty-five per cent of the capital stock has been subscribed and ten per cent of the amount subscribed paid up in cash, nor until the provisions of section eighteen of this Act have been complied with.

Conditions precedent to commencement of bridge.

Number of directors.

16. 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 of the Company.

General powers.

Bridge over the Ottawa River.

17. The Company may—
(a.) lay out, construct, complete, maintain, manage and use a low level bridge over the Ottawa River from a point in the said township of Nepean near the Deschênes Rapids or Remous Rapids to a point on the opposite side of the Ottawa River in the township of Hull, with the necessary approaches and with a clear span over the water channel of one hundred feet and with a head of twelve feet above high water;

Railway on bridge.

(b.) construct and operate lines of railway in and upon the said bridge, to be operated by electricity, or by animals or by cable or other mechanical power or by any combination of such means of operation;

Connection with other railways.

(c.) construct lines of railway not exceeding five miles in length from either end of the said bridge to make connection between any line of railway in the county of Carleton or in the county of Ottawa, including the lines of railway of the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Ottawa and Gatineau Railway Company, the Pontiac and Pacific Railway Company and the Ottawa Electric Railway Company, or between any other electric railway or tramway in the county of Carleton or the county of Ottawa and the said bridge, and operate such connecting lines by electricity or any other motive power except steam;

Agreements with other companies.

(d.) make any arrangements or agreements with any of the said companies or with any incorporated company bridging the Ottawa River within the limits of the county of Carleton and the county of Ottawa, for the use of the right of way of such

Company for the construction of a line of railway thereon, or for the use, lease or enjoyment of the bridge of any such company or of its approaches and terminals ;

(e.) unite with any one or more of the said companies to construct and maintain a bridge and approaches over the Ottawa River at or near the Deschênes Rapids or Remous Rapids as aforesaid as a joint work, or for the joint working, managing or using the same, and enter into any agreement with any such company respecting the construction, management and use or lease thereof ;

Other bridge
over the
Ottawa River.

(f.) construct piers, coffer-dams and other erections in the Ottawa River for the purpose of constructing the said bridge ; but such coffer-dams shall be removed by the Company after the completion of the said bridge ;

Piers, &c.

(g.) acquire by lease, purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works hereby authorized, and again dispose of the same.

Patent rights,
&c.

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

Plan of
bridge to be
approved by
Governor in
Council.

19. If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the toll to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time by the Governor in Council ; but the Company may, at any time, reduce the said tolls ; 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.

Rate of tolls
to be approved
by Governor
in Council.

20. So soon as the said bridge is completed and ready for traffic all trains and cars of all railways connecting with the same, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge,

Equal rights
in passage of
bridge.

Tolls. so that no discrimination or preference in the passage of the said bridge and approaches, or in tariff rates for transportation, shall be made in favour of or against any railway whose business or trains pass over the said bridge; and the provisions as to tolls contained in sections two hundred and twenty-four, two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act* shall apply to the Company and to the companies whose business or trains pass over the said bridge.

Disputes to be settled by Railway Committee. **21.** In case of any disagreement as to the rights of any railway company whose business or trains pass over such bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by the Railway Committee of the Privy Council, as provided in section eleven of *The Railway Act*.

Telegraph and telephone lines. **22.** The Company may construct, equip, work and maintain telegraph and telephone lines along the whole length of its railway and branches, and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract or contracts with any other company.

Company may enter upon public roads. **23.** With the consent of the municipal council having jurisdiction over the roads and streets of any city, town, or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its lines of telegraph and telephone, and lines for the conveyance of electric power along, across, over and under the same; and may erect, equip, and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone and for supplying power; and may stretch wires and other electrical contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

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

And stretch wires. **(b.)** The Company shall not affix any telegraph or telephone wire less than twenty-two feet above the surface of the street

And break up roads. **(c.)** The Company shall not in the construction or operation of its lines interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity;

Travel not to be obstructed. **(d.)** The Company shall not in the construction or operation of its lines interfere with the public right of travelling on or using such public roads, highways, streets, bridges, or watercourses, and other like places, and shall not do any unnecessary damage, nor in any way obstruct the entrance to any door or gateway or free access to any building erected in the vicinity;

Height of wires. **(e.)** The Company shall not affix any telegraph or telephone wire less than twenty-two feet above the surface of the street

or road, nor shall the Company, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality, erect more than one line of poles along any street or road ;

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

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

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

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

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

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ; Company may be required to carry wires under ground.

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

(j.) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 saved.

(k.) If in the removal of buildings or if in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable Temporary removal of lines in certain cases.

Notice to the company.

able notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, 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 require to be removed.

Undertaking divided into sections.

24. The Company may divide its undertaking into sections, as follows:—

Section one.

(a.) A line from a point at or near the westerly limit of the city of Ottawa, in the township of Nepean, or in the village of Hintonburgh, in the county of Carleton, to the Ottawa River at or near the Deschênes Rapids, or at or near the Remous Rapids, in the said township, which shall be designated and known as section one;

Section two.

(b.) A line from a point at or near the Ottawa River, in the township of Hull, in the province of Quebec, opposite the Deschênes Rapids or the Remous Rapids, in the township of Nepean, to the village of Aylmer, and thence to the village of Coulonge, which shall be designated and known as section two;

Section three.

(c.) A line from a point at or near the Ottawa River, in the township of Hull, in the province of Quebec, opposite the Deschênes Rapids or the Remous Rapids, in the township of Nepean, to some point in the city of Hull, which shall be designated and known as section three;

Section four or bridge section.

(d.) The bridge over the Ottawa River, with its approaches, appurtenances and any lines of railway constructed thereon, and any lines of railway connecting the said bridge with any other railway with which the Company is by this Act authorized to make connection, and not forming part of any of the lines designated as sections one, two and three, and the said bridge and lines of railway thereon and connecting therewith, shall be designated and known as section four or "the bridge section."

Restrictions as to sections two and three.

25. The line of railway described in paragraph (a) of the next preceding section of this Act and the bridge described in paragraph (d) of the said section shall be completed before the Company shall avail itself of the powers granted it by this Act to construct the lines of railway described in paragraphs (b) and (c) of the said section.

Amount of bonds, &c., limited.

26. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of its railway, branches and extensions, 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.

27. The Company may issue bonds, debentures or other securities to the extent of three hundred and fifty thousand dollars for its bridge mentioned in this Act, which shall be called "bridge bonds"; and such bonds shall 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 of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds. Bridge bonds.

28. 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 ninety-four 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. Bonds may be issued on separate sections.

29. The said bonds, debentures and other securities to be issued under the provisions of sections twenty-six, twenty-seven and twenty-eight of this Act shall be made and issued as provided in sections ninety-three to ninety-eight, inclusive, of *The Railway Act*, and the said sections ninety-three to ninety-eight of *The Railway Act* shall apply to and form part of this Act. Issue of bonds subject to *The Railway Act*.

30. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company, the Ottawa and Gatineau Railway Company, the Pontiac and Pacific Junction Railway Company or the Ottawa Electric Railway Company, or with any other company operating a line of electric railway or tramway in the county of Carleton, or in the county of Ottawa, or in the county of Pontiac, for conveying or leasing its railway to such company, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with any one of such companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit. Agreement with another company.

31. The agreements mentioned in paragraphs (d) and (e) of section seventeen and in section thirty of this Act shall have no force or effect until each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering Agreements to be sanctioned by shareholders and by Governor in Council.

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

Notice of application for approval.

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

R. S. C., c. 118.

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

1888. c. 29.

33. Excepting as hereinbefore provided, *The Railway Act* shall not apply to the Company.

Time for construction limited.

34. The construction of the said railways shall be commenced within two years and completed within six years from the passing of this Act; and the construction of the said bridge and any other work in the Ottawa River shall be commenced within four years and completed within eight years from the passing of this Act: otherwise the powers granted for the construction thereof shall be void and of no effect as respects so much of the work as then remains uncompleted.

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58-59 VICTORIA.

CHAP. 59.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the Quebec, Montmorency and Charlevoix Railway Company was incorporated by an Act of the legislature of the province of Quebec, forty-four and forty-five Victoria, chapter forty-four, which Act was amended by Acts of the same legislature, forty-eight Victoria, chapter seventy-eight, fifty-three Victoria, chapter one hundred and nine, fifty-four Victoria, chapter ninety, fifty-five and fifty-six Victoria, chapter sixty-nine, and fifty-seven Victoria, chapter seventy-one, and in consequence the provisions regulating the powers, rights and obligations of the Company are contained in a number of Acts, some of the clauses of which have been repealed or amended, and others have ceased to be useful or applicable; and whereas it is expedient to embody in one Act such provisions of the said several Acts as shall be retained in force and applicable to the Company; and whereas the Company by its petition has prayed for such consolidation, and that it be declared a body corporate within the jurisdiction of the Parliament of Canada, and has asked that certain other powers hereinafter set forth be conferred upon it, 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.
Que., 44-45 V., c. 44;
Que., 48 V., c. 78;
Que., 53 V., c. 109;
Que., 54 V., c. 90;
Que., 55-56 V., c. 69;
Que., 57 V., c. 71.

1. The undertaking of the Quebec, Montmorency and Charlevoix Railway Company, a body incorporated as mentioned in the preamble, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. The Company as now organized and constituted under the said Acts of the province of Quebec is hereby declared to be a body politic and corporate within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking, Declaratory.

Proviso : existing rights saved.

instead of the said Acts of the province of Quebec and *The Railway Act* of Quebec : Provided that nothing in this section shall affect anything done, any rights or privilege acquired, or any liability incurred under the said Acts of the province of Quebec prior to the time of the passing of this Act,—to all which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

Head office.

3. The head office of the Company shall be in the city of Quebec, but may be changed to any other place in Canada, if a by-law duly adopted at a general or special meeting of the shareholders sanctions such change.

Annual general meeting.

4. The annual general meeting of the shareholders of the Company shall be held on the second Tuesday in September of each year at a time specified in the notices calling such meeting, which notice shall be published in the *Canada Gazette* and in one newspaper in the English language and in one newspaper in the French language in the city of Quebec, for at least four weeks preceding the date of the meeting.

Special meetings.

2. Notice of special meetings shall be given in like manner.

Capital stock.

5. The capital stock of the Company shall be two million dollars, divided into shares of one hundred dollars each.

Directors continued in office.

6. The board of directors of the Company now in office shall continue to be the directors until legally replaced at the next annual meeting.

Number, quorum and increase of directors.

2. The board of directors shall consist of seven members qualified as provided in *The Railway Act*, the majority of whom shall form a quorum. The number of directors may be increased to nine under a by-law to that effect.

Paid directors.

3. The directors may employ one or more of their number as paid directors.

Proxies.

4. The directors may act and vote by proxy, such proxy to be held by a director, and no director shall hold more than two such proxies, and at least three directors shall be personally present for the transaction of business ; but if the number of directors is increased to nine, no meeting of directors shall be competent to transact business unless at least four directors are present thereat in person.

Duration of proxies.

5. 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.

Powers.

7. The Company may, for the purposes of its railway and in connection with its business,—

Vessels, &c.

(a.) build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable

navigable waters, and enter into arrangements and agreements with owners of steam and other vessels ;

(b.) construct, equip and maintain wharfs, docks, elevators, warehouses, and other buildings requisite for carrying on the traffic of the Company ;

(c.) build, purchase, lease and manage hotels and dwelling houses along the line of its railway.

8. The Company may use and employ for the locomotion and propulsion of its cars, vehicles and rolling stock, where such power is required, electricity in all its forms, steam, and any approved mechanical power or other means, agency or force for such purposes that science or invention may develop, —and shall have all rights, powers and privileges necessary and essential to the management, operation and maintenance of its line as an electrical system, either in whole or in part ; and may acquire, use and develop every kind of electrical force, power and energy required or useful in the working of the undertaking, and apply such agencies and motive powers for all its uses and purposes aforesaid.

9. The Company may, for the purposes aforesaid,—

(a.) acquire lands and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy ;

(b.) build and maintain power houses and stations for the development of electrical force and energy, and buy or lease the factories or stations of other like companies or lease their works, equipments and appurtenances ;

(c.) acquire, by lease, purchase or otherwise, any exclusive rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ;

(d.) in the event of the Company purchasing or leasing the property of the Montmorency Electric Power Company, as provided in subsection three of section fifteen of this Act, then the Company may thereafter 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.

10. The Company may maintain, manage, run and operate by means of steam, electricity or other approved motive power, upon the standard gauge of four feet eight and a-half inches with single or double track, that portion of its main line now constructed and in operation, running from a point in the city of Quebec along the north-westerly shore of the River St. Lawrence to Cap Tourmente, a distance of about thirty-five miles.

Power to build other lines.

2. The Company may lay out, construct, equip and operate, with single or double track of standard gauge, the following lines :—

Extension from city terminus.

(a.) An extension from the present terminus in the city of Quebec to some point on the north shore of the River St. Lawrence at or near Allan's Wharf, and in a westerly direction through St. Sauveur ;

Extension from Cap Tourmente.

(b.) An extension of the main line from its present terminus at Cap Tourmente, along the northerly shore of the River St. Lawrence to the village of Murray Bay or to any point on Ha Ha Bay ;

Beauport extension.

(c.) A line from the main line in the city of Quebec or its surroundings, passing through the parish of Beauport and crossing the Montmorency River at the head of the Montmorency Falls, and forming a connection with the main line.

Street railway in the city of Quebec.

3. The Company may lay out, construct, equip, manage and operate with single or double track by means of electricity or other mechanical or approved motive power, force or energy, except steam, lines of railway along, over and throughout all or any of the streets in the city of Quebec, or roads in the neighbourhood thereof, or in the adjoining parishes on the north shore of the River St. Lawrence; and for such purposes and subject to the provisions contained in section thirteen of this Act except paragraphs (b) and (h) thereof, may erect above ground all necessary constructions, including posts and other supports essential for the working of an electric railway.

Consent of municipalities

4. No power or authority granted or authorized under the provisions of this section shall be exercised within the limits of the jurisdiction of the city of Quebec, the Quebec North Shore Turnpike Trustees or any municipality respectively, except with the prior consent in each and every case of such city, trustees or municipality respectively and upon such conditions as they may severally consent to and agree upon.

Drains and fences.

11. The Company shall not be bound to make fences and drains in places where the line of the railway is wholly situate within the water mark of the highest tides ; and in the event of the land of the railway of the Company being situate partly within and partly without the water mark of the highest tides as above mentioned, the Company shall not be bound to make drains and fences, except on the portion which is situate outside the highest tide mark.

Telegraph and telephone lines.

12. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches and across any rivers or canals that intervene, and shall have and enjoy all the rights, powers, privileges and immunities, essential and appertaining to the construction and maintenance of such lines ; and may establish offices for the transmission of messages for the public ; and

for the purposes of erecting and working such telegraph and telephone lines the Company may enter into a contract with any other company.

2. The Company may construct, erect, sell, purchase, lease, let, equip, work and maintain any other line of telegraph and telephone, not exceeding thirty miles in length in any one case, to connect the lines constructed or to be constructed along the line of its railway with any other lines of telegraph and telephone in Canada, either by land or by water, and upon, along, across, over or under any public roads, highways, streets, bridges, watercourses, or other such places, and any navigable or non-navigable waters, and may undertake the transmission of messages for the public by all of such lines, or any portion thereof.

Branch telegraph and telephone lines.

3. The Company shall take reasonable and proper precaution in the construction, maintenance and operation of their electric lines, currents and works to avoid injurious interference with the lines and apparatus of any other electric company.

Other electric lines not to be interfered with.

4. The telephone powers and privileges conferred by this Act shall not be exercised within the limits of any municipality which is provided with a telephone service at the time of the passing of this Act.

Existing telephone lines.

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

Company may enter on public roads.

May erect poles.

And stretch wires.

And break up roads.

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

Travel not to be obstructed.

- Height of wires. (b.) The Company shall not affix any telegraph or telephone wire less than twenty-two feet above the surface of the street or road, nor erect, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality, more than one line of poles along any street or road ;
- Kind of poles. (c.) In all municipalities the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted, if so required by any by-law of the council ;
- Cutting poles or wires in case of fire. (d.) Whenever, in case of fire, it becomes necessary for its extinction or the preservation of property, that the poles or wires should be cut, the cutting under such circumstances of the poles or any of the wires of the Company, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Company to demand or to claim compensation for any damage thereby incurred ;
- Liability for damage. (e.) The Company shall be responsible for all damage which its agents, servants or workmen cause to individuals or property in carrying out or maintaining any of its said works ;
- Trees. (f.) The Company shall not cut down or mutilate any shade, fruit or ornamental tree ;
- Approval of municipality. (g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the supervision of such engineer or other person as the council appoints for that purpose, and shall be done in such manner as the council directs ; the council may also direct and designate the places where the poles are to be erected in such municipality ; and the surface of the streets shall in all cases be restored as far as possible to its former condition by and at the expense of the Company ;
- Company may be required to carry wires under ground. (h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ;
- Workmen to wear badges. (i.) No person shall labour upon the work of erecting or repairing any line or instrument of the Company, without having conspicuously attached to his dress a medal or badge on which shall be legibly inscribed the name of the Company and a number by which he can be readily identified ;
- Private rights saved. (j.) Nothing in this Act contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being ;
- Temporary removal of lines in certain cases. (k.) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be,

the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for any such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, 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 require to be removed.

Notice to the Company.

14. The Company may enter into any 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 with any electrical power company for the use or lease by the Company of electric power, force or energy.

Arrangements with other companies.

15. The Company may enter into an agreement with the city of Quebec for the acquiring of the franchises, rights, immunities and privileges necessary for the construction and maintenance of a system of electric railway upon and throughout the streets of the said city.

Agreement with the city of Quebec.

2. The Company may acquire, purchase and own the rights, privileges, franchises, railways, works, plant, equipment and materials, of the Quebec Street Railway Company and the St. John Street Railway Company, and may convert the lines of the said companies into an electric system, and may conduct and manage their affairs in such manner not inconsistent with the provisions of this Act, as appears to the Company most advantageous, and as is sanctioned by the city of Quebec.

Purchase of Quebec street railways.

3. The Company may purchase or lease the works, buildings, plant and machinery of the Montmorency Electric Power Company.

Purchase of rights of the Montmorency Electric Power Co.

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

Sanction of the shareholders and of the Governor in Council.

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

Notice of application for approval.

one newspaper published in the English language and in one in the French language in the city of Quebec.

Lines in cities,
towns, &c.

16. The Company may construct and carry its lines of railway, when operated otherwise than by steam, along and upon such streets and highways in any city, town, village or municipality when thereto authorized under any resolution of or agreement with the corporations respectively having jurisdiction over the same, and subject to any restrictions therein or herein contained and under and subject to any agreements to be made between the councils of any of the said corporations and the Company.

Agreements
with cities,
towns, &c.

17. The municipal council of any city, town, village or municipality through which the said railway is constructed may, subject to the provisions of this Act, make and enter into an agreement with the Company relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways occupied by the line of railway and the construction, opening of and repairing of drains or sewers, and the laying of gas and water-pipes in the said streets and highways, the location of the railway and the particular streets along which it shall be laid, the pattern of rails, the time and speed of running the cars, the amount of fares to be paid by passengers, and the rates to be paid on freight, the time in which the works are to be commenced, the manner of proceeding with the said works and the time for completion, and generally for the safety and convenience of passengers.

Agreement
with another
company.

18. The Company may enter into any agreement with the Canadian Pacific Railway Company, the Lake St. John Railway Company, the North Shore Railway Company, the Quebec Street Railway Company or the St. John Street Railway Company or with any other electric railway company in the district of Quebec, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property and franchises to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Sanction of
the shareholders
and of the
Governor in
Council.

Notice of ap-
plication for
approval.

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

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

19. The directors, under the authority of the shareholders to them given at any general meeting specially called for the purpose,—at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person, 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 constructed or under contract to be constructed, entitling the holder thereof, in priority to all other shareholders, to a cumulative dividend payable thereon, at such rate not exceeding eight per cent per annum as the directors think fit, out of the net earnings of the Company, after the interest on the first mortgage bonds is paid.

Preference stock.

2. 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.

Rights of holders.

20. The directors of the Company elected by the shareholders may make and issue as paid-up stock shares in the ordinary stock of 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, and also for the services of contractors and engineers, and also in whole or partial payment for the purchase, lease or other acquisition of wharfs, lands, ships, power, appurtenances, franchises and other property which the Company is authorized under the provisions of this Act to acquire, construct, operate or own; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid-up stock.

21. The Company may make and issue in the manner provided by and subject to the provisions of *The Railway Act*, bonds not exceeding in the whole thirty thousand dollars per mile of single track of its railway, extensions, branches and sidings, constructed or under contract to be constructed, and may secure such bonds in the manner provided by *The Railway Act*: Provided that the total amount of the bonds issued or to be issued shall not in any case exceed the said sum per mile.

Amount of bonds limited.

2. The bonds hereby authorized shall not be issued or put in circulation until all interim or other bonds heretofore issued by the Company are redeemed, withdrawn and cancelled.

Existing bonds to be cancelled before new bonds issued.

22. In the event of the Company acquiring the property of the Montmorency Electric Power Company, as provided for in subsection three of section fifteen of this Act, the Company

Further issue of bonds.

Company may make and issue bonds, debentures or other securities not exceeding the total cost of the said property, which shall be designated as series "B" bonds. The said bonds may be secured in like manner as those above provided for, by a deed of mortgage of the property of the said power company, which deed shall contain a description of the property of the said power company upon which they are issued, and such bonds shall be a charge solely upon the said property and shall not exceed a total amount of one million dollars.

Line divided into sections.

23. The Company may divide its undertaking into sections, as follows :—

Montmorency division.

(a.) The lines from the terminal station in the lower town, in the city of Quebec, extending to Cap Tourmente, including all the branches and extensions thereof, shall be designated and known as section number one, or the "Montmorency Division," and the mileage thereof shall be considered for purposes of this Act as forming a length of about fifty miles.

Citadel division.

(b.) The lines within the city of Quebec subject to its franchise and those west of the St. Charles River operated by electricity shall be designated as section number two, or the "Citadel Division."

Saguenay division.

(c.) The lines extending from Cap Tourmente in a north-easterly direction shall be designated as section number three, or the "Saguenay Division."

Bonds, &c., may be issued separately as to sections.

24. The Company may issue the bonds 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 the whole line of the railway of the Company; and such bonds or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section with 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.

Power of Parliament reserved.

25. The powers hereby conferred as to an electric railway shall be subject to the provisions of any general Act hereafter passed by the Parliament of Canada relating to electric railways.



58-59 VICTORIA.

CHAP. 60.

An Act respecting the Red Mountain Railway Company.

[Assented to 28th June, 1895.]

WHEREAS the Red Mountain Railway Company was incorporated by an Act of the legislature of British Columbia, passed in the fifty-sixth year of Her Majesty's reign, chapter sixty-one, intituled *An Act to incorporate the Red Mountain Railway Company*; and whereas the said Company is thereby authorized to build its railway of a gauge of four feet eight and one-half inches from a point on the right fork of Sheep Creek, at or near the junction of the said fork with the international boundary line, thence running north along the said creek to Red Mountain and the Trail Creek mines in the province of British Columbia, and to construct branch lines as in the said Act is provided; and whereas the said Company has by its petition prayed that its railway be declared to be a work for the general advantage of Canada, and the said Company a body corporate within the jurisdiction of the Parliament of Canada, and that certain additional powers as hereinafter set forth be conferred upon the said Company, and 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

B.C., 56
Vic., c. 61.

1. The undertaking of the Red Mountain Railway Company, a Company incorporated by the Act of the legislature of British Columbia, fifty-sixth Victoria, chapter sixty-one, and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. The Company as now organized and constituted under the said Act of the legislature 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* of Canada 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 anything done, any right or privilege acquired,

Declaratory.

Proviso: existing rights saved.

quired, or any liability incurred under the last mentioned Acts of the legislature 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 the Company shall continue to be subject.

Head office.

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

Line of railway described.

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 right fork of Sheep Creek, at or near the junction of the said fork with the international boundary line, thence running north along the said creek to Red Mountain and the Trail Creek mines, in the province of British Columbia,—and may also form a connection at the international boundary line with the railway of the Columbia and Red Mountain Railway Company, a corporation organized under the laws of the state of Washington, and generally with the railway system of the United States.

Capital stock and calls thereon.

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 by the directors from time to time as they deem expedient, but no one call shall exceed twenty per cent of the shares subscribed by any shareholder nor shall a greater amount than fifty per cent of the amount subscribed be called up in any one year; and the capital stock of the Company, as authorized by the Act of the legislature of British Columbia before mentioned, 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.

Annual general meeting.

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

Number of directors.

7. 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 of the Company.

Amount of bonds, &c., limited.

8. 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.

Bonds may be issued on the whole railway on specified sections.

9. 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 ex-

tension 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 ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section, branch or extension in respect to 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.

10. 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 and 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 railway as then remains uncompleted.

Time for construction and expenditure limited.

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

Agreement with another company.

Subject to the approval of the shareholders and of the Governor in Council.

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

Notice of application for approval.

12. The Company may, for any purpose connected with its undertaking, acquire, equip, work and own, or may hire or charter or freight any ship, barge or vessel, and may use the same in any manner, and may contract for and undertake the transport by water of passengers and goods and other things, and may for such purposes acquire by agreement, take on

Power to acquire vessels, &c.

lease or hire, or contract for the use of warehouses, wharfs, quays and docks.

Branches.

13. Subject to the provisions contained in sections one hundred and twenty-one and one hundred and twenty-two 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 adjacent to its main line: Provided, however, that no such branch shall exceed ten miles in length.

Proviso:
length limited.

Telegraph and
telephone
lines.

14. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its 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 working 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.

R.S.C., c. 132.

2. *The Electric Telegraph Companies Act*, chapter one hundred and thirty-two of the Revised Statutes, shall apply to the telegraphic business of the Company.

Company may
enter upon
public roads.

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

May erect
poles.

And stretch
wires.

And break up
roads.

Travel not to
be obstructed.

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

Height of
wires.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor erect more

than one line of poles along any street or road, without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

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

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

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

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

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

(h.) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor ; Company may be required to carry wires under ground.

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

(j.) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 saved.

(k.) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring it, to remove such Temporary removal of lines in certain cases.

Notice to the
Company.

such wires or poles ; and in default of the Company so doing, it shall be lawful for any such person to remove them at the expense of the Company, doing no unnecessary damage thereby ; and such notice may be given either at the office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, 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 require to be removed.

Agreements
with telegraph
or telephone
companies.

16. 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.

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



58-59 VICTORIA.

CHAP. 61.

An Act respecting the St. Catharines and Niagara Central Railway Company and to change the name of the Company to the Niagara, Hamilton and Pacific Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS the St. Catharines and Niagara Central Railway Company, hereinafter called "the Company," has by its petition prayed that certain additional powers as hereinafter set forth be conferred on the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble

1887, c. 60 ;
1888, c. 78-79
1890, c. 54 ;
1891, c. 87 ;
1892, c. 58 ;
1894, c. 92.

1. The Company may extend its line through the city of Hamilton to a point in or near the city of Brantford, in the county of Brant, and thence to a point in or near the town of Woodstock in the county of Oxford; and may also build a branch line from some point upon the said extension from Hamilton to Woodstock, to the village of Port Dover, in the county of Norfolk, or to the village of Port Burwell, in the county of Elgin; and may also construct a loop line from some point in or near the town of Thorold, in the county of Welland, in a direct line or as nearly as may be to a point on the main line between the city of St. Catharines and the unincorporated village of Jordan, in the township of Louth.

Extensions authorized.

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

Time for construction limited.

3. All passenger trains scheduled to run between Hamilton and the Niagara River and timed to stop at any station between Hamilton and the town of Niagara Falls shall run through and stop at the city of St. Catharines, and the said railway shall be operated so as to run at least four passenger

Train arrangements.

trains daily each way between the Niagara River and the city of Hamilton, which said trains shall pass through and stop at the principal station in the city of St. Catharines.

Rights as to extension.

4. Subject to the provisions of *The Railway Act*, the Company shall have and may exercise in respect to the said extensions of the said railway all the rights, powers, franchises and privileges conferred upon it by its Act of incorporation and the various Acts passed from time to time amending the same.

Name of company changed.

5. The name of the Company is hereby changed from "The St. Catharines and Niagara Central Railway Company" to "The Niagara, Hamilton and Pacific Railway Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending or judgment existing either by or in favour of, or against the said 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.

Existing rights saved.

Head office.

6. The principal office of the Company shall be in the city of Hamilton instead of in the city of St. Catharines, as provided by the Act of incorporation, and all the general meetings of the Company shall be held in the city of Hamilton.

Conditions precedent to coming into force of sections five and six.

7. Sections five and six of this Act shall have no force or effect until the board of directors of the Company have passed a resolution declaring the agreement referred to in by-law number nine hundred and seventy-five of the corporation of the city of St. Catharines (hereinafter mentioned) to have been complied with by William F. Forsyth or his assigns to the satisfaction of the said board, nor until notice of such resolution and of the said sections taking effect has been published by one insertion thereof in the *Canada Gazette*.

By-law confirmed.

8. By-law number nine hundred and seventy-five of the corporation of the city of St. Catharines, passed on the twenty-seventh day of May, one thousand eight hundred and ninety-five, a copy of which is filed in the office of the Secretary of State of Canada, is hereby confirmed and made valid so far as it is within the powers of the Parliament of Canada to do so, and shall in all courts and places be taken and held to be legal, valid and binding in all respects upon the respective parties thereto.

Agreements with another company.

9. The Company may enter into an agreement with the Hamilton Radial Electric Railway Company, for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with

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

Sanction of the shareholders and of the Governor in Council.

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

Notice of application for approval.

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



58-59 VICTORIA.

CHAP. 62.

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

[Assented to 28th June, 1895.]

WHEREAS the St. Lawrence and Adirondack Railway Company, hereinafter called "the Company," has by its petition prayed for the passing of an Act to further amend, as hereinafter mentioned, the Act incorporating the Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.
1888, c. 64 ;
1893, c. 60 ;
1894, c. 93.

1. Section ten of chapter sixty-four of the Statutes of 1888, incorporating the St. Lawrence and Adirondack Railway Company, is hereby repealed and the following substituted therefor :—

New section substituted for s. 10, c. 64, of 1888.

"10. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose in the manner hereinbefore mentioned, attended by shareholders in person or represented by proxy, who represent at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due thereon, may issue bonds signed by the president or other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to such bonds may be engraved ; and such bonds may be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent per annum, as the directors think proper.

Issue of bonds.

"2. The directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.

Disposal of bonds.

"3. The amount of such bonds so issued, sold or pledged, shall not exceed thirty thousand dollars per mile of the said railway and branches, and may be issued only in proportion

Amount limited.

to the length of railway constructed or under contract to be constructed.”

Rights saved. **2.** 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 railway or assets.

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



58-59 VICTORIA.

CHAP. 63.

An Act respecting the Shore Line Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS a petition has been presented by the Shore Line Railway Company, a corporation constituted under the laws of the province of New Brunswick, praying for power to extend their line of railway to connect with the Central Railway, and to buy or lease the Central Railway, and also praying that their undertaking should be declared to be a work for the general advantage of Canada, and for other powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
N.B. 1889,
c. 26.

1. The undertaking of the Shore Line Railway Company, hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada.

Declaration.

2. The Company as now organized and constituted under the said laws of the province of New Brunswick is hereby declared a body politic and corporate within the legislative authority of the Parliament of Canada; and this Act and *The Railway Act* of Canada shall apply to the Company and its undertaking instead of the said laws of the province of New Brunswick and *The Railway Act* of New Brunswick: Provided that nothing in this section shall affect anything done, any rights or privilege acquired, or any liability incurred under the said laws of the province of New Brunswick, prior to the time of the passing of this Act, to all which rights and privileges the Company shall continue to be entitled and to all of which liabilities the Company shall continue to be subject.

Declaration.
1888, c. 29.
N.B., 1891,
c. 19.
Proviso:
Existing
rights saved.

3. The head office of the Company shall be in the city of Saint John, in the province of New Brunswick.

Head office.

4. 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.

Capital.

Annual general meeting.

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

Directors.

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 of the Company.

Line of railway authorized.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the city of Saint John to a point of connection with the Central Railway on the Saint Martin's Branch, or at Norton, in the county of King's.

Agreement with Central Ry. Co., authorized.

8. The Company may enter into an agreement with the Central Railway Company for acquiring, by purchase or otherwise, or for taking a lease of the railway of the Central Railway Company in whole or in part, and all the rights, powers, surveys, plans, works, plant, material, machinery, rolling stock, franchises and other property belonging to the Central Railway Company, or any of them or any portion thereof, or for amalgamation with the Central Railway Company on such terms and conditions as are agreed upon: Provided that such agreement has first been sanctioned by two-thirds of the votes at a special general meeting of the shareholders of the Company duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and has also been approved by the Governor in Council.

N.B. 1874, c. 94.
Can. 1888, c. 83.

Sanction of the shareholders and of the Governor in Council.

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

Notice of application for approval.

Bond issue.

9. The Company may, in addition to the bonds or debentures heretofore issued by it, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway authorized by section seven of this Act, 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.

Time for construction.

10. The work on the railway authorized by section seven of this Act shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects so much of the said railway as then remains uncompleted.



58-59 VICTORIA.

CHAP. 64.

An Act respecting the South Shore Railway Company, Limited.

[Assented to 22nd July, 1895.]

WHEREAS, by chapter one hundred and thirty of the Statutes of 1892 of the legislature of the province of Nova Scotia, intituled *An Act to incorporate the South Shore Railway Company, Limited*, the said South Shore Railway Company, Limited, hereinafter called "the Company," was incorporated with all powers, rights, privileges and immunities in the said Act mentioned, and for the purpose, among other things, of constructing and operating a line of railway from a point at or near Yarmouth harbour, Yarmouth, Nova Scotia, or on the Dominion Atlantic Railway in the said township of Yarmouth, to be thereafter decided upon, thence to and along the Yarmouth harbour and on through the town and townships of Yarmouth and Argyle, in the county of Yarmouth, thence through the western district of Shelburne county, touching Barrington, and thence to Shelburne; and whereas the Company has under the powers conferred upon it by the said Act constructed and completed in part a portion of its said line of railway and desires to extend its line to a point in or near the city of Halifax in the said province of Nova Scotia; and whereas the Company has by its petition prayed to be made a railway corporation under and within the jurisdiction of the Parliament of Canada, with such additional rights, privileges and immunities as to the Parliament of Canada seem proper, 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 undertaking of the South Shore Railway Company, Limited, a company incorporated as above mentioned and hereinafter called "the Company," is hereby declared to be a work for the general advantage of Canada. Declaratory.

2. Such persons as now are shareholders in the said company incorporated under chapter one hundred and thirty of the Declaratory.

the Statutes of 1892 of the legislature of the province of Nova Scotia as aforesaid or who become shareholders in the Company hereby incorporated, are hereby made and declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and the Company hereby incorporated shall be and continue to be entitled to and owner of all the property and assets of every kind of the said company incorporated under the said chapter one hundred and thirty, and shall be subject to and liable for the debts and liabilities of the said company; and *The Railway Act* of Canada shall apply to the Company hereby incorporated and its undertakings instead of the said chapter one hundred and thirty and *The Railway Act* of Nova Scotia: Provided that nothing in this Act shall affect any right acquired or claimed to be acquired or held by the said company or in the name of the said company incorporated under the said chapter one hundred and thirty, or any right, claim, demand or chose in action of any kind, of any person or corporation, or any indebtedness or liability of the said company incorporated under the said chapter one hundred and thirty, or any action or suit now pending in any court, or any matters in question in any action, suit or proceeding.

Proviso.

Liability of Company.

2. As a further liability of the Company hereby incorporated it is hereby declared that the said Company last named shall be answerable for all costs that may be awarded by the court to the plaintiff or relator in a certain action taken on or about the fourth day of February, eighteen hundred and ninety-five, in the Supreme Court of the province of Nova Scotia, wherein the Attorney General, on the relation of one Alfred W. Potter, is plaintiff, and the said Company and others are defendants, in which amongst other things the status of the said Company is called in question; and it is further declared that the Company hereby incorporated, notwithstanding any judgment or decision that may be given in the said action at the suit of the Attorney General, shall be and continue to be duly incorporated under this Act.

Status of Company.

Head office.

3. The head office of the Company shall be in the town of Yarmouth aforesaid, or in such other place in the province of Nova Scotia as is determined by the shareholders at a general or special meeting called for that purpose.

Line of railway described.

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 harbour of Yarmouth, Nova Scotia, thence, passing through the counties of Yarmouth, Shelburne, Queen's, Lunenburg and Halifax, to a point in or near the city of Halifax, Nova Scotia, the said line of railway to touch at Barrington and Shelburne, in Shelburne, county, at Bridgewater, in Lunenburg county, and at such other points or places in the counties of Yarmouth, Shelburne, Queen's, Lunenburg and

Halifax as is decided upon by the Company ; and the Company may, for the purposes of building its line of railway and in connection with the approval of its maps or plans, divide it into sections of not less than ten miles each.

2. The Company may also lay out, construct and operate a branch line of railway from its main line into Lockeport, in Shelburne county, and to Caledonia, in the county of Queen's. Branches.

5. The Company may—

(a.) for the purposes of its business and in connection with its railway, acquire, equip, man, work or own, or may hire, or charter, or freight, any ship, barge, or vessel, and may use the same in any manner, and may contract for and undertake the transport by water of passengers, animals, goods, and other things, and may acquire by agreement, take or lease, or hire, or contract for the use of warehouses, wharfs, quays and docks ; Powers.
Power to acquire ships, &c.

(b.) acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway, or any branch or part thereof, and its ship lines ; Generating electricity.

(c.) construct, equip and maintain wharfs, docks, elevators, warehouses and such other buildings as are requisite for carrying on the traffic of the Company or otherwise carrying out any of its objects ; Wharfs, etc.

(d.) carry on the business of expressmen, forwarding agents, wharfingers and warehousemen ; Carriage of goods.

(e.) build, acquire or lease any buildings for hotels, restaurants or houses of entertainment, at such points or places along the line of railway as it deems advisable, and may carry on all such business in connection therewith as is necessary or expedient for the comfort and convenience of travellers, and may let any part of any such building for such purposes or any of them ; Hotels, &c.

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

(g.) enter into an agreement with the Government of Canada, or with any duly incorporated steamship or express company for the transport or forwarding of passengers or cattle, goods or other things passing or intended to pass over any part of the Company's railway, on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit : Provided that such agreement has been first sanctioned by two-thirds of the votes at a general or special meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock of the Company are Agreement as to traffic.

present Approval required.

present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council :
 Notice. Provided also, that such approval shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs and in which a newspaper is published.

Capital stock and calls thereon. **6.** The capital stock of the Company shall be seven 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.

Annual general meeting. **7.** The annual general meeting of the shareholders of the Company shall be held on the first Wednesday in September in each year, and all meetings of the shareholders of the Company shall be held in the town of Yarmouth, Nova Scotia, or at any other place in the province of Nova Scotia to which the head office of the Company is transferred under the provisions hereof.

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

Meetings of directors. **9.** Meetings of directors may legally be held at any place in Canada.

Amount of bonds, &c., limited. **10.** The directors of the Company, being first authorized by a resolution passed at a special general meeting of its shareholders, may from time to time 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.

Additional bonds. **11.** The directors of the Company, being first authorized by a resolution passed at a special general meeting of the shareholders duly called for that purpose, may from time to time issue additional bonds in aid of the acquisition or construction of any steam or other vessel which by this Act it is authorized to acquire or construct, or in aid of the acquisition or construction of any wharf, dock, inn, hotel or warehouse property, fittings, furniture, plant or appliance or lands not exceeding in amount the cost of such vessel or other property.

Power of issuing bonds, how exercised. **12.** The power of issuing bonds, debentures or other securities conferred upon the directors of the Company by the last two preceding sections, shall be exercised as follows :—

(a.) Every such issue shall be first sanctioned by and at a special general meeting called for that purpose in the manner provided by section forty-one of *The Railway Act*, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company shall be present in person or represented by proxy; Sanction of shareholders.

(b.) Every such issue shall be secured by a deed or mortgage executed by the Company in such form and containing such provisions as are approved of by such special general meeting as aforesaid, but not inconsistent with the law or with the provisions of this Act. Each of the said deeds or mortgages shall be made to a trustee, to be appointed at such special general meeting for that purpose, and shall clearly describe or designate the property or class of property of the Company which it is proposed or intended to encumber and to which it relates, and shall also state whether such property is present, future or both. It shall also state the rate of interest, not exceeding six per cent per annum, payable upon the bonds, debentures or other securities to be so issued, and the place and time of payment of such interest and of the principal money or capital thereof, and such other conditions, provisions and restrictions as seem requisite for the effectual carrying out of the terms thereof and for the protection of the holders of such bonds, debentures or other securities; and each such deed or mortgage shall create a lien, charge and encumbrance for the benefit of the holders of the said bonds, debentures or other securities, with respect to which it is made, upon the property or class of property of the Company therein described or designated in the manner and to the extent therein specified; Security.

(c.) Each such deed or mortgage may create a charge, lien and encumbrance upon the whole or any part or parcel of the property, assets, rents and revenues of the Company, present or future, or both, described or designated therein; but such rents and revenues shall be subject, in the first instance, to the penalty imposed for non-compliance with the requirements of *The Railway Act*, and next, to the payment of the working expenditure of the Company; Lien on property, &c., of the Company.

(d.) Each such deed or mortgage shall be filed or registered in accordance with the laws affecting the transfer or encumbrance of the class or description of property to which such deed or mortgage relates; Registration.

(e.) Every such deed or mortgage shall, pursuant to a vote or resolution of the directors, be executed under the seal of the Company and shall be signed by its president or vice-president and countersigned by its secretary; Execution of deed.

(f.) All bonds, debentures or other securities hereby authorized shall be signed by the president or vice-president and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be printed or engraved; Signature of bonds, &c.

Amount of each bond limited.

(g.) No such bond, debenture or other security shall be for a less sum than one hundred dollars; and the said bonds, debentures and other securities may be made payable to bearer, and in that case shall be transferable by delivery until registration thereof.

Storage of goods, &c.

13. The Company, in connection with its powers hereby granted of carrying on a general forwarding, express and agency business in like manner as has been customary with express and forwarding companies, may store, receive, control and manage all property and effects committed or entrusted to it for storage or transmission, and may insure such property in the name of the Company, recover such insurances, and with respect to all such property and effects the Company may in its own name make all manner of suits and proceedings for the protection thereof, or for indemnity for the destruction thereof, and take all lawful means for the protection, safe-keeping, management and disposition thereof, as if such property belonged to the Company, subject to the obligations of the Company to account to the owners or consignees thereof and subject also to such defences as would be available against the real owners or consignees thereof.

Time for construction limited.

14. If the portion of the main line of the Company's railway lying between the towns of Yarmouth and Shelburne is not finished and put into operation within two years after the passing of this Act, and if the portion of the main line of the Company's railway between Shelburne and Halifax is not finished and put in operation in five 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.

Agreement with another company.

15. The Company may enter into an agreement with the Coast Railway Company of Nova Scotia, Limited, the Nova Scotia Southern Railway Company, Limited, or the Dominion Atlantic Railway Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Sanction of the shareholders and of the Governor in Council.

Notice of application for approval.

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

1895.

South Shore Railway Company.

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

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most Excellent Majesty.



58-59 VICTORIA.

CHAP. 65.

An Act respecting the Temiscouata Railway Company.

[Assented to 28th June, 1895.]

WHEREAS the Temiscouata Railway Company, hereinafter called "the Company," 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 with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1887, c. 71;
1893, c. 61.

1. Chapter sixty-one of the Statutes of 1893, intituled *An Act respecting the Temiscouata Railway Company*, except section ten thereof, is hereby revived and declared to be in force.

1893, c. 61 except section 10, revived.

2. Section one of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the Company may lay out, construct and operate an extension of its line of railway from Edmundston, in the province of New Brunswick, to a point on the Intercolonial Railway at or near Berry's Mills, or at or near Moncton, or to some point on the said railway between the said last mentioned places.

Section 1 repealed.

Extension from Edmundston to the Intercolonial Railway.

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

Time for construction limited.

3. The provisions of the original charter of the Company and of the Act confirming it, as to the issue of bonds and otherwise with respect to its main line, shall apply also to the extension hereby authorized.

Issue of bonds on extension.

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

Time for construction of bridge limited.



58-59 VICTORIA.

CHAP. 66.

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

[Assented to 22nd July, 1895.]

WHEREAS the Toronto, Hamilton and Buffalo Railway Company, hereinafter called "the Company," and the Corporation of the city of Hamilton have, by their respective petitions, prayed that an Act be passed to make further provision in relation to the Company as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The by-law of the Corporation of the city of Hamilton numbered seven hundred and fifty-five, comprised in the schedule hereto annexed, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto so far as such confirmation is within the powers of the Parliament of Canada.

By-law ratified.

2. It is hereby declared that the said by-law number seven hundred and fifty-five, passed by the municipal corporation of the said city of Hamilton, on the twenty-ninth day of October, eighteen hundred and ninety-four, and all of the conditions contained therein are and shall, subject to the rents and revenues of the Company being chargeable in the first instance with the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway as provided for in section ninety-four of *The Railway Act*, be binding on the Company and all who claim under it; and in the event of the lines now under construction or proposed to be built by the Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of the said lines, coming under the control of the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, or

By-law declared binding on company.

the South Ontario Pacific Railway Company, or of any company or person acting for or in the interest of either of those companies, or being operated as provided in the said by-law as part of or in alliance with any of said systems, or ceasing to be operated so as to give a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, or in the event of the Company either directly as a company or indirectly through any other company or person building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto, which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, its successors or assigns, under or by virtue of the grant made by the said by-law, number seven hundred and fifty-five, to the Company shall be repaid to the Corporation of the city of Hamilton with interest, and the amount thereof shall, subject to the rents and revenues of the Company being chargeable in the first instance with the payment of any penalty imposed for non-compliance with the requirements of *The Railway Act* respecting returns to be made to the Minister, and next to the payment of the working expenditure of the railway as is provided for in section ninety-four of *The Railway Act*, form a first lien and charge prior to all other liens and charges upon the railway and upon all the franchises and property of the Company.

Time for construction extended.

1893, c. 62,
s. 3 and 4.

3. The time limited by section four of chapter sixty-two of the Statutes of 1893, respecting the Company, for the commencement of the work on the extension authorized by section three of the said Act, is hereby continued and extended so that the work on the said extension shall be commenced within two years, and shall be completed within four years, from the passing of this Act, otherwise the powers granted for such extension shall cease and be null and void as respects so much of the extension as then remains uncompleted.

Time for construction extended.

4. The time limited by section two of the said Act for the completion of the said railway is hereby continued and extended so that the railway shall be completed within four years from the passing of this Act; and if the said railway is not completed as herein specified, then the powers granted for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Traffic arrangements.

5. The Company may make with the Canada Southern Railway Company, the Michigan Central Railroad Company, the New York Central and Hudson River Railroad Company and with the Canadian Pacific Railway Company, or with any of such companies, any of the arrangements authorized to be made between railway companies by sections two hundred and

thirty-eight and two hundred and thirty-nine of *The Railway Act*, but subject always to the conditions imposed by those sections; and any such arrangement may be for a term not exceeding fifty years, if the Governor in Council shall so order on petition by the Company made in pursuance of a resolution of at least three-fourths of the votes of the Company's shareholders present or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same; and if the Governor in Council so orders, then all the railway companies which shall have entered into the arrangement shall be held to have been duly authorized to do so and to carry out such arrangement.

6. The Company may enter into an agreement with the Canada Southern Railway Company, or the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any of the rights or powers of the Company in respect thereof, and also the surveys, plans, works, plant, material, machinery and other property and franchises 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 no such agreement shall take effect until it is approved of in writing by every shareholder of the Company and also by order of the Governor in Council, or, failing such approval of every shareholder, then by resolution passed by at least two-thirds of the votes of the shareholders present in person or represented by proxy at a special general meeting of the shareholders duly called for the purpose of considering the same and approved of by the Governor in Council after notice as hereinafter mentioned.

Agreement with another company.

Sanction of the shareholders and the Governor in Council.

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

Notice of application for approval.

7. Nothing in this Act or in the said approval of the Governor in Council shall be held to give effect to the said arrangement in so far as such arrangement is (if it is) contrary to any existing contract with any municipality or other party, unless such municipality or other party consents thereto.

Saving as to existing contracts.

8. Nothing in this Act contained shall affect any rights or powers conferred by *The Railway Act* on the Railway Committee of the Privy Council.

Powers of Railway Committee.

9. Nothing in this Act or in any other of the Acts relating to the Company shall be construed as authority or permission

Line not to cross Long Branch Rifle Range.

to the Company to locate or build their line across the Long Branch Rifle Range, so-called, now in the occupation of the Government of Canada, without the consent and license of the Governor in Council as required by sections ninety-nine and one hundred of *The Railway Act*; and until such consent and license is given the said line shall pass to the north of the said rifle range.

Certain debts to be paid before Act can come into force.

10. This Act shall not come into force unless and until the Company satisfy the Minister of Railways and Canals that they have paid and discharged all debts heretofore incurred by the contractor or by Bracey Brothers and Company, or their sub-contractors or the assignee of the said Bracey Brothers and Company, for railway construction on the Company's line between Hamilton and Cainsville, and he certifies by publication in the *Canada Gazette* that he is so satisfied, and subject to the following conditions:—

(a.) Any debts so paid shall be assigned to the Company;

(b.) No such debt need be so paid unless it is verified by the claimant on oath or by statutory declaration and demanded in a writing delivered to the Company at their office in Hamilton on or before the first day of September, one thousand eight hundred and ninety-five;

(c.) If any debt is assigned by the original creditor before payment thereof as aforesaid, then the Company need pay with respect to that debt, only the amount actually paid therefor by the assignee with interest thereon from the date of purchase; but the assignee shall not be prejudiced with respect to his claim for the residue of the debt as against any party legally liable to pay the same; and the Company shall give notice of the time and place for receiving all such claims, by advertisement to be inserted in each of the newspapers published in the cities of Brantford and Hamilton, and the town of Dundas, once in each week for four weeks before the said first day of September, one thousand eight hundred and ninety-five.

Debts specified.

11. The debts to be paid under the foregoing provisions of this Act shall include only the following unpaid claims:—

(1.) The claim of the assignee of Bracey Brothers and Company against the Dominion Construction Company, for wages paid and material supplied by him in the completion of the line from Hamilton to Cainsville;

(2.) The claims of sub-contractors of Bracey Brothers and Company against them, for work done and material supplied in the said construction;

(3.) The claims for advances by the Bank of Hamilton and the Bank of Commerce, to or for Bracey Brothers and Company, amounting to about eleven thousand and two thousand dollars, respectively;

(4.) Claims for labour actually done upon or in connection with the said construction;

(5.) Claims for board of men and teams employed upon the said construction ;

(6.) Claims for material actually used in the said construction ;

(7.) Claims for goods supplied to employees of Bracey Brothers and Company or their sub-contractors engaged on the said construction and applied *pro tanto* in reduction of claims for wages.

SCHEDULE.

BY-LAW No. 755 for granting a bonus of \$225,000 in aid of the *Toronto, Hamilton and Buffalo Railway Company.*

Whereas the Toronto, Hamilton and Buffalo Railway Company have applied to this Council for a bonus in aid of their railway, and it has been deemed to be in the interest of the citizens, in order to secure a competing railway line through the city, that a bonus of two hundred and twenty-five thousand dollars should be granted to the said railway Company upon the terms and conditions agreed upon between this Corporation and the Company, which terms and conditions are hereinafter set forth :

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

And whereas, if the said debentures for \$225,000 be issued, it will be requisite to raise annually by special rate, during the currency thereof, for paying the said debt and interest, the sum of \$14,403 ;

And whereas the amount of the whole ratable property of the municipality, according to the last revised assessment roll, is \$24,691,720 ;

And whereas the existing debenture debt of this municipality amounts to \$2,928,732, and no principal or interest is in arrear ;

Therefore the Municipal Council of the city of Hamilton enacts as follows :—

1. It shall be lawful for the Corporation of the said city, for the purpose aforesaid, to issue debentures of the said municipality for the sum of two hundred and twenty-five thousand dollars, as hereinafter provided, in sums of not less than one hundred dollars each, payable at the end of twenty-five years from the first day of September, 1895, such debentures to bear interest at four per cent per annum from that date, and the interest on all said debentures to be payable half-yearly, on the first days of March and September in each year.

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

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

4. There shall be raised and levied annually by special rate on all the ratable property in the said municipality, during the currency of said debentures, for payment of the interest thereon, the sum of \$9,000, and for payment of the principal of said debentures, the sum of \$5,403.

5. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy returning officers hereinafter named, on Thursday, the eleventh day of October, 1894, commencing at the hour of nine o'clock in the morning, and continuing until five o'clock in the afternoon, at the undermentioned places :

Ward.	Division	Place.	Returning officer.
1	1	666 King Street East	Alex. Turnbull.
1	2	404 King Street East	W. P. Smith.
1	3	51 Ferguson Avenue South	Richard Ellicott.
2	1	146 King Street East	J. M. Ellicott.
2	2	28 Main Street East	F. R. Hutton.
2	3	160 Catharine Street South	E. G. Payne.
2	4	24 Jackson Street West	Wm. Hernan.
3	1	193 King Street West	R. Corner.
3	2	307 Main Street West	M. A. Pennington.
3	3	137 Hannah Street West	E. F. Smith.
3	4	501 King Street West	Wm. Kingdom.
3	5	299 Herkimer Street	Jos. Kent.
4	1	58 Caroline Street North	Robert Bryce.
4	2	136 Cannon Street West	Chas. Blackman.
4	3	440 King Street West	Chris. Kerner.
4	4	Cor. York and Queen	T. Tribute.
4	5	392 York Street	Alfred Richmond.
4	6	S. S. King's Shop, Dundurn	J. M. Dingwall.
5	1	13 Macnab Street North	Adam Hunter.
5	2	City Hall, James Street	L. Hills.
5	3	184 James Street North	Robt. Leask.
5	4	149 Macnab Street North	Jas. Clark.
5	5	363 James Street North	J. B. Nelligan.
5	6	503 James Street North	Wm. Buckingham.
6	1	37 John Street North	Chas. Reid.
6	2	68 Cannon Street East	Jas. Byrnes.
6	3	113 Rebecca Street	Allan Land.
6	4	225 King William Street	Wm. Land.
6	5	Cor. John and Barton Streets, Houlden's shop	Jas. Houlden.
6	6	364 Mary Street	Thos. Smith.
6	7	83 Picton Street East	Alex. McPherson.
7	1	83 East Avenue North	Saml. Robins.
7	2	35 Ashley Street	Hedley, Mason.
7	3	316 Barton Street East	Saml. Scott.
7	4	383 Cannon Street East	W. H. Martin.
7	5	Cor. Victoria Avenue and Albert Road	T. Lawrence.
7	6	Town Hall, Barton	A. W. Swazie.

6. On Tuesday, the 9th day of October, 1894, the mayor shall attend at the Council Chamber, at 11 o'clock in the forenoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the city clerk, on behalf of the persons interested in and promoting or opposing the passage of this by-law, respectively.

7. The clerk of the council of the said municipality shall attend at his office in the City Hall, in the city of Hamilton, at 11 o'clock in the forenoon of Saturday, the 13th day of October, 1894, and sum up the number of votes given for and against the by-law.

TERMS AND CONDITIONS.

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

1. The sum of \$225,000 granted by this by-law shall be paid to the Company by the delivery to them of debentures to that amount issued under this by-law and bearing interest at four per cent per annum from the first day of September, 1895, but none of such debentures shall be so delivered to the Company, until the completion of their railway as a first-class road constructed with steel rails weighing not less than eighty pounds to the yard, from Hamilton to a point on the Canada Southern Railway at or near the town of Welland or east of said town of Welland, passing through the city of Hamilton by a southerly route, substantially according to the description and specification thereof, hereinafter contained; nor until the Company have completed a direct connection, by a first-class line of railway, from the line of the Canada Southern Railway at Waterford, through Brantford to Hamilton, independent of the Grand Trunk Railway and of the Canadian Pacific and South Ontario Pacific Railway Companies, and connecting at Hamilton with the Toronto, Hamilton and Buffalo Railway Company's line to a point on the Canada Southern Railway at or near to or east of the town of Welland, such railway from Brantford to Garth Street in the city of Hamilton to be constructed with steel rails weighing not less than seventy pounds to the yard, nor until the said railway has been actually opened for traffic and is being so operated as to give adequate and regular daily train service, both for passengers and freight, between Hamilton and a point on the Canada Southern Railway at or near to or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems, at or near to or east of

Welland and at Waterford respectively, nor until this by-law and all the conditions contained therein have been made and declared by competent legislative authority to be binding on the Toronto, Hamilton and Buffalo Railway Company and all who may claim under them; and it has been provided in the Company's charter that in the event of the lines now proposed to be built by the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of Welland, or the connecting line from Hamilton through Brantford to Waterford, or any part of said lines coming under the control of the Grand Trunk Railway Company, the Canadian Pacific Railway Company or the South Ontario Pacific Railway Company, or of any company, person or persons acting for or in the interest of either of those companies, or being operated as part of or in alliance with any of said systems, or ceasing to be operated, as hereinbefore provided, so as to give a through connection with the Canada Southern Railway, and over that railway with the Michigan Central systems, or in the event of the Toronto, Hamilton and Buffalo Railway Company, either directly as a company or indirectly through any other company, person or persons building or operating or forming a connection with any railway running from the city of Brantford or any point between Brantford and Hamilton to the city of Toronto or any point near Toronto which railway does not pass through the city of Hamilton, the amount of any debentures which may have been issued and delivered to the Company, their successors or assigns under or by virtue of the grant made by this by-law to the Toronto, Hamilton and Buffalo Railway Company shall be repaid to the Corporation of the city of Hamilton with interest, and the amount thereof shall form a first lien and charge, prior to all other liens and charges, upon the Toronto, Hamilton and Buffalo Railway, and upon all the franchises and property of the Company, and the city Corporation hereby agree to join with the Toronto, Hamilton and Buffalo Railway Company in applying for such legislation, provided that the Company shall not at the time it is applied for have made default in the performance of any of the conditions of this by-law, and that the city Corporation shall not be called upon to pay any share of the expense of such application.

2. The Company shall, before the day appointed for taking the vote of the qualified electors upon this by-law, pay, or cause to be paid, into the Bank of Hamilton, at its head office in this city, to the credit of the American Loan and Trust Company, of Boston, Mass., the sum of \$50,000, upon the terms that if this by-law is passed, the money so deposited shall be paid out only on the cheques of the said Loan and Trust Company, countersigned by George Roach, Esquire, one of the directors of said bank, and by the city treasurer, on the production to them of vouchers establishing the expenditure of the amounts covered by such cheques, for work or labour of

residents of Hamilton in the construction of said railway in the city of Hamilton, and between Hamilton and Copetown, provided that a sufficient number of such workmen and labourers, resident in Hamilton, can be obtained for the active prosecution of the work, at the rate of wages current in Hamilton and its vicinity for the classes of work required, and the current rate of wages for all residents of the city shall be fixed at fifteen cents per hour for labourers employed upon work within the city of Hamilton, and twelve and a half cents per hour for all residents of the city employed as labourers upon work on the railway outside the city, and in all cases preference shall be given to such residents of Hamilton as are willing to be employed upon the work at such current rate of wages, and are competent for the work required, and an account shall be given to the mayor of the city of Hamilton, whenever required by him, of the amounts paid out of such deposit of \$50,000, and of the purposes for which they have been paid, and the persons to whom the payments have been made.

3. The Company shall build before the first day of September, 1895, and shall always maintain a first-class passenger station in a central part of the city of Hamilton, and all regular passenger trains on the Toronto, Hamilton and Buffalo Railway running from or through Brantford to Toronto or from Toronto to or through Brantford, or from Brantford to Welland, or Welland to Brantford, shall stop at such principal passenger station of the Company in Hamilton, and all regular passenger trains running through Hamilton shall stop at such station, and the Company shall also build before the first day of September, 1895, and shall always maintain a second passenger station within the limits of the city of Hamilton at some point on or near Locke Street, south of Main Street.

4. The debentures issued under this by-law shall bear interest at four per cent per annum, from the first day of September, 1895, and be dated on that day, but no debentures shall be delivered to the Company, nor shall the Company become entitled to them or any part thereof, or to any interest thereon, unless and until the conditions contained in this by-law, with regard to the delivery of such debentures to the Company have been fulfilled on their part, nor until the Company shall have entered into an agreement with the city Corporation to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained, and such agreement shall have been approved by the city solicitors, or one of them.

5. If the construction of the Toronto, Hamilton and Buffalo Railway line from the city of Brantford to Hamilton, or within the city of Hamilton, be not actively proceeded with before the first day of November next, or if the work of construction of the line from the city of Brantford to Hamilton, or within the city of Hamilton, is not being actively proceeded

with at that date, and continuously thereafter, with an average number of not less than one hundred men on each working day, so far as the weather will permit, or if the building of the railway from Brantford through Hamilton to a point on the Canada Southern Railway, at or near to or east of the town of Welland, is thereafter abandoned, then in any of such events this by-law shall become void and of no effect; and it is hereby declared that time shall be of the essence of this by-law, both as to such active prosecution of the work and the continuance of the construction of the railway.

6. If, notwithstanding that the construction of the railway may have been proceeded with, as in the last preceding condition required, the said railway of the Toronto, Hamilton and Buffalo Railway Company from Hamilton to a point on the Canada Southern Railway at or near to or east of the town of Welland, through the city of Hamilton, and the railway from Waterford through Brantford to Hamilton, connecting at Hamilton with the said line to a point on the Canada Southern at or near to or east of the town of Welland, be not completed, opened and operated in the manner set forth in the first condition of this by-law before the thirty-first day December, 1895, the grant made by this by-law shall be forfeited, and time is hereby declared to be of the essence of this condition.

7. The Company shall at all times indemnify and save harmless the city Corporation from and against all claims for compensation, damages or costs, by reason or on account of the construction of the said railway, and if, not less than three months before the Company becomes entitled to the delivery of the debentures authorized by this by-law, notice shall be given to the city Corporation of Hamilton of any claim or claims against the said Company for right of way purchased or acquired by the Toronto, Hamilton and Buffalo Railway Company within the limits of the city of Hamilton, or for compensation for damage to real property taken or injuriously affected by the exercise, within the city of Hamilton, of any of the powers granted for the railway, or against the city Corporation for compensation, damages or costs by reason or on account of the construction of the railway within the city, the said city Corporation shall retain out of any of the said debentures to which the Company may have become entitled under the conditions of this by-law, an amount sufficient to pay such claims and all costs relating thereto or occasioned thereby, and shall have the right to pay any of such claims and costs, when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary to enable them to make such payment or payments, but if any such claim be not prosecuted without delay, the Company shall be entitled to demand, and the city Corporation shall then deliver to the Company, any debentures retained as security for such claim.

8. If the city council of Hamilton shall at any time by by-law open up any street or streets across any portion of the line

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

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

DESCRIPTION AND SPECIFICATION.

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

The line will extend from a point in the southerly limit of the city, not more than 1,200 feet east of the intersection of Aberdeen Avenue with the westerly limit of the city; thence in a north-easterly direction, crossing Aberdeen Avenue and all other intermediate streets and lanes to Garth Street, and curving to the eastward by an open cutting crossing Garth Street immediately south of Hunter Street, at a depth of not less than twelve (12) feet below present grade of Garth Street: thence continuing eastwardly on said curve across Hunter Street to a point at or near Poulette Street, in the block between Hunter and Canada Streets: thence eastwardly parallel to Hunter Street to Queen Street, crossing Poulette Street 27 feet below present grade, Locke Street 19 feet below, Pearl Street 22 feet below, Ray Street 21 feet below, and Queen Street 20 feet below present grade of Queen Street; the grade of Queen street not to be raised more than three feet, the railway thence continuing by a double track tunnel from the west side of said Queen Street through the centre of Hunter Street, passing under Hess, Caroline, Bay and Park Streets to the east side of Park Street, where the tunnel ends. The railway will thence continue from the centre line of Hunter Street at Park Street, along Hunter Street, but keeping to the north thereof as much as practicable, leaving as much of the street on the south side

of the railway as practicable for the use of teams and pedestrians.

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

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

The Company shall construct and maintain a public siding for the loading of freight cars from carts or wagons, and loading of carts or wagons from freight cars, at some point between Hunter and Main Streets, adjacent to or along the east line of Garth Street, and extending along said east line to a point within two hundred feet of Main Street, the Company to leave the present roadway on Garth Street in as good condition as it is in now for the use of horses and vehicles.

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

All the grade crossings of streets and avenues and all the railway tracks along the surface of the streets are to be made good up to the rails, and planked between the rails and alongside of the tracks in a substantial and workmanlike manner, by and at the expense of the Company.

The highway above the tunnel on Hunter Street, shall, immediately upon the completion of the tunnel, as it progresses, be filled in, and the roadway, ditches, sidewalks and street crossings thereon be made good by and at the expense of the Company, and to the satisfaction of the city engineer, and

no part of the tunnel shall be kept open any longer than is absolutely necessary for its completion.

During the construction of the tunnel, the Company shall erect temporary bridges for the passage of horses and vehicles over the excavations for the railway, at the crossing of such streets between Garth and Park Streets as the city engineer shall direct, provided such bridges do not interfere with the active prosecution of the work.

The Company shall, at their own expense, sufficiently protect by watchmen and gates, Macnab, James, Hughson and John Streets where they are crossed by the railway, and if at any time the Railway Committee of the Privy Council shall decide that gates or other appliances for the protection of the public shall be placed at any of the street crossings or elsewhere within the limits of the city of Hamilton, the cost of constructing and setting up and the cost of maintaining and operating such gates or other appliances shall be borne by the Toronto, Hamilton and Buffalo Railway Company.

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

Passed this 29th day of October, A.D. 1894.



A. D. STEWART,
Mayor.

T. BEASLEY,
City Clerk.



58-59 VICTORIA.

CHAP. 67.

An Act to incorporate the Trail Creek and Columbia Railway Company.

[Assented to 28th June, 1895.]

WHEREAS 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. Harry Abbott, John Milne Browning, and William Ferriman Salsbury, all of the city of Vancouver, in the province of British Columbia, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Trail Creek and Columbia Railway Company," hereinafter called "the Company."

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

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

4. The Company may lay out, construct and operate a railway of a gauge of not less than three feet, from a point at or near the mines known as the Trail Creek mines, in the district of Kootenay, in the province of British Columbia, to a point on the Columbia River north of the mouth of Trail Creek and may extend the said railway to a connection with the Columbia and Kootenay Railway at or near the junction of the Kootenay and Columbia Rivers.

5. The persons mentioned in the first section 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 three 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.

Annual general meeting.

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

Number 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 of the Company.

Number may be increased.

2. The shareholders may, by by-law passed at any general meeting or at a special meeting duly called for the purpose, increase the number of directors to any number not exceeding nine.

Proxies and quorum of directors.

9. The directors may vote and act by proxy, but such proxies shall be held by directors only; no director shall hold more than two proxies; and no meeting of directors shall be competent to transact business unless at least two directors are present thereat in person; but if the number of directors is increased to nine, as provided in the next preceding section, no meeting of directors shall be competent to transact business unless at least four directors are present thereat in person.

Proxy to be valid during one year only.

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 the time of such meeting.

Amount of bonds, &c., limited.

10. 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.

Agreements with another company.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company or the Columbia and Kootenay Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery, and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such sale, lease, or amalgamation, or the agreement therefor, has first been sanctioned by the consent in writing of every shareholder of the Company, and by the approval of 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 general meeting duly called for the purpose and by the approval of the Gover-

Sanction of the shareholders and of the Governor in Council.

nor in Council, after notice of the proposed application therefor has been published in the *Canada Gazette* and 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, for at least four weeks previous to the hearing of such application.

Notice of application for approval.

12. The Company may, in connection with and for the purposes of its railway, purchase, own, construct, charter, equip, navigate, and sell steamboats and other vessels upon the Columbia River, and upon other rivers, lakes and streams tributary thereto; and may for such purposes purchase, construct, own, lease, use and sell docks, warehouses, grain elevators, and other works for facilitating transportation upon the said rivers, lakes, or streams.

Power to build steamboats, docks, &c.

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



58-59 VICTORIA.

CHAP. 68.

An Act to incorporate the Trans-Canadian Railway Company.

[Assented to 22nd July, 1895.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway 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, declares and enacts as follows:—

Preamble.

1. George Earl Church, Richard Biddulph Martin and Frank Crisp, all of London, England; the Hon. Francis Clemow and J. A. Gemmill of Ottawa, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Trans-Canadian Railway Company," 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 place in Canada as the directors from time to time determine by by-law.

Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Quebec; thence westerly and as nearly as practicable in a straight line to a point north of Lake Winnipeg; thence westerly by way of the Yellow Head or other convenient and practicable pass in the Rocky Mountains; and thence by the Skeena River to Port Simpson or Port Essington, with the option of adopting any other more feasible route west of the Rocky Mountains to reach a point on the Pacific coast between fifty-two and fifty-five degrees north latitude; and the Company may for the purpose of building its line of railway, divide it into three sections: the first section to extend from Quebec to a point at or near the northern end of Lake Winnipeg, the second section from the last mentioned point to the eastern limit of the Rocky Mountains, and the third section from thence to the Pacific coast.

Line of railway described.

Line divided into three sections.

General powers.

Power to build steamers, &c.

4. The Company may,—

(a.) for the purposes of its business and in connection with its railway, construct, purchase or otherwise acquire, charter, obtain, control, navigate and keep in repair steamers and other vessels to ply between ports in Canada and between ports in Canada and ports outside of Canada, and carry and convey passengers and freight and carry on a general transportation service in connection with the said railway, and may sell and dispose of such vessels;

Wharfs, &c.

(b.) construct, purchase, lease or otherwise acquire and hold wharfs, docks, elevators and warehouses on the line of the said railway as from time to time constructed;

Electricity.

(c.) acquire and utilize water and steam-power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or any branch or part thereof; and may operate the said railway or any branch or part thereof by electricity;

Telegraph and telephone lines.

(d.) construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point on James's Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connection between such points.

Company may enter upon public roads.

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

May erect poles.

And open public roads.

Travel, &c., not to be obstructed.

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

Height of wires, &c.

(b.) The Company shall not affix any wire less than twenty-two feet above the surface of the street or road, nor without

the consent of the municipal council having jurisdiction over the roads or streets of the municipality, erect more than one line of poles along any street or road.

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

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

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

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

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

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

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

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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.

(k.) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed, by cutting or otherwise, it shall be the duty of the Company, at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles ; and in default of the Company so doing, it shall be lawful for any such person to remove the Temporary removal of wires.

same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the office of the Company, or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality where in there is no such agent or officer of the Company, 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 require to be removed.

Provisional directors. **6.** The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company.

Capital stock. **7.** The capital stock of the Company shall be twenty 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 general meeting. **8.** The annual general meeting of the shareholders shall be held on the first Monday in September in each year.

Number of directors. **9.** At such annual meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than seven nor more than eleven persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Issue of bonds, &c., limited. **10.** 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 eight thousand dollars per mile additional debentures for each mile double tracked, and such bonds, debentures or other securities may only be issued in proportion to the length of railway constructed or under contract to be constructed, or double tracked.

Issue of additional bonds. **11.** The Company, being first authorized by a resolution passed at a special meeting of its shareholders duly called for the purpose, may from time to time issue additional bonds in aid of the acquisition or construction of any steam or other vessel which by this Act it is authorized to acquire or construct, not exceeding in amount the cost of such vessel; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such vessels, according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessel or vessels with respect to 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.

Secured by mortgage **12.** For the purpose of securing each issue of such bonds the Company shall execute a deed of mortgage not inconsistent

with the law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution of such general meeting of shareholders as aforesaid, each of which deeds 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 vessel, 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 holders of such bonds; and it may charge and bind the tolls and revenues of the vessel or vessels or class of vessels to which it relates, and the whole or any part of any subsidy to be earned in connection therewith (but not the railway or the tolls and revenues thereof), in the manner and to the extent therein specified; and each such deed of mortgage shall create absolutely and exclusively a first lien and encumbrance on the vessel, or class of vessels therein described, as well as on their tolls, revenues and subsidy therein hypothecated, the whole for the benefit of the holders of the bonds with respect to which it is made.

13. Each issue of bonds intended to be secured by any one of the deeds of mortgage referred to in the next preceding section, shall entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of such deed shall be deposited and kept in the office of the Secretary of State of Canada.

Rank of bond-holders.

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

Erection of warehouses, &c.



58 - 59 VICTORIA.

CHAP. 69.

An Act respecting the Windsor and Annapolis Railway Company, Limited.

[Assented to 22nd July, 1895.]

WHEREAS the Windsor and Annapolis Railway Company, Limited, hereinafter called "The Windsor Company," was on the 1st March, 1867, incorporated and registered in England under the provisions of the Statute of the United Kingdom called *The Companies Act*, 1862, with a memorandum and articles of association and having for its objects, amongst other things, the acquisition, construction and working of a railway from Windsor to Annapolis in the province of Nova Scotia, and of any branch, extension or other railway in the said province; and whereas by an Act of the legislature of Nova Scotia, fifty-five Victoria, chapter one hundred and seven, the Cornwallis Valley Railway Company, Limited, was empowered to sell to the Windsor Company and the Windsor Company was authorized to purchase the Cornwallis Valley Railway, with all its franchises, powers, rights, privileges, equipments, plant, rolling stock, property and appurtenances, and the said sale and purchase have been carried out under the provisions of the said last-mentioned Act; and whereas by an agreement dated the thirteenth day of December, one thousand eight hundred and ninety-two, made between Her Majesty the Queen, represented by the Minister of Railways and Canals, of the one part, and the Windsor Company of the other part, the Windsor Company is, on the terms and conditions therein contained, entitled, for a term of twenty-one years commencing the first day of January, one thousand eight hundred and ninety-three, to the exclusive use of the railway known and described therein as the Windsor Branch and to the use, as therein mentioned, of that portion of the Inter-colonial Railway in the province of Nova Scotia, known and described in the said agreement as the Trunk Line; and whereas by an Act of the Parliament of Canada, chapter sixty-nine of the Statutes of 1894, the Yarmouth and Annapolis Railway Company was authorized to sell to the Windsor Company, as purchaser, the undertaking known as the Yarmouth

Preamble.

N.S., 55 Vic.,
c. 107.

Can. 1894,
c. 69.

and Annapolis Railway and all the property of the Yarmouth and Annapolis Railway Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, and the agreement for the said sale and purchase dated the twelfth day of October, one thousand eight hundred and ninety-three, and set out in the schedule to the said Act, was by the said Act ratified and confirmed; and whereas by the said Act it was further enacted that the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway should from and after the completion of such purchase be jointly known and operated as the Dominion Atlantic Railway, and that thenceforth the "Windsor Company" should be incorporated in Canada under the name of "The Dominion Atlantic Railway Company"; and whereas the said agreement for the sale of the Yarmouth and Annapolis Railway to the Windsor Company has been fully executed and took effect on the first day of October, one thousand eight hundred and ninety-four, and the said lines of railway are now being operated by the Windsor Company under the name of the Dominion Atlantic Railway Company; and whereas the Windsor Company is desirous of having the powers contained in the memorandum of association extended and enlarged and it is advised that it is necessary to obtain for that reason a reconstruction of the Windsor Company; and whereas the Windsor Company is desirous of carrying out such reconstruction by winding up and dissolving the Windsor Company, as incorporated in England under *The Companies Act of 1862*, and of organizing a Canadian company under an Act of the Parliament of Canada and of obtaining additional powers required for the proper development and extension of its undertaking; and whereas it is desirable and expedient for the purposes aforesaid to organize a new company under the authority of an Act of the Parliament of Canada, and to wind up the Windsor Company as incorporated in England under *The Companies Act*, so as to bring its undertaking and business wholly within the jurisdiction and control of the Parliament of Canada, and the Windsor Company is desirous of having an Act passed to authorize it to sell all its undertaking, railways, franchises and other property in Canada to a new company to be organized for the purposes aforesaid, and to receive and accept paid-up shares in such new Company as the purchase price of all or some of its assets, and to empower the Windsor Company to distribute the shares issued by the new company as the purchase price among the shareholders of the Windsor Company and others entitled thereto, in accordance with their respective rights and with the provisions for effecting the winding up of companies in England or in accordance with such other provisions and restrictions as may be deemed proper or necessary; and whereas the Windsor Company has by its petition prayed that an Act may be passed for the purposes aforesaid, 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 Windsor Company may sell, for the considerations and upon the terms and conditions herein set forth and upon such other terms and conditions as are mutually agreed upon between the Windsor Company or its liquidators and any company authorized to purchase the same, all and singular the undertakings formerly known as the Windsor and Annapolis Railway and the Yarmouth and Annapolis Railway, and now jointly known and operated under the name of the Dominion Atlantic Railway, as defined by section eight of the said recited Act, chapter sixty-nine of the Statutes of 1894, together with the Cornwallis Valley Railway, as owned by the Windsor Company, and may assign and convey the benefits and obligations of the said agreement dated the thirteenth December, one thousand eight hundred and ninety-two, between Her Majesty and the Windsor Company, and all the property in Canada of the Windsor Company, with all its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances, such sale being made to a company to be incorporated by an Act of the Parliament of Canada for the purpose of acquiring and taking over the said undertaking and property hereinafter called “the Purchasing Company.”

Sale of railway authorized.

Can. 1894, c. 69.

2. The consideration to be paid by the Purchasing Company for the said undertaking and property shall be the sum of five hundred thousand pounds, to be paid, at the option of the Purchasing Company in cash or shares as hereinafter mentioned, and the purchase shall be made subject to the existing debt of the Windsor Company, created by the issue of debenture stock amounting to the sum of five hundred thousand pounds, secured by a mortgage to trustees dated the third day of September, one thousand eight hundred and ninety-four, and registered in the office of the Secretary of State for Canada on the thirty-first October, one thousand eight hundred and ninety-four; and in addition thereto the Purchasing Company shall pay and discharge all the costs and expenses both of the Windsor Company and of the Purchasing Company connected with the obtaining of this Act and any other Acts which may be passed or applied for to incorporate the Purchasing Company and to enable the said Purchasing Company to purchase and acquire the undertaking of the Windsor Company, and also the costs and expenses of the Windsor Company and of the Purchasing Company in connection with the sale hereby authorized, and the costs of winding up and dissolving the Windsor Company.

Consideration of sale payable in cash or shares.

3. The Windsor Company or its liquidators may accept, in payment of the sum of five hundred thousand pounds in part consideration as aforesaid for the said undertaking and property,

Payment in shares how made.

erty, fully paid-up shares in the stock of the Purchasing Company to the amount of five hundred thousand pounds, consisting of two hundred and seventy thousand pounds in thirteen thousand five hundred fully paid-up preference five pounds per centum shares of twenty pounds each and eleven thousand five hundred fully paid-up ordinary shares of twenty pounds each; and the said preference shares shall be issued to the Windsor Company or to the liquidators of the Windsor Company in England, if then appointed, to be distributed to the shareholders of the Windsor Company in the proportion to which they are or may be entitled thereto, and the said ordinary shares shall be issued and distributed to or among the ordinary shareholders of the Windsor Company in the manner provided for by the fourth section of the agreement of the twelfth day of October, one thousand eight hundred and ninety-three, set forth in the schedule to the Act chapter sixty-nine of the Statutes of 1894.

Deed of sale
to be executed
by the Wind-
sor Company.

4. For the purpose of completing the said sale and transfer, the Windsor Company shall execute and deliver a deed of conveyance of all the said railways, undertaking, benefits, franchises and property to the Purchasing Company, and such deed shall be sealed with the common seal of the Windsor Company and signed by the hand of its president, or if the Windsor Company is in liquidation, by the hands and seals of its liquidators; and such deed shall have the effect of absolutely conveying to and vesting in the Purchasing Company all the property of the Windsor Company, with its lands, franchises, powers, rights, privileges, equipments, stations, plant, rolling stock, materials, stores and appurtenances in such deed mentioned, including all rights, privileges, advantages and emoluments granted to the Windsor Company or to the Yarmouth and Annapolis Railway Company or to the Cornwallis Valley Railway Company, either by the Legislature of Nova Scotia or by the Parliament of Canada (subject to the provisions contained in sections seventeen and eighteen of an Act passed by the Parliament of Canada, during the present session, intituled *An Act to incorporate the Dominion Atlantic Railway Company*), and now subsisting and vested in the Windsor Company, and thereupon the Purchasing Company shall become liable to maintain and operate the railways of the Windsor Company to the same extent as the Windsor Company is now liable to maintain and operate them.

Winding up of
the Windsor
Company.

5. It is hereby declared that the Windsor Company and the promoters of the bill of the present session, intituled *An Act to incorporate the Dominion Atlantic Railway Company*, have agreed with each other that the Windsor Company shall be wound up, and that when and so soon as the purchase is completed the Windsor Company shall be dissolved under *The Companies Act of 1862*, and amending Acts; and that due provision shall be made in such winding up by advertisement and

otherwise in England and in Canada for notice of such winding up ; and that the liquidators shall make provision, as far as the assets of the Windsor Company extend, for the satisfaction of all just claims against the Windsor Company both in England and Canada.

2. No liability of the Windsor Company shall be in any way impaired or affected by the said sale or purchase, nor shall any suit or proceeding now pending or judgment existing either by, in favour of, or against the Windsor Company, be in any way affected, but such suit or proceeding may be prosecuted or continued and completed, and such judgment may be enforced as if this Act had not been passed. Rights saved.

6. 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 Windsor Company or its railways or assets. Saving.

7. All references hereinbefore contained to any sum of money and amounts of money shall be deemed to be and mean sterling money of Great Britain, and all references to pounds and pounds per cent in this Act shall be deemed to be pounds sterling. Interpretation.

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58-59 VICTORIA.

CHAP. 70.

An Act respecting the Buffalo and Fort Erie Bridge Company.

[Assented to 28th June, 1895.]

WHEREAS the Buffalo and Fort Erie Bridge Company has petitioned for the passing of an Act to revive its Act of incorporation and the Act amending it, and to extend the times limited for the commencement and completion of its undertakings, and also to extend the limits within which its bridge may be built, and to change the location of the head office; and whereas it is expedient to grant the prayer of its petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1891, c. 65;
1893, c. 64.

1. Subject to the provisions of this Act, the Act incorporating the Buffalo and Fort Erie Bridge Company, being chapter sixty-five of the Statutes of 1891, and the Act amending it, being chapter sixty-four of the Statutes of 1893, are hereby revived and declared to be in force, and the times limited by the said Acts for the commencement and completion of the undertakings of the Company are hereby extended as follows: The works authorized by chapter sixty-five of the Statutes of 1891 and by chapter sixty-four of the Statutes of 1893 shall be commenced within two years and completed within six years from the passing of this Act, otherwise the powers granted by the said Acts and this Act shall cease and be null and void.

Chapters 65 of 1891 and 64 of 1893 revived.
Time for construction extended.

2. Section three of chapter sixty-five of the Statutes of 1891 is hereby amended by striking out in lines four, five and six the following words: "in or near the village of Fort Erie above the International Bridge, to a point in or near the city of Buffalo," and inserting instead thereof the following words: "south of a point five miles north of the village of Fort Erie to a point on the opposite side."

Section 3 amended.
Location of bridge changed.

Section 2 of
chapter 65 of
1891 amended
Head office
changed.

3. Section two of chapter sixty-five of the Statutes of 1891 is hereby amended by substituting the words "town of Niagara Falls" for the words "village of Fort Erie" in the first and second lines of the said section.

Substituted
section 1, c. 65
of 1893
amended.

4. The section substituted by section one of chapter sixty-four of the Statutes of 1893 for section one of chapter sixty-five of the Statutes of 1891 is hereby amended by substituting, in the first line thereof, the name "O. E. Dunlap" for "M. E. Dunlap."

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58-59 VICTORIA.

CHAP. 71.

An Act to amend the Act incorporating the Canada and Michigan Tunnel Company, and to change the name of the Company to the Canada and Michigan Bridge and Tunnel Company.

[Assented to 28th June, 1895.]

WHEREAS by chapter ninety-three of the Statutes of 1888, Preamble.
intituled *An Act to incorporate the Canada and Michigan Tunnel Company*, the said Company was empowered to construct, maintain, work and manage a tunnel under the waters of the Detroit River, for railway purposes, from some point, at or near the town of Windsor or the town of Sandwich, in the county of Essex, towards the city of Detroit, in the state of Michigan, and to lay and place therein one or more tracks for the passage of engines and cars, and to construct approaches thereto; and whereas the said Company has petitioned for such an amendment to its Act of incorporation as will empower it to construct a bridge across, as well as a tunnel under the said Detroit River, and for other amendments to the said Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1888, c. 93;
1891, c. 103;
1894, c. 101.

1. The name of the Company incorporated by chapter ninety-three of the Statutes of 1888 is hereby changed to "The Canada and Michigan Bridge and Tunnel Company"; but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Company, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued and completed and enforced as if this Act had not been passed. Name of company changed.
Existing rights not to be affected.

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

Power to construct a bridge.

3. The Company may, at its option, construct, maintain, work and manage a railway bridge across, or a tunnel under the River Detroit, or both, as is found most suitable for railway purposes, at the point mentioned in section two of the said Act.

Provisions of c. 93 of 1888 respecting tunnel to apply to bridge.

4. All the provisions and requirements of the said Act, concerning the tunnel authorized thereby to be constructed, shall apply to the said bridge; and all the powers conferred by the said Act are hereby confirmed and made applicable to a railway bridge across the Detroit River as well as to a railway tunnel under it, in so far as the same may be properly applicable thereto; and the word "tunnel" in the said Act wherever used shall be read and construed as meaning tunnel or bridge unless the context renders the same repugnant.

Interpretation "tunnel."

Increase of capital stock. 1888, c. 29.

5. If the amount of the capital stock, including the increase thereof authorized by section ten of the said Act, is found insufficient for the purposes of the Company, a further increase may be made under the provisions of *The Railway Act*.

Power to construct foot bridge.

6. If the Company builds a railway bridge, instead of a tunnel, it may construct, as part of or in connection with such bridge, a foot bridge for the passage of horses, carriages and foot passengers, and the Company may make the same either during the construction of the said railway bridge or at any time after the completion thereof; and, in the event of the Company electing to construct such foot bridge, it may make, amend, repeal, re-enact or enforce all such by-laws and regulations as shall seem to the Company proper and necessary for the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same; but the tolls and fares shall, before being imposed, be first submitted to and approved and may be amended and modified from time to time by the Governor in Council; but the Company may at any time reduce the said tolls; 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.

Railway companies may loan their credit to company or subscribe to its stock.

7. Any railway company whose line is now or hereafter constructed, or which may now or hereafter run its trains to or from any point at or near the said town of Windsor, or which may run its trains in connection with any such railway, may, with the consent of a majority in value of the holders of its stock, loan its credit to the Company, or may subscribe to or become owner in the stock thereof in like manner and with like rights as individuals, notwithstanding any Acts of the Parliament of Canada to the contrary; provided that such Company now has or hereafter obtains authority so to lend its credit.

8. Section thirty-five of the said Act, requiring plans to be submitted for the approval of the Governor in Council, shall be applicable to the said bridge and any work thereunto appertaining.

Plans of bridge to be submitted to Governor in Council.

9. The said bridge shall be constructed so as not to materially obstruct the navigation of the Detroit River, and shall have a draw or draws across the main channel of the river, leaving a clear waterway between the piers on which the draws will rest of not less than one thousand feet, and the intervals between the other piers shall be not less than five hundred feet, and the height of the arches and of the bridge above the river shall be not less than forty-five feet in the clear; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains.

Bridge not to interfere with navigation.

2. From sundown until sunrise during the season of navigation, suitable lights shall be maintained by the Company upon the said bridge to guide rafts or vessels approaching the said draw from either direction.

Lights on bridge.

10. The Company may, with the consent of the Crown, enter upon and take beaches of the Detroit River and lands covered with water, the property of the Crown, and erect such works on the said river as are necessary for the construction of the said bridge, provided the navigation of the said river is not unnecessarily obstructed by such works.

Power to take beaches and lands covered with water.

11. 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.

Bridge not to be commenced until approved by Congress of the United States.

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

Joint commission to regulate working of bridge.

13. All the provisions of *The Railway Act* and of any Act amending it shall apply to the undertaking of the Company.

1888, c. 29.

Limitation of
time.

14. The bridge which the Company is authorized to construct shall be commenced within five years and completed within seven years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void.

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58-59 VICTORIA.

CHAP. 72.

An Act respecting the Clifton Suspension Bridge Company.

[Assented to 22nd July, 1895.]

WHEREAS the Clifton Suspension Bridge Company has by its petition prayed for the passing of an Act to extend the time limited for the commencement and completion of its undertaking, 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.

1868, c. 82
1869, c. 66
1876, c. 49 ;
1894, c. 97.

1. Section nine of chapter ninety-seven of the Statutes of 1894 is hereby repealed, and in lieu thereof it is hereby enacted that the bridge authorized by section two of the said Act shall be commenced within one year and completed within three years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void.

Section 9 of
c. 97 of 1894
repealed and
time for con-
struction ex-
tended.

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58-59 VICTORIA.

CHAP. 73.

An Act to incorporate the Deschênes Bridge Company.

[Assented to 28th June, 1895.]

WHEREAS certain persons hereinafter named have petitioned Preamble.
for power to construct, maintain and operate a bridge
across the Ottawa River as hereinafter set forth, and for the
incorporation of a company to construct and operate the same
and for other purposes; 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. William Jackson Conroy, of the township of Hull, and Incorporation.
Robert Hughes Conroy, of Aylmer, in the province of Quebec,
John Rudolphus Booth, Charles Jackson Booth, J. Frederick
Booth, John Christie and William Anderson, of the city of
Ottawa, in the province of Ontario, together with such other
persons as become shareholders in the Company hereby in-
corporated, are hereby constituted a body corporate under the
name of "The Deschênes Bridge Company," hereinafter called Corporate name.
"the Company"; and the Company may purchase, acquire,
take and hold such lands, lands covered with water, beaches Power to take lands.
and other property as are necessary for the purpose of con-
structing the said bridge, or for the convenient using thereof,
and also for the construction, maintenance and operation of
such roads, railways and tramways, not exceeding three miles
in length on either end of the said bridge, as are necessary or
convenient to connect the said bridge with other roads, rail-
ways and tramways which require railway connection by
means thereof.

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

3. *The Railway Act* and the Acts amending it, in so far 1888, c. 29.
as applicable, shall apply to the Company and its undertaking.

Power to
build a bridge.

4. The Company may construct, maintain, work and manage a bridge across the Ottawa River for railway and other purposes, at some point in the vicinity of Britannia within the township of Nepean, on the southerly shore of the said river, at or above the Deschênes Rapids, to the opposite side of the said river in the province of Quebec; and may also construct, maintain, operate and equip all the necessary approaches and terminal facilities therefor; and may connect the said bridge at either end thereof by an extension of its railway not exceeding three miles in length on either end of the said bridge, in, to on through any lands, and connect the same with any road, or railway or tramway which it is desired to connect with the said bridge; which undertakings are hereinafter designated and shall be understood by the expression "the works."

Use of bridge.

5. The said bridge may be constructed and arranged for the use of foot passengers, carriages and vehicles of all kinds, and also for the use of street cars, trams and electric cars, as well as for railway purposes; and the tolls to be charged and which may be collected and taken for the passage of such foot passengers, carriages and other vehicles shall, before being imposed, be first submitted to and approved and may be amended and modified from time to time by the Governor in Council, but the Company may at any time reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge, and the charges, rates and payments to be made for the passage or transmission of street cars, trams, electric cars, or for railway purposes generally, shall, subject to the provisions contained in sections two hundred and twenty-four, two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act*, be such as are from time to time made and agreed upon by and between the Company and the companies or persons desirous of using the said bridge.

Tolls.

To be approved by the Governor in Council.

Notice of tolls.

Equal rights in passage of bridge to all railway trains.

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 favour of or against any railway, tramway or electric railway whose trains pass over the said bridge.

Plans of bridge to be submitted to the Governor in Council.

7. The Company shall not commence the erection of the said bridge or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until

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 any such plans be altered, or any deviation therefrom allowed, except with the permission of the Governor in Council, and upon such conditions as he imposes.

8. The persons named in the first section of this Act are hereby constituted provisional directors of the Company. Provisional directors.

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. Capital stock and calls thereon.

10. In case of any disagreement as to the rights of any railway, tramway or electric railway whose trains, cars or business pass over the said bridge, or as to the tariff rates to be charged in respect thereto, the same shall be determined by the Railway Committee of the Privy Council as provided in *The Railway Act*. Disputes settled by railway committee.

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 first Wednesday in the month of September in each year at the head office of the Company, or at such other place in Canada as the shareholders by by-law appoint. Annual meeting.

13. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall elect seven persons, holding at least twenty shares each, to be directors of the Company, one or more of whom may be paid directors of the Company. Number of directors.

14. The directors of the Company, after the sanction of the shareholders has been first obtained at any special meeting called for such purpose, or at any annual meeting, may issue bonds to the extent of five hundred thousand dollars, which bonds shall be made payable at any time that is agreed upon, within fifty years from the date of issue, and shall bear such rate of interest as is agreed upon or settled by the directors; and such bonds shall be secured by deed of mortgage, and such mortgage deed may contain provisions that all tolls and revenues derived from the use of such bridge shall, subject to the limitations contained in section ninety-four of *The Railway Act*, be specially charged and pledged as security for such bonds; and the Company may, if it deem expedient, pay partly in cash, partly in stock and partly in bonds for the construction Bonding powers.

struction of the proposed bridge, appurtenances and approaches, and for the materials included therein and for the equipment thereof.

Time for commencement and completion limited.

15. The work shall be commenced within two years and completed within five years from the passing of this Act; otherwise the powers granted under this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Agreement with another company.

16. The Company may enter into an agreement with any railway, tramway or electric railway company for conveying or leasing the said bridge and its approaches to such company, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with such company on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Subject to the approval of the shareholders and of the Governor in Council.

Notice of application for approval.

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

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58-59 VICTORIA.

CHAP. 74.

An Act to incorporate the St. John River Bridge Company.

[Assented to 28th June, 1895.]

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate four bridges, 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. Edward D. Boswell and David B. Lindsay, of Rivière du Loup, in the province of Quebec, Thomas Malcolm and Duncan Ross, of Edmundston, in the province of New Brunswick, and Roger Ryan, 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 St. John River Bridge Company," hereinafter called "the Company."

Incorporation.

Corporate name.

2. The head office of the Company shall be at the said village of Edmundston, or at such other place in Canada as is from time to time determined by by-law of the Company.

Head office.

3. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, a majority of whom shall form a quorum.

Provisional directors.

4. The Company may erect, construct, work, maintain, manage and use four bridges for foot passengers, vehicles, animals and other ordinary traffic purposes across the St. John River, at or near the points or places following, that is to say :— one bridge from some point at or near Claire station, in the province of New Brunswick, to some point at or near Fort Kent, in the state of Maine ; another bridge from some point in or near the village of St. Hilaire, in the province of New Brunswick, to some point at or near Frenchville, in the state of Maine ; another bridge from some point in or near the village of Edmundston, in the province of New Brunswick, to some point in the township or parish of St. Davids, in the state

Power to construct four bridges across the St. John river.

Toll gates.

Bridges not to be commenced until authorized by the United States or the State of Maine.

state of Maine; and another bridge from some point in or near the village of St. Leonards, in the province of New Brunswick, to some point in or near the village of Van Buren, in the state of Maine; and may erect and construct toll-gates, and construct, complete and maintain the necessary approaches to the said bridges in the province of New Brunswick; and may also do and execute all such other matters and things as are necessary to equip, use and maintain the said bridges in a proper and efficient manner; but the Company shall not commence the actual erection of any of the said bridges until an Act of the Congress of the United States or an Act of the Legislature of the state of Maine has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved of such bridges being constructed; but the Company may in the meantime acquire lands, submit its plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge or bridges.

Approval of Governor in Council.

5. The Company shall not commence the construction of any of the said bridges or any work thereunto appertaining until it has submitted to the Governor in Council plans of such bridges, or of such one or more of them as are then proposed to be constructed, and of all the intended works thereunto appertaining, nor until the plans and sites of such bridges or such one or more of them as are then proposed to be constructed have been approved of by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridges or such one or more of them as are then proposed to be constructed have been complied with; nor shall any such plans be altered or any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he imposes.

Capital stock.

6. The capital stock of the Company shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary.

Stock books and subscriptions for stock.

7. The provisional directors may open stock books and procure subscriptions for stock and receive payments on account of stock subscribed, and cause plans and surveys to be made, and shall deposit in any chartered bank in Canada to the credit of the Company moneys received by them, and may withdraw the same for the purposes of the Company only.

First meeting of shareholders.

8. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent paid on such subscribed stock, the provisional directors shall call a meeting of the subscribers for the election of directors; notice of such meeting shall be

Notice.

given to each subscriber by posting a notice to his address as given in the stock book at least ten days before the date of the meeting, such notice to state the time and place of holding the meeting; and at the said meeting the shareholders present in person or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall, from amongst the shareholders, elect not less than three and not more than five persons to be directors of the Company.

9. The annual general meeting of the Company shall be held on the second Tuesday in May in each year. Annual general meeting.

10. At such meeting the shareholders present in person or represented by proxy who have paid all calls due on their shares shall from amongst the shareholders elect not less than three and not more than five persons to be the directors of the Company, one or more of whom may be a paid director. Number of directors.

11. Notice of each annual or special general meeting shall be given by advertising it once in a newspaper published in the county of Victoria, and if there is no such newspaper, then in a newspaper published in any adjoining county, and once in the *Canada Gazette*, and also by posting a notice of such meeting addressed to each shareholder at least ten days before the date of such meeting, which notice shall state the time and place of holding the meeting and, in the case of special meetings, shall also state the business to be transacted thereat. Notice of meetings.

12. The Company may charge and levy tolls to and upon all persons using the said bridges or any of them as foot passengers, or for the passage of carriages and other vehicles or animals, or for any other ordinary traffic purposes, but such tolls shall before being imposed be submitted to and approved of and may be amended and modified from time to time by the Governor in Council; but the Company may at any time reduce such tolls, so long as all persons are charged equal rates and given equal privileges and facilities under the same circumstances; and a notice showing the tolls authorized to be charged shall at all times be posted up in some conspicuous place on the said bridges, or on such of them as such tolls are then being charged upon. Tolls to be approved of by the Governor in Council.

13. The directors of the Company, under the authority of the shareholders to them given at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company and who have paid all calls due thereon are present in person or represented by proxy, may issue bonds, debentures or other securities to an amount not exceeding in all three hundred thousand dollars, signed by the president or other Bonding powers. Amount limited.

- other presiding officer and countersigned by the secretary, which countersignature and the signature to the coupons attached to the same may be engraved ; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding six per cent per annum as the directors think proper.
- Interest.
- Sale of bonds. 2. The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for prosecuting the said undertaking.
- Amount of each bond. 3. No such bond, debenture or other security shall be for a less sum than one hundred dollars.
- New bonds in place of those withdrawn. 4. The power of issuing bonds hereby conferred upon the Company shall not be construed as being exhausted by such issue ; but such power may be exercised from time to time, upon the bonds constituting such issue, being withdrawn or paid off and duly cancelled.
- Bonds may be issued on each bridge. 5. The said bonds, debentures or securities may be issued either with respect to and be secured upon the said four bridges and all the other property of the Company, or from time to time with respect to and be secured upon one or more of such bridges only ; but such bonds, debentures or other securities shall not be issued to the amount of more than one hundred thousand dollars with respect to any one of such bridges.
- Amount limited.
- Security for bonds. 14. The Company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of the said bridges or upon any one or more of them or upon the whole or any portion of the property, assets, rents and revenues of the Company, present or future, or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenditure of the Company.
- Other securities. 2. By the said deed the Company may grant to the holders of such bonds, debentures or other securities or the trustees named in such deed all and every the powers, rights and remedies granted by this Act with respect to the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all the powers, rights and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.
- Mortgage deed to be deposited with Secretary of State. 3. Every such mortgage deed 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*.

15. The bonds, debentures or other securities hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the Company and the franchise, undertaking, tolls and income, rents and revenues and real and personal property thereof as described and provided for in the said deed, at any time acquired, save and except as provided for in the next preceding section hereof.

Bonds, &c., to be first preferential claim.

2. Each holder of the said bonds, debentures or other securities shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with all the other holders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed.

Rights of holders.

16. If the Company makes default in paying the principal of or interest on any of the bonds, debentures or other securities hereby authorized, at the time when the same by the terms of the bond, debenture or other security, becomes due and payable, then at the next general annual meeting of the Company, and at all subsequent meetings, all holders of bonds, debentures or other securities so being and remaining in default shall with respect thereto 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.

Voting rights of bond holders.

2. The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security with respect to which he claims to exercise such rights has 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 bonds, debentures or other securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares.

Condition of exercise of such rights.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of such mortgage deed.

Not to affect other remedies.

17. All bonds, debentures or other securities hereby authorized may be made payable to bearer and shall in that case be transferable by delivery until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Negotiation of bonds.

18. The said bridges or some one of them shall be commenced within three years, and said bridges shall be completed

Time for construction of bridges limited.

pleted within six years from the passing of the Act of the Congress of the United States or of the Act of the Legislature of the state of Maine, and from the obtaining of the approval of the Executive of the United States as mentioned in the fourth section of this Act, or from whichever of said events last happens, otherwise the powers granted for such construction shall cease and be null and void as respects such of the said bridges or such portions thereof as then remain uncompleted.

1888, c. 29.

19. Sections ninety to ninety-two, both inclusive, and sections ninety-nine to one hundred and seventy-two, both inclusive, of *The Railway Act*, in so far as they relate to the taking or expropriation of, or otherwise acquiring lands, and the compensation to be paid therefor, shall apply to the Company for the purposes of its undertaking and with respect to any works in pursuance thereof, in the same manner as if they were embodied at length in this Act; and the word "railway," wherever it appears in the said sections of *The Railway Act*, shall, in applying them for the purposes of this Act, be read and construed as if the word "bridge" or "bridges" were substituted therefor.

Interpretation.

R.S.C., c. 118.

20. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

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58-59 VICTORIA.

CHAP. 75.

An Act to amend the Act to incorporate the St. Clair and Erie Ship Canal Company.

[Assented to 28th June, 1895.]

WHEREAS a petition has been presented praying that chapter one hundred and four of the Statutes of 1894, incorporating the St. Clair and Erie Ship Canal Company, be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section twenty-two of chapter one hundred and four of the Statutes of 1894, being the Act of incorporation of the St. Clair and Erie Ship Canal Company, is hereby amended by striking out the words “five million dollars” in the third line of the said section, and substituting therefor the words “eight million dollars.”

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58-59 VICTORIA.

CHAP. 76.

An Act to amend the Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited

[Assented to 28th June, 1895.]

WHEREAS the Sable and Spanish Boom and Slide Company of Algoma, Limited, has by its petition prayed that chapter one hundred and eight of the Statutes of 1886, intituled *An Act to grant certain powers to the Sable and Spanish Boom and Slide Company of Algoma, Limited*, be amended by altering the basis upon which the Company shall levy and collect tolls, dues and charges on certain saw-logs, timber and lumber, under the provisions of said Act; and whereas it is expedient to grant the prayer of such 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 four of the Act cited in the preamble is hereby repealed and the following section substituted therefor:—

“4. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions:—

	Cents.
“ Red and white pine, tamarack, spruce and hemlock, square or waney board, per thousand feet, board measure	·02
“ Oak, elm, or other hardwood, square or flatted, or waney board, per thousand feet, board measure....	·03
“ Saw-logs, 17 feet and under, per thousand feet, board measure	·01
“ Red and white pine, tamarack, spruce and hemlock, round or flatted, over 17 feet and under 30 feet long, per thousand feet, board measure.....	·01½
“ Red and white pine, tamarack, spruce and hemlock, round or flatted, 30 feet and upwards in length, per thousand feet, board measure.....	·02
“ Sawed lumber, per thousand feet.....	·02
“ Staves, per 1,000 pieces.....	·02
“ Cords of wood, shingle bolts, and other lumber, per cord of 128 feet.....	·02

New section substituted for s. 4, c. 108 of 1886. Tolls.

“ Spars,

	Cents.
“ Spars, per piece.....	·03
“ Masts, per piece.....	·05
“ Railway ties, other than cedar, in 8 or 16 feet lengths, per length of 8 feet, per piece.....	·00 $\frac{1}{3}$
“ Cedar, round or flatted, 8 feet long or under, per piece	·00 $\frac{1}{2}$
“ Cedar, round or flatted, over 8 feet long and under 17 feet long, per piece.....	·00 $\frac{1}{2}$
“ Cedar, round or flatted, over 17 feet and under 25 feet long, per piece.....	·00 $\frac{1}{3}$
“ Cedar, round or flatted, over 25 feet and under 35 feet long, per piece.....	·00 $\frac{1}{3}$
“ Cedar, round or flatted, 35 feet long and upwards, per piece	·00 $\frac{1}{3}$ ”

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58-59 VICTORIA.

CHAP. 77.

An Act to incorporate the Grand Falls Water Power and Boom Company.

[Assented to 22nd July, 1895.]

WHEREAS it is desirable that a company should be incorporated for the purpose of utilizing a portion of the natural water supply of the St. John River, which is a navigable stream, with the object of promoting manufacturing industries; and whereas the persons hereinafter named have by their petition represented that the incorporation of the company hereinafter named with the powers set forth will effect the aforesaid objects and have prayed for the incorporation of the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. Redfield Proctor, of Proctor, Vermont, Carrol S. Page, of Hyde Park, Vermont, James Manchester, of St. John, New Brunswick, Clinton Smith, of Middlebury, Vermont, Edward Jack, of Fredericton, New Brunswick, Walter Armstrong, of Ottawa, Ontario, and such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Grand Falls Water Power and Boom Company," hereinafter called "the Company."

2. The Company may construct, equip, maintain and operate a canal and hydraulic raceway at or near the Grand Falls of the St. John River in the county of Victoria and province of New Brunswick from any point on or near the commons land on the shore of the said river at the basin above the said falls to some point on the commons land near the lower basin, such canal and raceway to be made either by an open cutting or by means of a tunnel which shall conduct a portion of the waters of the St. John River under the surface of the soil, to such point on the commons land at the lower basin as is most fit and proper for the development of the power to be derived therefrom; and may build at the head of the Grand

Falls and in the narrows and gorge between the upper and lower basins aforesaid and below them all such dams, wing dams, sluices, conduits, and buildings as are necessary; and may construct, attach to the shores and banks of the St. John River in the vicinity of the Grand Falls, and maintain, side booms, piers, wharfs, slips, or other works necessary for the operating of any saw or pulp mills or other manufactories, such side booms and piers to be extended from the upper basin above the Grand Falls up the St. John River to such a distance as is necessary to hold all the logs, timber and wood of any kind at the saw or pulp mills or other manufactories which may be built by the Company at or near the Grand Falls; and may construct piers, wharfs, slips and booms at the lower basin for the purpose aforesaid; and may acquire by lease from the municipality of the county of Victoria or other competent authority the commons at Grand Falls; may purchase and acquire lands, timber leases or other properties of any kind; and may construct and operate pulp mills, saw mills, or other works or manufactories of any kind at or near the upper or lower basins aforesaid: Provided however, that nothing herein contained shall permit of any power being exercised in such a way as to interfere with the navigation of the said river; and provided further that none of the works authorized by this Act shall be commenced until the plans thereof have been submitted to the Governor in Council and his sanction thereto has been obtained.

Proviso: not to interfere with navigation.

Proviso: plans to be approved by the Governor in Council.

Supply of power, etc.

3. The Company, by means of and through the works aforesaid, may supply persons with water, hydraulic, electric or other power for use or for any purpose by means of wires, cables, machinery, or other appliances, at such rates and upon such conditions as are agreed upon between the Company and such persons; and may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of power, light and heat, and may connect the said wires, cables or other appliances with those of any electric light or power company in the United States; and may also contract with such Company to work the said electric light or power jointly.

Other powers.

2. The Company may also erect poles and do all other things necessary for the transmission of power or light as fully and effectually as the circumstances of the case may require, subject, however, to the following provisions, that is to say:—

Travel not to be obstructed.

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

Height of wires.

(b.) The Company shall not affix any wires less than twenty-two feet above the surface of the street or road, nor erect more

than one line of poles along any street or road without the consent of the municipal council having jurisdiction over the roads or streets of the municipality ;

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

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

(e.) The Company shall be responsible for all damages which its agents, servants or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized ; Liability for damage.

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

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

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

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

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 saved.

(k.) If in the removal of buildings or if in the exercise of the public right of travelling on or using any public road, highway or street it becomes necessary that the said wires or poles be temporarily removed, it shall be the duty of the Company at its own expense upon reasonable notice in writing from any person requiring the same, to remove such wires or poles and in default of the Company so doing, it shall be lawful for such person to Temporary removal of lines.
remove

remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the head office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, then either at the said 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 require to be removed;

Provision to be made for water or drainage.

(l.) The Company shall make due provision for, take care and dispose of all water and drainage to the extent it disturbs or interferes with the same, whether from artificial drains, natural streams or watercourses, which drains, natural streams or watercourses the said canal crosses, touches, or interferes with and which are in existence at the time of the construction of the said canal;

Disputes how settled.

(m.) 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 natural streams or watercourses, and as to who shall make such alterations, enlargements and changes, and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding paragraph, 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 *The Railway Act*;

Consent of municipality.

(n.) The authority herein given with respect to such streets, highways and public places shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Provisional directors.

4. The persons mentioned by name in section one shall be the provisional directors of the Company, and all meetings of the provisional directors shall be held at the head office of the Company.

Capital stock and calls thereon.

5. The capital 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.

Number, qualification and quorum of directors.

6. At the first meeting of shareholders and at each annual meeting the shareholders assembled who have paid all calls due on their shares shall choose six persons to be directors of the Company, each of whom shall own at least twenty shares of the capital stock of the Company absolutely and in his own right and shall not be in arrears with respect to any call thereon,

thereon, and the majority of whom shall form a quorum and one or more of whom may be paid directors of the Company.

7. The head office of the Company shall be at the city of Fredericton, or at such place in Canada as the shareholders by by-law from time to time direct. Head office.

8. The annual general meeting of the shareholders shall be held on the last Wednesday in September in each year, or at such other date as is fixed by by-law of the Company. Annual general meeting.

9. The Company may issue bonds, debentures or other securities, in the manner provided by section ninety-three of *The Railway Act*, to an amount not exceeding five hundred thousand dollars. Amount of bonds, etc., limited.

10. The construction of the said works shall be commenced within three years and completed within six years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain uncompleted. Time for construction limited.

11. *The Railway Act*, so far as applicable and when not inconsistent with this Act, shall apply to the Company and to its undertakings. 1888, c. 29.

2. Wherever in *The Railway Act* the word "company" occurs it shall mean the Company hereby incorporated. Interpretation "Company."

3. 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 canal or ditch or hydraulic raceway or other works authorized by this Act to be constructed. "Railway."

4. 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. "Land."

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

13. The works authorized by this Act are hereby declared to be works for the general advantage of Canada. Declaratory.



58-59 VICTORIA.

CHAP. 78.

An Act to incorporate the Hamilton and Lake Erie Power Company.

[Assented to 22nd July, 1895.]

WHEREAS the persons hereinafter named have by their Preamble. petition represented that they are desirous of being incorporated under the name of "The Hamilton and Lake Erie Power Company," for the purpose of utilizing a portion of the natural water supply of the Niagara and Welland Rivers, with the object of promoting manufacturing industries, and inducing the establishment in Canada of manufactories and other businesses; and for the purpose aforesaid of building a watercourse and raceway from some point on the Welland River not nearer than twelve miles, nor more than thirty miles from its junction with the Niagara River, thence northerly, using the natural watercourses wherever available to some point on Lake Ontario; and for the purpose of building, constructing, equipping, maintaining and operating electrical works to be erected on the said watercourse and raceway for the production of electrical energy in light, heat and power for sale and distribution in the country, towns and cities in the vicinity of the said electrical works; and further that the construction and operation of the said works will be a great advantage to the people of Canada, especially to the country, towns and cities in the vicinity thereof that can be reached therefrom, including the cities of Hamilton and St. Catharines, by supplying the inhabitants thereof and the cities themselves and the electrical and other railways running in reach thereof, with electrical power, light and heat at the lowest possible cost; and whereas the said petitioners have prayed for the incorporation of the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. Alexander Manning, Alexander Nelson, Sidney Finlay Incorporation.
McKinnon, Henry M. Pellatt, Samuel Clarke Biggs, Edward
Æmilius Jarvis, Albert Romaine Lewis, Thomas Home and
Peter

Corporate name. Peter Ryan, all of the city of Toronto; Francis Fitzgerald, Frederick Dillabaugh and Alexander Bryson Osborne, all of the city of Hamilton; James Kerr Osborne and Edward Field Hebden, both of the said city of Toronto, and the Reverend William James West, of Niagara Falls, in the state of New York, together with such persons and corporations as become shareholders in the company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Hamilton and Lake Erie Power Company," hereinafter called "the Company."

Provisional directors. **2.** The first ten persons named in the next preceding section are hereby constituted the first or provisional directors of the Company.

Capital stock. **3.** The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each.

Watercourse may be built by Company. **4.** The Company may construct, equip, maintain and operate a watercourse and raceway from some point on the Welland River not nearer than twelve miles, nor more than thirty miles from its junction with the Niagara River, northerly, to a point on the Jordan River, thence to Lake Ontario; and also may construct, equip, maintain and operate all such works, dams, and wing-dams, docks, sluices and conduits, and accessories and buildings as are necessary to give full effect to the intent of this Act, with power to dredge, deepen and widen the said Welland River from its mouth to the point of intersection with the said watercourse and raceway with the said Welland River, and also to dredge, deepen and widen the Jordan River from the point of intersection with the said watercourse and raceway to Lake Ontario if so found expedient for the purposes of the Company; and the Company may use the waters of Lake Erie, and the Niagara River, by way of the Welland River, in such quantities as are requisite and necessary for the efficient and satisfactory running of the said works, and for the purposes aforesaid: Provided however, that nothing herein contained shall permit of any power given in this Act being exercised in such a way as to interfere with the navigation of any rivers or navigable water; provided further that none of the works authorized by this Act shall be commenced until the plans thereof shall first have been submitted to the Governor in Council and his sanction thereto has been obtained.

Proviso: not to interfere with navigation.

Proviso: plans to be approved by Governor in Council.

Saving, as to County of Welland.

2. None of the works herein authorized, save and except the dredging, deepening and widening of the Welland River aforesaid, shall be built, constructed, or carried on within the county of Welland.

Supply of power, etc.

5. The Company may supply persons with water and with hydraulic, electric, water or other power, for use for any purpose by means of cables, machinery or other appliances and at

such rates and upon such conditions as are agreed upon between the Company and such persons; and may construct, maintain and operate works for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power; and construct, maintain and operate intakes, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company; and conduct, store, sell and supply electricity and pneumatic power, and with such pneumatic, electric or such other conductors or devices, conduct or convey or furnish or receive such electricity or power to or from any person or corporations at any place, through, under, over or along any property with respect to which it has acquired the right, and through, under, over or along streets, highways and public places of any municipality or across or along any water within the province of Ontario, by the erection of the necessary fixtures, including poles, posts, piers or abutments for sustaining the wires or conduits, subject however to the following provisions that is to say:—

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

Travel not to be obstructed.

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

Height of wires.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which its agents, servants or workmen, cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized;

Liability for damage.

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

Trees.

(g.) In all municipalities the opening up of streets for the erection of poles, or for carrying the wires under ground, shall be subject to the direction and approval of such engineer or other official as the council appoints, and shall be done in such manner as the council directs; the council may also direct and designate the places where the poles are to be erected in such

Approval of municipality.

such municipality; and the surface of the street shall in all cases be restored as far as possible to its former condition by and at the expense of the Company;

Company may be required to carry wires under ground.

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

Workmen to wear badges.

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

Private rights saved.

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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;

Temporary removal of lines.

(k.) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed, it shall be the duty of the Company at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for such person to remove the same at the expense of the Company, doing no unnecessary damage thereby; and such notice may be given either at the head office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, 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 require to be removed;

Provision to be made for water and drainage.

(l.) The Company shall make due provision for, take care and dispose of all water and drainage to the extent it disturbs or interferes with the same, whether from artificial drains, natural streams, or watercourses, which drains, natural streams or watercourses the said watercourse and raceway crosses, touches or interferes with and which are in existence at the time of the construction of the said watercourse and raceway;

Disputes how settled.

(m.) 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 alterations, enlargements and changes and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next

preceding paragraph, 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 *The Railway Act* ;

(n.) The authority herein given with respect to such streets, highways, and public places, shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively, and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

Consent of municipalities.

6. The Company may take and hold stock in any corporation created for or engaged in the business of using or supplying the water of the Niagara or Welland Rivers, or of any corporation created for or engaged in the use of power, light or heat derived from such water, and may hold stock in any corporation which contracts to purchase, lease, or use any power or property of the Company, and its stock may also be owned, held and voted on by any such corporation having the right to acquire the same.

Power to hold stock in other corporation.

7. At the first meeting of shareholders and at each annual meeting, the shareholders assembled who have paid all calls due on their shares shall choose ten persons to be directors of the Company, each of whom shall own at least twenty shares of the capital stock of the Company absolutely in his own right, and not be in arrears in respect to any call thereon, the majority of whom shall form a quorum, and one or more of whom may be paid directors of the Company ; and the majority of the directors of the Company so chosen shall at all times be persons resident in Canada, and subjects of Her Majesty by birth or naturalization.

Number, qualification and quorum of directors.

8. The head office of the Company shall be at the city of Hamilton or such place in Canada as the shareholders by by-law from time to time direct.

Head office.

9. The Company may issue bonds, debentures or other securities in the manner provided by section ninety-three of *The Railway Act* to an amount not exceeding one million of dollars.

Amount of bonds, etc., limited.

10. The construction of the said works shall be commenced within three years, and completed within six years from the passing of this Act ; otherwise the powers hereby granted shall cease and be null and void as respects so much of the said works as then remain uncompleted.

Time for construction limited.

11. The Company may, subject to the provisions contained in section five of this Act, construct a telephone line and telegraph line in connection with, but for the purposes only of their

Telephone and telegraph line.

their watercourse and raceway and the works connected with and the business done by the Company.

Annual general meeting. **12.** The annual general meeting of the shareholders of the Company shall be held on the first Tuesday in May in each year or at such other date as is fixed by by-law of the Company.

Grants in aid of undertakings. **13.** The Company may receive from any government or municipal council, or from any person, aid towards the construction, equipment or maintenance of the works hereby authorized by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee or exemption from taxation or assessment.

1888, c. 29. **14.** *The Railway Act*, so far as applicable, and when not inconsistent with this Act, shall apply to the Company and to its undertakings.

Interpretation: "Company," "Railway." **2.** Wherever in *The Railway Act* the word "company" occurs, it shall mean the Company hereby incorporated.

3. 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 to the Company hereby incorporated, mean the watercourses and raceway or other works authorized by this Act to be constructed.

"Land." **4.** 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, or over, or along any land, without the necessity of acquiring a title in fee simple.

Supply of electric light, etc., to municipalities. **15.** The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality within a practicable distance of the Company's works, for a supply of electric heat, light and power and water, or either or any or all of them, as the case may require, upon such terms as are agreed upon by and between the Company and any such council; and for the purpose of supplying any municipality or the inhabitants thereof with water or electric heat, light, power or any or all of them, the Company may, with the approval of the Governor in Council erect, construct, lay down and operate overhead or under ground wires, mains, conduits, or other conductors of water, electric heat, light or power, through any other municipality after obtaining the consent of the last-mentioned municipality by by-law duly passed by the council thereof.

Rights of aliens. **16.** Aliens as well as British subjects, whether resident in Canada or elsewhere, may be shareholders in the Company, and all of such shareholders shall be entitled to vote on their shares equally with British subjects and shall also, sub-

ject to the restriction in section seven of this Act, be eligible to hold office as directors or otherwise in the Company and in all other ways shall enjoy all rights and privileges of shareholders as fully as they could do if British subjects.

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

18. The works authorized by this Act are hereby declared Declaratory. to be works for the general advantage of Canada.

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



58 - 59 VICTORIA.

CHAP. 79.

An Act to revive and amend the Acts to enable the city of Winnipeg to utilize the Assiniboine River water power.

[Assented to 22nd July, 1895.]

WHEREAS the city of Winnipeg has, by its petition, Preamble.
prayed for the passing of an Act to revive and extend
the times for the commencement and completion of the works
authorized by chapter eighty-nine of the Statutes of 1889, in- 1889, c. 89 ;
titled *An Act to enable the city of Winnipeg to utilize the* 1891, c. 108
Assiniboine River water power, as amended by chapter one 1893, c. 72.
hundred and eight of the Statutes of 1891, and by chapter
seventy-two of the Statutes of 1893, and it is expedient to revive
the said Acts and to grant the prayer of the said petition :
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows :—

I. Chapter eighty-nine of the Statutes of 1889, as amended 1889, c. 89
by chapter one hundred and eight of the Statutes of 1891, and revived and
by chapter seventy-two of the Statutes of 1893, is hereby time for
revived and declared to be in force, and the times limited for construction
commencing and completing the works authorized by the said extended.
first-mentioned Act are hereby extended for two and four years,
respectively, from the passing of this Act; and failing such
commencement and completion within the said times, the
powers granted for such construction shall cease and determine.

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



58-59 VICTORIA.

CHAP. 80.

An Act to incorporate the Canadian Sick Benefit Society.

[Assented to 28th June, 1895.]

WHEREAS the persons hereinafter named have, by their Preamble.
petition, prayed to be incorporated for the purposes
hereinafter mentioned, and it is expedient to grant the prayer
of the said petition : Therefore Her Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, enacts as follows :—

1. John Kerr and Benjamin F. S. Van Tuyl, of the town Incorporation.
of Petrolia ; H. H. Hunt, W. Milne, E. L. Mott, J. C. Thomp-
son, W. Newell, M.D., and Rev. J. Gunn, all of the village of
Wyoming ; W. Humphreys, of the town of Parkhill ; L. I.
Hunt, D. Sinclair and Arthur Hunt, of the village of Alvin-
ton ; and Salem Smith, of the city of St. Thomas, in the pro-
vince of Ontario, together with such persons as become share-
holders in the guarantee fund hereinafter provided for, and
who in the following provisions of this Act are called “the
guarantors,” and such persons as become members of the
society hereby incorporated, are hereby constituted a body
incorporate under the name of “The Canadian Sick Benefit Corporate
Society,” hereinafter called “the Society.” name.

2. The objects of the Society and the purposes for which it Objects of the
is incorporated and which it is authorized to carry out, are to Society.
establish and maintain by means of assessments on all its
members a benefit fund for the relief of its members in sickness
or disability, and generally to transact the business of insurance
against sickness and disability on the assessment plan, with
all such powers and rights as are necessary or incidental to
such purposes.

3. The head office of the Society shall be in the town of Head office.
Petrolia, but its location may be changed to any other place
in Canada at any special meeting called for that purpose, and
the Society may open local agencies throughout Canada.

Guarantee fund to be subscribed before policies issued.

4. Before any policies are issued a guarantee fund of at least five thousand dollars, divided into shares of one hundred dollars each, shall be subscribed and at least twenty per cent paid up thereon in cash, which guarantee fund shall be liable for the payment of losses and may be deposited with the Minister of Finance and Receiver General for that purpose.

Redemption of guarantee fund.

2. The said guarantee fund shall be redeemable by the Society out of any reserve fund, surplus or other funds properly available for that purpose, at such times and upon such terms as are determined by the directors, and until redemption the directors may pay to the holders of shares in such guarantee fund interest upon the amounts paid up at such rate, not exceeding eight per cent, as is agreed upon.

Provisional directors.

5. The persons named in the first section of this Act shall be the provisional directors of the Society and a majority of them shall form a quorum, and they shall open books for the subscription of the guarantee fund.

First election of directors.

2. So soon as the necessary subscriptions to the said guarantee fund have been received the provisional directors shall call a meeting of the guarantors from whom there shall be elected a board of nine directors, a majority of whom shall form a quorum.

Subsequent elections of directors.

6. For the election of nine directors, of whom a majority shall form a quorum, a general meeting of the members of the Society and of the guarantors shall take place yearly thereafter, at such time and place and upon such notice as is provided for in the by-laws, at which meeting a statement of the affairs of the Society shall be submitted; and until the redemption of the guarantee fund as provided in section four of this Act, six of the said directors shall be elected by the guarantors, and three by the members other than the guarantors present at the meeting, and at such meeting any other business may be transacted that is deemed necessary or expedient, and any guarantor or member otherwise qualified shall be eligible to be elected a director.

Officers and by-laws.

7. The directors shall from time to time elect from among themselves a president, vice-president and a managing director, and may also appoint and remove at pleasure all other officers, agents and servants of the Society, and the said directors shall in all things administer the affairs of the Society, and may make by-laws, from time to time, prescribing and fixing the qualifications, duties, powers and remuneration of the directors, the accumulating of a reserve and emergency fund, the voting power of the guarantors and of the other members respectively, the filling of vacancies in the board, the issue and registration of certificates of shares in the said guarantee fund, the forfeiture of such shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares in the said fund, the government, regulation and management of

the Society and the admission of members; and generally may make such by-laws as are proper and necessary for the purposes of the Society; and the directors may from time to time repeal, amend or re-enact such by-laws, but every such by-law and every repeal, amendment or re-enactment thereof, unless it is in the meantime confirmed at a general meeting of the Society, duly called for that purpose, shall have force only until the next annual meeting of the Society, and in default of confirmation thereat shall, at and from that time only, cease to have force.

8. No guarantor who is in arrears with respect to any call on any share held by such guarantor shall be qualified to be elected a director, or entitled to vote at any meeting of the Society. Case of guarantors in arrears.

9. The directors may, for the purposes of the Society, make calls upon the guarantors for such amounts, and at such times as they see fit, and interest shall be payable upon calls from the day upon which they become due; but no guarantor, as such, shall be responsible for any act, default or liability of the Society or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or in connection with the Society, beyond the amount unpaid on his shares in the said guarantee fund; and the directors may also from time to time make assessments and calls upon the members, and fix the amounts, and the times and manner of payment of such assessments and calls, and may also provide conditions upon which in case of non-payment of any assessments, calls or dues by any member the membership of such member shall cease, and he shall have no claim upon the property or assets of the Society. Calls on guarantors.

10. No share in the said guarantee fund shall be transferred until all calls thereon have been paid, but any shares forfeited for non-payment of the calls thereon may be re-issued by the Society. Transfer of shares in guarantee fund.

11. The surplus funds of the Society shall be invested in securities which are a first charge on land in fee simple in Canada, or on deposit with or in debentures of loan and investment companies incorporated in Canada, or in debentures of municipal or school corporations or in securities of Canada, or of any of the provinces thereof, or shall remain deposited at interest in the name of the Society in any chartered bank, but the Society shall sell such real estate and property as it acquires by foreclosure of any mortgage, or lien within seven years after it has been so acquired, otherwise it shall revert to the previous owner or to his heirs or assigns. Investment of surplus funds.

12. Upon every policy issued by the Society shall be printed so much of any by-laws, rules and regulations of the Society as Conditions of membership to be printed on policies.

as relate to membership and the conditions of membership, and so long as such conditions, or any amendments and any other conditions authorized thereby, are complied with, the policy holder shall remain a member of the Society and shall enjoy all the benefits and privileges of membership.

R.S.C., c. 118. **13.** Notwithstanding anything contained in *The Companies Clauses Act*, sections five, eight, twelve, fourteen, thirty-five and forty of the said Act shall extend and apply to the Society hereby incorporated and shall form part of this Act, in so far as they are not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 124. **14.** The Society and the exercise by it of the powers hereby conferred shall be subject to the provisions of *The Insurance Act*, and any Act amending it.

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



58-59 VICTORIA.

CHAP. 81.

An Act respecting the Eastern Assurance Company of Canada.

[Assented to 28th June, 1895.]

WHEREAS the Eastern Assurance Company of Canada has by its petition represented that the further continuance of its business is undesirable and the directors have resolved to dispose of the business and affairs of the Company to the Union Assurance Society of London, England, and an agreement, a copy of which is contained in the schedule hereto, has been entered into between the said Union Assurance Society of London and the said Eastern Assurance Company of Canada; and whereas it appears to be in the interest of the said Eastern Assurance Company of Canada and of the shareholders thereof that the said agreement be carried out and legalized and confirmed; and whereas the Company has by its petition prayed that the said agreement be ratified and confirmed, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subject to the provisions of *The Insurance Act*, the said agreement, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed and declared to be valid and operative as and from the date thereof.

2. Upon payment by the Union Assurance Society of London of the sum of one hundred and twenty-five thousand dollars mentioned in the said agreement, the said Society or its nominees shall thereupon become the holders of all the shares of the capital stock of the said Eastern Assurance Company of Canada.

SCHEDULE.

MEMORANDUM of agreement made and entered into this twenty-sixth day of April, in the year of our Lord one thousand eight hundred and ninety-five, between the Eastern Assurance Company of Canada, a body corporate and politic whose head office is at Halifax, in the province of Nova Scotia, of the one part, and the Union Assurance Society, whose head office is at 81, Cornhill, London, England, of the other part.

Whereas at the regular annual meeting of the said Eastern Assurance Company the following resolution was duly and regularly passed, viz :—

“ That the directors be and are hereby authorized in their discretion to apply to the Dominion Parliament for amendments to the charter or Act of incorporation of the Eastern Assurance Company of Canada, reducing its authorized and subscribed capital from one million dollars to five hundred thousand dollars, and its paid-up capital from two hundred and fifty thousand dollars to two hundred thousand dollars, with power to carry the amount of such reduction of paid-up capital to a reserve fund.

“ Provided, however, should the foregoing legislation be not obtained, or the further continuation of the business from any cause be deemed undesirable, the directors are hereby authorized to dispose of the business and affairs of this Company in such manner as they may deem to be in the best interest of its shareholders.”

And whereas owing to serious losses the further continuance of the business is deemed undesirable by the directors of the said Eastern Assurance Company, and the directors have resolved to dispose of the business and affairs of the Company to the said Union Assurance Society.

Now therefore it is mutually agreed as follows :—

1st. The said Union Assurance Society agrees to, and does hereby, reinsure all risks of the said Eastern Assurance Company outstanding at noon standard time on the day of the date hereof under policies, interim receipts, certificates or other contracts against loss or damage by fire or lightning upon property wheresoever situate in the Dominion of Canada, or the Colony of Newfoundland heretofore issued by said Eastern Assurance Company, it being understood and agreed that said Union Assurance Society shall have the benefit of all the policies or contracts of reinsurance in favour of the said Eastern Assurance Company upon risks covered by the said policies. And the Eastern Assurance Company and its agents shall cease writing within fifteen days from the date of the signing of this agreement, unless otherwise directed by the Union Assur-

ance Society as provided by clause 13 hereof, and the Union Assurance Society shall be liable for all risks so taken and shall be entitled to the premiums payable therefor.

2nd. Notices and proofs of loss and all other notices required to be given or which the insured under any policy of the said Eastern Assurance Company has the right to give may be served upon the said Union Assurance Society and such notice shall have the same force and effect as if made upon the said Eastern Assurance Company or an agent duly authorized by it and the said Union Assurance Society may also in the name of the said Eastern Assurance Company give any notice under any policy now outstanding which the Eastern Assurance Company would be entitled to give if this agreement had not been made.

3rd. The said Union Assurance Society is also authorized and hereby expressly agrees at its own expense to adjust all claims for loss or damage under the policies so reinsured by it and that after any such loss or damage shall have been adjusted it will within the period required by the policy pay the same to the insured thereunder and assume all liabilities resting upon said Eastern Assurance Company by virtue of such policies and each and every of them.

4th. In case any claims made under any policy of the said Eastern Assurance Company shall be disputed and an action shall be brought against the said Eastern Assurance Company by the claimant notice of such action shall be promptly given to the said Union Assurance Society and that Society shall be entitled to defend the said action in the name of the said Eastern Assurance Company but shall be liable for all the costs of such defence and shall be entitled to any costs which may be awarded in favour of the said Eastern Assurance Company in such action. In case such action should result in a judgment in favour of the claimant the said Union Assurance Society agrees to indemnify and save harmless the said Eastern Assurance Company against any loss on account of such judgment.

5th. In case the said Union Assurance Society shall avail itself of the privileges of cancelling any policy of the said Eastern Assurance Company the said Union Assurance Society shall pay the amount of return premium required and it shall also pay the return premium in case any such policy shall be cancelled by the holder thereof; and the consideration payable under this agreement as reinsurance premium shall not be affected by such cancellation.

6th. The said Union Assurance Society also agrees to assume and does hereby assume and agree to pay, settle or adjust and satisfy each and every claim, liability and obligation of every nature and kind whatsoever of the said Eastern Assurance Company mentioned in the schedule hereto annexed marked "A" and to indemnify and save harmless the said Eastern Assurance Company against each and every such claim, liability and obligation.

7th. The said Eastern Assurance Company hereby assigns, transfers and conveys to said Union Assurance Society all its assets, business, good-will and property of every nature and kind whatsoever (except the securities enumerated in the schedule hereto annexed marked "B").

8th. The said Union Assurance Society shall pay to the said Eastern Assurance Company on or before the 30th day of June, A.D. 1895, the sum of one hundred and twenty-five thousand dollars with interest thereon from the date hereof at the rate of 4% per annum.

9th. Upon payment of the said sum of one hundred and twenty-five thousand dollars and interest as aforesaid on or before the said 30th day of June, A.D. 1895, the said Eastern Assurance Company agrees to assign, convey and make over to said Union Assurance Society the said securities mentioned in said schedule "B" and in the meantime and until such payment they shall be held by said Eastern Assurance Company as security for such payment.

10th. If the said Union Assurance Society shall on or before the 30th day of June, 1895, request the said Eastern Assurance Company in writing so to do the said Eastern Assurance Company agrees that it will use its best endeavours to secure from each and every of the shareholders of said Company proper and legal transfers of the shares of the capital stock of said Company held by them respectively to said Union Assurance Society or its nominees or appointees.

11th. It is further agreed that the paragraphs hereof numbered 6th, 7th, 8th, 9th and 10th shall not take effect unless and until the Eastern Assurance Company shall on or before the 30th day of June, 1895, secure an Act of Parliament legalizing this agreement or the said Company shall obtain the consent and concurrence in writing of all the shareholders of said Company thereto to the satisfaction of the Union Assurance Society or an assignment and transfer of all of the shares of the capital stock of said Company to Honourable H. H. Fuller upon trust to be conveyed to said Union Assurance Society or their nominee or nominees when the payment provided for by the 8th paragraph hereof shall be made by the said Union Assurance Society to said Eastern Assurance Company, and upon the happening of such events or any of them the said clauses take effect as of the date of this agreement.

12th. There shall be paid in cash by the Eastern Assurance Company the sum of \$25,000 on account of premium for the reinsurance mentioned in clauses one to five hereof both inclusive, and if the said Eastern Assurance Company shall not obtain the legislation or the consent and concurrence in writing of all the shareholders of said Company, or an assignment and transfer of all the shares of the capital stock of said Company to the Hon. H. H. Fuller, as provided by the last preceding paragraph on or before the 30th day of June, A.D. 1895, then the said Eastern Assurance Company will on that date pay to the said Union Assurance Society as

a consideration or premium for the reinsurance referred to in the paragraphs hereof numbered from first to fifth, both inclusive, a sum to be computed and ascertained as follows:—namely, —the *pro rata* unearned premium of the unexpired term on each policy reinsured shall be computed and ascertained and from the aggregate of such *pro rata* of unearned premiums there shall be deducted the *pro rata* of unearned premiums on policies on contracts of reinsurance reinsuring the said Eastern Assurance Company in respect to such policies and from the balance there shall be deducted a rebate or commission of fifteen per cent, and the net balance remaining after deducting such commission shall be the premium for reinsurance, and it shall be paid over to the said Union Assurance Society on the 29th day of June, A.D. 1895, less the sum of \$25,000 hereinbefore mentioned as paid on account thereof.

In case, for any reason, payment shall not be made on the day above specified, interest on the amount at the rate of four per cent per annum shall be computed up to the date of payment.

In case any payment shall be anticipated by the said Eastern Assurance Company, it shall be entitled to a rebate or discount at the same rate from the date of the actual payment up to the time when the payment would be obligatory.

13th. In case clauses six to ten hereof, both inclusive, become operative as hereinbefore provided, then it is understood and agreed that the Eastern Assurance Company shall receive credit for the payment of \$25,000 made under the provisions of clause twelve hereof in the transfer of assets to the said Union Assurance Society.

14th. The said Eastern Assurance Company agrees that the business of said Company shall be continued until the 30th day of June, A.D. 1895, on behalf of and at the costs, risk and expense of said Union Assurance Society and under the direction of said Union Assurance Society.

15th. The Union Assurance Society further agrees that if only clauses numbered from one to five, both inclusive, are brought into force, that it will deposit and keep on deposit at Ottawa at its own cost and expense and out of its own funds such amount as shall be found necessary under the provisions of the "Insurance Act" in connection with the said assurance so transferred. And if the said clauses numbered from six to ten, both inclusive, are brought into force, then the said Union Assurance Society will deposit and keep on deposit at Ottawa at its own cost and expense and out of its own funds such amount as shall be found necessary under the provisions of the "Insurance Act" in connection with the said business and liabilities so to be transferred thereby.

In testimony whereof the said Eastern Assurance Company has caused these presents to be executed by the Honourable Hyacinth H. Fuller, the president, and Charles C. Hole, the secretary of the said Company, and the corporate seal thereof to be hereto affixed. And the said Union Assurance Society

has caused these presents to be executed in its name and on its behalf by Thomas L. Morrisey, its attorney and resident manager in Canada, duly authorized in that behalf.

H. H. FULLER, *President*,
CHARLES C. HOLE, *Secretary*.

Union Assurance Society of London, by
T. L. MORRISEY,
Attorney and Resident Manager for Canada.

Signed, sealed and delivered in }
the presence of }

CHARLES D. CORY.

[Seal of the Eastern Assurance Company of Canada.]

SCHEDULE "A" referred to in agreement dated 26th day of April, A.D. 1895, between the Eastern Assurance Company of Canada and the Union Assurance Society of London.

Overdrawn account at Bank of Nova Scotia, Halifax, and accrued interest.....	\$ 26,359 69
Outstanding losses as per schedule attached hereto marked No. 1.....	30,044 90
Amount estimated to cancel risks not reinsured by Union Assurance Society.....	12,570 65
All other liabilities including among other things, the following, viz., salaries, rent and all other expenses now due or which may become due or be incurred at the head office and Montreal Branch or any other branch or agency of the Eastern Assurance Company of Canada, premiums due other companies for reinsurance, salvage due other companies, taxes, underwriters' associations fees or assessments, advertising, legal and adjustment expenses, subscriptions to newspapers, journals, Fire Record and commercial agencies, cost of legislation on amendment to charter, postages, telegraphing; telephone rents, such amount over and above the \$12,570.65 hereinbefore mentioned, as may be paid for the covering by reinsurance of outstanding risks of the Aetna Insurance Company of Hartford (reinsured by said Eastern Assurance Company) from the date of this agreement. The whole, however, not to exceed the sum of....	10,630 26
	<u>\$79,605 50</u>

[L.S.]

ROBT. E. HARRIS, *Notary Public*,
Nova Scotia.

SCHEDULE No. 1 to Schedule "A."

OUTSTANDING Losses Eastern Assurance Company at noon April 26th, 1895.

Agency.	Loss No.	No. of Policy or entry.	Name of Assured.	Loss estimated at
1893.				\$ cts.
General	241	6377	J. A. Wakefield	500 00
do	242	7108	do	750 00
Atlanta	375	1689	J. A. Redding	500 00
Pacific	477	919	Metz & Co.	1,250 00
1894.				
General	9	8329	H. McShane Mfg Co.	950 00
Atlanta	80	4298	Francis M. Way	1,000 00
Dallas	119	13	Lewis Ballie & Co.	200 00
New York	301	4586	Louis Gordon	1,000 00
Mountain	306	256	Rosebud Mfg. & Millg. Co.	1,300 00
Chicago	348	1067	G. W. Hoffman	1 50
Milwaukee	357	3854	Sioux City Pkg. Co.	12 00
New York	403	6087	42nd & Grand St. Ferry R. R. Co.	125 00
General	411	13800	Fahnley & McCrae	113 00
1895.				
Chicago	4	1432	McVicar Theatre Co.	48 00
General	5	12868	C. B. Woodworth Sons Co.	54 00
New York	6	4448	Est. Mayer Schultze	12 50
General	9	1148	Edward Malley	24 34
Dallas	11	44	W. B. Hewitt	200 00
General	13	6420	Daniel P. Erwin	500 00
New York	14	1372	Susan R. Lawton	217 41
General	15	13304	Ray & Co.	833 33
do	17	13298	Sheridan Brick wks	333 33
Chicago	19	1404	Ed. Hart	37 50
General	20	8664	Ed. Mallinckrodt	90 76
Atlanta	23	2894	B. W. Canady	1,000 00
Milwaukee	24	2236	Sisters of St. Francis	0 84
Chicago	25	1448	Western Electric Co.	1 14
New York	26	5773	Est. W. C. Rhinelanders	30 00
General	27	13050	Louis Frich	73 68
do	28	13678	Kratvchvill Millg Co.	0 95
do	29	13707	Atwater Millg Co.	50 00
New York	30	4202	Thos. Mott	500 00
do	31	1726	Rector, &c., Grace Church	60 00
Manitoba		18214	J. H. Beck	150 00
Toronto		{ 11658 1259 }	Western (Hart. R. & Co.)	1,500 00
St. John	129, 94	2197, 315	Miller Bros	1,600 00
Etna Ins. Co.	23	4144	Mrs. V. E. Hawley	44 00
Manitoba	27	31298	James Bell	1,500 00
Halifax	50 & 51	{ 3039 & 3233, 768 & 851 }	N. S. Power Co.	648 54
Manitoba	54	31098	Dalton & Co	1,000 00
Toronto	59	{ 10381 1312 }	R. Simpson	2,500 00
do	61	12109	do	all reinsured
Manitoba	63	31071	Pres. Church, Glenboro	1,000 00
Montreal	65	24244	Mrs. M. Clement	12 00
C. P. R. Schedule	75	26250	Western Assurance Co.	31 25
do do	75½	26259	do do	6 83
Manitoba	78	31158	J. F. Caldwell	566 93
do	84	31126	Wright, Garland & Co.	18 00
C. P. R. Schedule	89	26259	Western Assurance Co.	12 50
Ontario Genl.	90	32399	W. R. Tudhope	60 00
do do	91	8937, 2758	Janet Fairbairn	1,000 00
Moncton	92	18827, 505	Mrs. Mary O'Leary	200 00
Manitoba	93	15474	School Dist. No. 1	2,000 00

SCHEDULE No. 1 to Schedule "A"—*Concluded.*OUTSTANDING Losses Eastern Assurance Company at noon
April 26th, 1895.

Agency.	Loss No.	No. of Policy or entry.	Name of Assured.	Loss Estimated at
1895.				\$ cts.
St. John.....	94	24489, 413	A. Cushing & Co.....	1,500 00
Toronto.....	95	12248	Western Assurance Co.....	331 00
Ætna.....	98	3864	Henry Devonport.....	125 00
do.....	99	4033	F. E. Cox.....	5 00
Moncton.....	102	21443	E. O. Steeves.....	1,500 00
Montreal.....	103	24379	F. Auger.....	11 10
				\$ 28,990 45
Ont. Genl.....	104	32234	P. Gilligan.....	999 45
Moncton.....	105	21663, 431	T. B. Leblanc.....	40 00
do.....	106	21660, 545	do.....	45 00
			Total.....	\$ 30,044 90

[L. S.] ROBT. E. HARRIS, *Notary Public.*
Nova Scotia.

SCHEDULE "B" referred to in agreement dated 26th day of April, A. D. 1895, between the Eastern Assurance Company of Canada and the Union Assurance Society of London.

Debentures.	Par Value.	Estimated market value.
Province of Nova Scotia.....	\$ 50,000 @ 1'04	\$ 52,000
City of Halifax.....	30,000 @ 1'05	31,500
Town of Wolfville.....	15,000 @ 1'02½	15,375
do Dartmouth.....	5,000 @ 1'03	5,150
do St. John, N. B.....	8,000 @ 1'14	8,912
do Guelph.....	4,000 @ 1'06	4,240
do Galt.....	8,000 @ 1'05½	8,440
Totals.....	\$120,000.....	\$ 125,617

[L. S.] ROBT. E. HARRIS, *Notary Public.*
Nova Scotia.



58-59 VICTORIA.

CHAP. 82.

An Act to incorporate the Merchants' Life Association of Canada.

[Assented to 22nd July, 1895.]

WHEREAS the persons hereinafter named have by their Preamble.
petition prayed for an Act to incorporate them as an
Association for the purposes and with the powers hereinafter
mentioned, and it is expedient to grant the prayer of the said
petition: Therefore Her Majesty, by and with the advice and
consent of the Senate and the House of Commons of Canada,
enacts as follows:—

1. James G. Howorth, Emerson Coatsworth, junior, Harry Incorporation.
Sutton Pell, William B. Hurdon, Albert Hartley Howorth and
Edward Allen, all of the city of Toronto, together with such
persons as become members of the Association hereby incor-
porated, are hereby constituted a body corporate under the
name of "The Merchants' Life Association of Canada," herein- Corporate name.
after called "the Association."

2. The Association may hold such real estate, not to exceed Investment funds.
in all the annual value of five thousand dollars, as is necessary
for the purposes of the Association, and may invest its funds in
mortgage security, or in the bonds or other securities of the
Dominion of Canada or of any of the provinces thereof, or of any
building society, loan or investment company, or in the securi-
ties of any municipal or school corporation in Canada, and
may hold such real estate as is acquired by foreclosure of mort-
gage or in satisfaction of debts or judgments, and may sell or
otherwise dispose of the same; but the Association shall sell
any real estate acquired in satisfaction of any debt within seven
years after it has been so acquired, otherwise it shall revert to
the previous owner or to his heirs or assigns.

3. The objects of the Association are to unite its members Objects of Association.
for their mutual benefit and financial support by making pro-
vision out of assessments, dues, donations or other payments
by members for death, and for assisting the widows and
orphans,

orphans, heirs and beneficiaries of deceased members; and generally to transact the business of life insurance on the assessment plan; and the Association may make assessments upon its members from time to time for such amounts and in such manner as the by-laws determine for all or any of the said purposes, and may also by by-laws provide conditions, upon which, in case of non-payment of any assessments or dues by any member, his membership shall cease and he shall have no claim upon the property or assets of the Association.

Provisional directors.

4. The persons hereinbefore named shall be provisional directors for the organization of the Association and shall elect a provisional president from among themselves, and they shall hold office until the meeting of the Association hereinafter provided for.

First meeting of members of Association.

5. Within sixty days from the passing of this Act a meeting of the provisional directors and such other persons as have agreed to become members of the Association shall be called for the election of directors, and for the purpose of making by-laws governing the election of directors and the appointment of officers and prescribing and defining their duties and powers, regulating the admission of new members, the amount and the time and manner of payment of assessments, dues and other payments by members, the voting power of members and subscribers to the guarantee fund respectively, and generally of passing such by-laws as are proper and necessary.

Qualification of director.

2. After the Association has obtained a license under *The Insurance Act* to commence business, no person shall be eligible for director unless he is a member of the Association and holds a policy of insurance for not less than two thousand dollars.

Documents to be filed with superintendent of insurance.

6. Copies of all such by-laws, together with copies of its form of policy and of all such forms, if more than one is issued by the Association, and copies of all other printed or written forms used in connection with the business of the Association, all duly certified, shall be filed in the office of the superintendent of insurance before they are acted on or made use of by the Association.

Reserve fund.

7. The Association shall by its by-laws provide for the accumulation of a reserve and emergency fund, which shall not be less than the proceeds of one mortuary assessment on all policy holders thereof.

Association may issue policies of insurance.

8. The Association shall issue policies of insurance upon the lives of its members only; but the amount of insurance on any one life shall not exceed in all the sum of ten thousand dollars, nor shall the Association issue any policy of insurance

until it has received at least five hundred applications for membership calling for an amount of insurance of not less than five hundred thousand dollars.

9. The Association may at any time by by-law raise by subscription a guarantee fund to an amount not exceeding one hundred thousand dollars, and the liability of each subscriber to any such fund, with respect to any claims thereon, shall be limited to the amount of his individual subscription thereto.

10. The Association shall deposit with the Minister of Finance and Receiver General the sum of fifty thousand dollars before issuing any policies or receiving a license, and such deposit shall be used for the payment of death claims upon the said Association and for no other purpose.

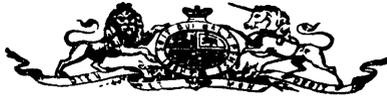
11. Every person who is admitted a member of the Association shall receive a policy on which shall be printed the by-laws, rules and regulations relating to membership or the conditions of membership; and so long as such conditions, or any amendments and any other conditions authorized thereby, are complied with, he shall remain a member of the Association and shall enjoy all the benefits and privileges of membership.

12. The head office of the Association shall be in the city of Toronto, but its location may be changed to any place in Canada at any special meeting called for that purpose; and the Association may open local agencies throughout Canada.

13. A general meeting of the Association shall be held in the city of Toronto or in such place where the head office is located, once in each year on the date fixed by by-law, at which meeting a statement of the affairs of the Association shall be submitted.

14. Notwithstanding anything contained in *The Companies Clauses Act*, sections seven, eight, eleven (except paragraphs (c) and (e) thereof), twelve, thirteen (except paragraphs (a), (b) and (c) thereof), fourteen, thirty-five and forty of the said Act shall extend and apply to the Association hereby incorporated and shall form part of this Act, in so far as they are not inconsistent with any of the provisions hereinbefore contained.

15. This Act and the Association hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in *The Insurance Act* and any Act amending it.



58-59 VICTORIA.

CHAP. 83.

An Act to incorporate the Ontario Accident Insurance Company.

[Assented to 22nd July, 1895.]

WHEREAS the persons hereinafter mentioned have by their Preamble.
petition prayed to be incorporated as a company for the purpose of carrying on the business of accident insurance in all its branches, 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. Larratt W. Smith, Goldwin Smith, Arthur Lionel Eastmure, J. N. Shenstone, William Henry Pearson, J. Herbert Mason, William R. Brock, William Davies, James Frederick Smith, Francis J. Lightbourn, Robert Edward Colborne Jarvis, Edmund T. Lightbourn and John Greer, all of the city of Toronto ; R. Shaw Wood, of the city of London ; J. H. Brock, of the city of Winnipeg ; Edward L. Bond, of the city of Montreal ; John H. Tildon, of the city of Hamilton ; Thomas E. Kenny, of the city of Halifax, M.P. ; the Honourable Andrew G. Blair, of the city of St. John, New Brunswick, and John J. Banfield, of the city of Vancouver, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body politic and corporate under the name of “ The Ontario Accident Insurance Company,” hereinafter called “ the Company.” Incorporation.
Corporate name.

2. The head office of the Company shall be in the city of Toronto, in the province of Ontario ; and branches, sub-boards or agencies may be established and maintained, either within Canada or elsewhere, in such manner as the directors from time to time appoint. Head office and branch offices.

3. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of fifty dollars each. Capital stock

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 at any time or from time to Capital stock may be increased.

time to an amount not exceeding one million dollars ; 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 at a special general meeting of the shareholders duly called for that purpose.

Provisional directors.

4. The persons mentioned by name in the first section of this Act, are hereby constituted provisional directors of the Company, and of such provisional directors a majority shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company, and withdraw the same for the purposes only of the Company, and may do generally whatever is necessary to organize the Company.

Quorum.

Proxies.

2. The provisional directors may vote and act by proxy, but such proxies shall be held by provisional directors only, and no provisional directors shall hold more than two proxies.

Powers and business of corporation.

5. The Company may make and effect contracts of insurance with any persons against all accidents or casualties of whatsoever nature or from whatsoever cause arising to individuals, whereby the insured may suffer loss or injury or be disabled, or in case of death from any accident or casualty secure to the representative of the person assured the payment of a certain sum of money, upon such terms and conditions as are agreed upon ; and in like manner may also make and effect contracts of indemnity with any persons against claims and demands of the workmen and employees of such persons, 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.

First meeting of shareholders.

6. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Toronto, at which meeting the shareholders present in person or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors.

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 shares of the capital stock of the Company and has paid all calls due thereon and all liabilities incurred by him to the Company.

7. The largest amount of stock which any person shall hold in the Company at any one time shall be two hundred shares: Provided that the directors may at any time by by-law provide that any person may hold such greater number of shares of the capital stock as is provided in such by-law; but such by-law shall have no effect until it has 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.

Amount of stock to be held by one person limited.

8. 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 the calling of each such subsequent instalment shall be given: Provided that the Company shall not commence the business of insurance until at least twenty-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.

Payment of capital stock.

Proviso.

2. A further call of five per cent on the subscribed capital stock of the Company shall be made and paid up within twelve months from the time it commences business.

9. The affairs of the Company shall be managed by a board of not less than seven nor more than twenty directors, of whom a majority shall form a quorum.

Number and quorum of directors.

10. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting 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.

Annual general meetings.

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 address of the shareholders respectively given in the books of the Company.

Notice of meetings.

11. 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

Investment of funds.

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 ground rents on real estate or other estate or interests in real property or mortgage security thereon in Canada, 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.

Conditions of loans.

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 to the Company or judgments recovered against any person, or in security for the payment thereof or of any part thereof.

Additional security.

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 above authorized to lend any of its funds.

Investment in foreign securities.

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.

Real estate.

13. 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.

Proviso.

R.S.C., c. 124.

14. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and any Act amending it.

R.S.C., c. 118.

15. Notwithstanding anything contained therein, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby

incorporated and shall be incorporated with and form part of this Act in so far as it is not inconsistent with any of the provisions hereinbefore contained.

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most Excellent Majesty.



58-59 VICTORIA.

CHAP. 84.

An Act to incorporate the Dominion of Canada Trusts Company.

[Assented to 22nd July, 1895.]

WHEREAS the persons hereinafter named have petitioned Preamble. to be incorporated for the purpose of executing and administering estates and as a safe deposit company and for the transaction of all business in connection therewith, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James Armstrong, John Worthington Dowd, James Todhunter and John Jeremiah Cook, of the city of Toronto; Henry Cargill, of the village of Cargill; William Frederick Roome, of the town of Glencoe; Thomas Fraser Wallace, of the village of Woodbridge; Alexander Stuart and Donald Cameron, of the city of London; Samuel Hughes, of the town of Lindsay, and John B. Mills, of the town of Annapolis, in the province of Nova Scotia, together with such persons as become shareholders in the corporation hereby created, are hereby constituted a body corporate under the name of "The Dominion of Canada Trusts Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the Company shall be in the city of Toronto, but the directors may establish branch offices and local directorates at the cities of Montreal, London, Ottawa and Kingston and at such other places in Canada as they determine. Head office.

3. The Company may—

(a.) take, receive and hold all estates and property real and personal which are granted, committed, transferred or conveyed to it upon any trust whatsoever not contrary to law, at any time, by any association, society, person or body corporate, or by any order, judgment or decree of any court in Canada or elsewhere; Powers. Holding of estates on trust.

(b.) administer, fulfil and discharge the duties of such trusts for such remuneration as is agreed upon; Administration.

- Management of estates, etc. (c.) act generally as agent or attorney for the transaction of business, the management of estates, receiving or collecting any principal, interest, rents, coupons, mortgages, debts, dividends, debentures, bills, notes and securities or evidences of debt or demand of any nature, and in the sale or purchase of any real or personal property, and generally to act in all matters in the nature of a trust or general agency ;
- Issuing stock, etc. (d.) act as agent for the purpose of issuing, countersigning, registering or otherwise ascertaining and certifying to the genuineness of certificates of stock, bonds, debentures or other obligations or securities for money of any government, municipal or other corporate body or society duly authorized to issue and make the same, and receive and manage any sinking fund therefor on such terms as are agreed upon, and hold such stock, bonds, debentures or other securities for money as agent or trustee, and act generally as fiscal or other agent for such government, society or corporate body ;
- Investment of moneys. (e.) invest any moneys forming part of its own capital or reserve or accumulated profit thereon in the manner provided in section five of this Act, and in the bonds or debentures of any corporation, building society or loan company, or on the security of real estate in Canada, or of any interest in such real estate as the directors deem expedient ;
- Guarantee of investments. (f.) guarantee any investments made by the Company as agent or otherwise, provided that nothing herein shall be held either to restrict or to extend the powers of the Company as trustee or agent under the terms of any trust or agency that is conferred upon it ;
- Moneys in trust. (g.) receive moneys in trust and otherwise for purposes herein specified and invest and accumulate the same at such rates of interest as may be obtained therefor ;
- Execution of trusts, &c. (h.) accept and execute all such trusts of every description and nature as are entrusted to the Company by any government, body corporate, association, society or person, or committed or transferred to it by any order, judgment or decree of any court in Canada or elsewhere ; accept and execute the offices of executor, administrator, trustee, accountant, arbitrator, adjuster, auditor, receiver, assignee, liquidator, sequestrator, guardian, curator or committee of a lunatic, and perform the duties of such offices or trusts as fully and completely as any person so appointed could do ; and in all cases where application is made to any court, judge or prothonotary for an appointment to any such office or trust, and such court, judge or prothonotary appoints the Company, then the Company may hold such office or trust, and the court may substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations as are applicable to corporations, and may fix the remuneration of the Company ; the Company may take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise any real or personal estate upon any lawful trusts, and perform

and execute such trusts according to the terms and for the purposes declared, established or agreed upon respecting such estate ; accept from and execute trusts for married women with respect to their separate property real or personal and act as agents for them in the management of such separate property ;

(i.) be the custodian, on such terms as are agreed upon, of any jewellery, plate or other valuable property and of deeds, wills, debentures and other evidences of title or indebtedness ;

Custody of jewellery, etc.

(j.) act as investing and managing agent of estates and properties and for and on behalf of executors, administrators and trustees and of any other persons or corporations ;

Management of estates.

(k.) receive and collect such remuneration for its services as is agreed upon or as previously fixed from time to time by its by-laws, and all usual and customary charges, costs and expenses.

Remuneration.

4. The powers and authority hereby conferred upon and granted to the Company shall not have any force or effect in any province in any respect in which they conflict with the laws of such province.

Powers to be subject to provincial laws.

5. The Company shall invest trust moneys as follows and may manage, sell or dispose of such investments as the terms of the trusts require :—

Investment of trust moneys.

(a.) upon first mortgages, privileges and hypothecs of improved freehold property of ample value in Canada, and the Company may accept personal property or covenants by way of collateral security thereto ; or

On mortgages.

(b.) in the stock, funds or government securities of Canada or any province of Canada, or of the United States, or guaranteed thereby respectively, or in the bonds or debentures of any municipal corporation in any such province other than municipal corporations having a population of less than two thousand inhabitants or an annual rate of assessment exceeding two cents on the dollar, or in the bonds and debentures of any school district in any such province, or in the public stock, funds or government securities of the United Kingdom, or any of the colonies or dependencies thereof ; or

On public securities.

(c.) in such securities as are specified by the terms of any trust, or by the order, judgment or decree of a court, judge or prothonotary.

On securities specified by court.

2. Nothing in this section shall prevent the Company from holding securities of any other kind that form or are part of any trust estate which comes into its hands ; and it may hold such securities subject to the trusts and legal obligations attaching thereto, but in case of the realization of any portion thereof the proceeds shall be invested as herein directed unless the will, deed, order or instrument creating the trust has provided otherwise.

Holding of securities.

6. The moneys and securities of each trust shall always be kept distinct from those of the Company, and in separate

Trust moneys to be kept distinct.

accounts, and so marked for each particular trust as always to be distinguished from any other, in the registers and other books of account to be kept by the Company, so that at no time shall trust moneys form part of or be mixed with the general assets of the Company; and the Company shall, in the receipt of rents, and in the overseeing and management of trusts and other property, keep distinct records and accounts of all operations connected therewith: Provided always, that in the management of money and property held by the Company as trustees, or in any other official capacity, under the powers conferred by this Act, the Company may, unless the authority making the appointment, at the time of the making of such appointment, otherwise directs, invest in the manner provided by section five of this Act such money and property in a general trust fund of the Company: Provided, however, that the total amount of money of any one trust invested in the said general trust fund shall not, at any time, exceed three thousand dollars.

Proviso: investment in general trust fund.

Amount limited.

Trust moneys not liable for debts of the company.

7. Moneys, properties and securities received or held by the Company upon trust or as agent of any person or body corporate, shall not be liable for the debts or obligations of the Company.

Account of administration.

8. In case of the appointment of the Company to any trust or office by any court in Canada, or judge or prothonotary thereof, such court, judge or prothonotary may, from time to time, require the Company to render an account of its administration of the particular trust or office to which it has been so appointed; and may from time to time appoint a suitable person to investigate the affairs and management of the Company, and as to the security afforded to those by or for whom its engagements are held; and such person shall report thereon to such court, judge or prothonotary, and the expenses of such investigation shall be borne as ordered by such court, judge or prothonotary.

Real estate.

9. The Company may hold such real estate as is necessary for the transaction of its business, not exceeding the net yearly value of ten thousand dollars, and beyond any real estate of whatever value which, being mortgaged or hypothecated to it, is acquired by it for the protection of its investments, and may, from time to time, sell, mortgage, lease or otherwise dispose of the same; but the Company shall sell any real estate acquired in satisfaction of any debt due to itself, other than as trustee or in any official capacity, within seven years after such acquisition, otherwise such real estate shall revert to the previous owner, or his heirs or assigns.

Sale of real estate acquired in satisfaction of debts.

Company not to issue notes as money.

10. Nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the

note of a bank, or to engage in the business of banking or of insurance ; and the Company shall not have power to issue debentures.

11. The capital stock of the Company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the Company may, after the whole capital stock has been subscribed and one hundred thousand dollars have been paid thereon in cash, from time to time increase the capital stock to an amount not exceeding in the whole five hundred thousand dollars, by a resolution adopted by a majority in number and amount of the shareholders at a meeting specially called for that purpose ; and if the capital stock is at any time increased, the shareholders at the time of such increase shall have a preferential right to a *pro rata* allotment of such increase.

Capital stock and increase thereof.

12. The directors may, by by-law, issue any part of the capital stock, not exceeding fifty per cent thereof, as preference shares, and such by-law may declare that the holders of preference shares shall be entitled to receive out of the profits of the Company, as a first charge, a cumulative preferential dividend not exceeding five per cent per annum on the amount for the time being paid upon preference shares held by them respectively, and such by-law may also give such preference shares priority as respects redemption or, in the event of the final distribution of assets, repayment of capital.

Preference shares.

2. Such by-law shall not have any force or effect whatever until it has been sanctioned by a vote of the shareholders representing at least two-thirds of the issued capital stock of the Company, present or represented by proxy at a general meeting of the Company duly called for considering the same.

Sanction of shareholders

13. The property, affairs and business of the Company shall be managed by a board of not less than nine nor more than seventeen directors ; which board, in the first instance and until another is chosen and appointed, as hereinafter provided, shall consist provisionally of the persons named in the first section of this Act, of which provisional directors a majority shall be a quorum.

Directors.

14. The Company may commence business when one hundred thousand dollars of its capital stock have been *bona fide* subscribed, and twenty-five per cent thereof has been paid up in cash, but not before ; and when such subscription has been made and the said amount has been paid up, the directors shall call a general meeting of the shareholders, to be held at such time and place, in the city of Toronto, as the directors appoint,—of which meeting not less than two weeks' notice shall be given by advertisement in one newspaper published in the city of Toronto, and by circular addressed and registered to each shareholder at his last known address,—for the purpose of passing by-laws, and electing directors.

Time of commencement business.

First meeting of shareholders.

Qualification
of directors.

15. No shareholder shall be eligible for election as a director unless he holds in his own right at least ten shares upon which all calls due have been paid ; and if any director makes an assignment for the benefit of his creditors, or comes within the operation of any insolvent law then in force, or ceases to hold ten shares in his own right, he shall *ipso facto* cease to be a director, and his place may be filled for the remainder of the term by the directors from among the qualified shareholders of the Company.

Calls on stock.

16. Calls for payment of subscriptions to the capital stock of the Company may be made by the board of directors at such times and in such proportions as they deem proper : Provided that not more than twenty-five per cent shall be called up within any one year.

Proviso :
amount
limited.

R.S.C., c. 118.

17. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

Annual state-
ment for Min-
ister of Fin-
ance.

18. The Company shall prepare and annually transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president, manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company and the trust property held by it, and such other details as the minister requires ; and such statement shall be made in each year up to the thirty-first day of December.

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58-59 VICTORIA.

CHAP. 85.

An Act further to amend the Hamilton Provident and Loan Society's Act of 1885.

[Assented to 28th June, 1895.]

WHEREAS the Hamilton, Provident and Loan Society, hereinafter called "the Society," has by its petition prayed that chapter thirty of the Statutes of 1885, as amended by chapter eighty-five of the Statutes of 1893, be further amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1885, c. 30 ;
1893, c. 85.

1. Section six of chapter thirty of the Statutes of 1885 is hereby repealed and the following substituted therefor:—

New section substituted for s. 6, c. 30 of 1885.

"6. The Society shall keep, or cause to be kept, at such places as the directors order, a register, in which shall be entered the debenture stock aforesaid as issued, together with the names and addresses of the several persons and corporations 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 open to inspection by any holder of debenture stock; and such stock shall be transferable at the place where the register is kept, in such amounts and in such manner as the directors from time to time determine."

Debenture stock shall be registered.

Transfer of stock.

2. Section eight of chapter thirty of the Statutes of 1885 is hereby repealed.

Section 8 repealed.

3. The directors of the Society may at any time, in the interests of the Society, buy up and cancel the debenture stock of the Society, or any part thereof.

Cancellation of debenture stock.

4. The Society shall not be bound to see to the execution of any trust, express, implied or constructive, to which any portion of such debenture stock may be subject, and whether or not the Society has notice of such trust; and the receipt of the party in whose name any such debenture stock stands

No liability as to trusts.

on the Society's register of debenture stock shall from time to time be sufficient discharge to the Society for any payment of any kind made with respect to such debenture stock.

Transfers.

5. Instruments of transfer of debenture stock shall be executed by the transferror and transferee, and the transferror shall be deemed to remain the holder of the said stock until the name of the transferee is entered in the proper register aforesaid with respect thereto.

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58-59 VICTORIA.

CHAP. 86.

An Act respecting the Manitoba and North-west Loan Company, Limited.

[Assented to 28th June, 1895.]

WHEREAS the Manitoba and North-west Loan Company, Limited, has petitioned for certain amendments herein after set forth to the Acts relating to the Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1874, c. 104;
1879, c. 74.

1. Section seven of chapter one hundred and four of the Statutes of 1874 is hereby repealed and the following substituted therefor:—

New section substituted for s. 7, c. 104. of 1874.

“7. The Company may hold such real estate as is necessary for the transaction of its business or, as being mortgaged or hypothecated to it, is acquired by the Company for the protection of its investments; and may, from time to time, sell, mortgage, lease, or otherwise dispose thereof: Provided always, that it shall be incumbent upon the Company to sell any real estate acquired in satisfaction of any debt within seven years after so acquiring it, otherwise it shall revert to the previous owner, or his heirs or assigns: Provided further, that all real estate acquired in satisfaction of any debt before the passing of this Act and now vested in the Company may be retained for a term of seven years from the passing of this Act.”

Power to hold real estate.

Proviso: real estate to be sold within seven years.

Proviso: as to real estate now held.

2. The section substituted by section six of chapter seventy-four of the Statutes of 1879 for section five of chapter one hundred and four of the Statutes of 1874 is hereby repealed and the following substituted therefor:—

New section substituted for s. 6, c. 74 of 1879.

“5. The directors may from time to time, with the consent of the majority of the shareholders present or represented at a general meeting, borrow money upon the debentures of the Company at such rate of interest and upon such terms as they think proper; and the directors may, for that purpose, make or cause to be made debentures for sums not less than one hundred

Borrowing powers.

Debentures may be issued.

hundred dollars each or twenty pounds sterling money, payable at any place and either to order or bearer,—which debentures may have interest coupons attached; and such debentures shall be signed by the president or vice-president and the manager of the said Company, or other person thereto appointed by by-law, and shall be under the common seal of the Company; and the coupons shall be signed by the manager, or other person thereto appointed by by-law; and such debentures and coupons respectively shall be payable at such time and place as the said debentures and coupons therein respectively state: Provided that no purchaser of debentures of the Company shall be bound to inquire into the occasion of any such loan or the issuing of any such debentures or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted: Provided also, that the total amount of the sums to be borrowed as aforesaid shall never exceed the amount of the subscribed capital stock of the Company for the time being not paid up; and the directors may from time to time give, execute and deliver a first mortgage or trust deed upon all the assets, property and effects of the Company, to such person or persons as the directors elect and upon such terms and conditions as they determine, and such trust deed or mortgage shall secure the future as well as the present debenture holders.”

Proviso: purchasers need not inquire into occasion of loan.

Proviso: total amount limited.

New section substituted for s. 49, c. 104 of 1874.

3. Section forty-nine of chapter one hundred and four of the Statutes of 1874, as amended by section eighteen of chapter seventy-four of the Statutes of 1879, is hereby repealed and the following substituted therefor:—

Head office.

“**49.** The Company shall have its head office in the city of Toronto; but the directors may from time to time, with the consent of the majority of the shareholders present or represented at a general meeting, change the said head office to any other place in Canada; and the directors may establish other offices and agencies at any other place or places in Canada as the directors deem expedient, and may by by-law regulate the place for holding the annual and other meetings of shareholders.”

Other offices and agencies.

1874, c. 104, s. 6 repealed.

4. Section six of chapter one hundred and four of the statutes of 1874 is hereby repealed.

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58-59 VICTORIA.

CHAP. 87.

An Act to incorporate the Ottawa Land and Security Company.

[Assented to 22nd July, 1895.]

WHEREAS the persons hereinafter named have by their Preamble.
petition prayed for the incorporation of a company for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. George H. Weatherhead, Charles J. Pusey, Samuel Hughes, M.P., Alexander McKay, M.P., and B. W. Clarke, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Ottawa Land and Security Company," hereinafter called "the Company." Incorporation.
Corporate name.

2. The Company may acquire and hold, by lease, purchase, or otherwise, lands, houses, buildings, building material, or premises, buy lands and premises of every description at tax sales, and accept deeds and grants thereof and hold and dispose of or otherwise deal with such lands and premises ; and may construct, erect, build and maintain houses or other buildings, and lease, exchange, sell, convey, dispose of, mortgage and charge such houses or buildings as the Company sees fit ; and may also invest in mortgages on real estate, whether freehold or leasehold, in Dominion or Provincial Government bonds or debentures, municipal securities or debentures of, or issued for or at the instance of, any school section or board of school trustees, or in the bonds or debentures of any building society or loan company, or may lend on any of the above securities or on the security of the stock or shares of any building society or loan company, or of any fire, life or accident insurance company ; and may purchase mortgages of real estate, whether freehold or leasehold, that are approved of by the directors, and may re-sell the same as they deem advisable, and for any such purpose may execute such deeds, assignments or other instruments General powers.

- ments as are necessary; and with respect to all such matters the Company may enter into, make and enforce all such contracts, stipulations, agreements and conditions, as its directors for the time being deem necessary for carrying out the same: Provided always, that the Company may hold such real estate as is necessary for its business, not exceeding in value the sum of twenty-five thousand dollars, and that all other real estate acquired by the Company, by purchase or otherwise, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company as aforesaid, otherwise it shall revert to the previous owner or to his heirs or assigns.
- Proviso: real estate to be sold.
- Capital stock. **3.** The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.
- Increase of capital stock. **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 at any time or from time to time to an amount not exceeding five million dollars; 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 number and in value of the shareholders present or represented at a special general meeting of the shareholders duly called for that purpose.
- Allotment of increased stock. **3.** Any new stock of such increase shall be allotted *pro rata* to the then shareholders of the Company, either at par or at such a rate of premium as is determined by the directors under the authority of the shareholders in the manner in this section provided: Provided always, that any of such increased stock not taken up and subscribed for by any shareholder within the time prescribed by the directors, may be offered for subscription to the public in such manner and on such terms as are determined by the directors.
- Proviso.
- Borrowing powers. **4.** The directors may from time to time borrow money at such rates of interest and upon such terms as they think proper, and may for such purpose issue bonds or debentures under the seal of the Company, for sums of not less than one hundred dollars each: Provided always, that such bonds or debentures shall not be issued till authorized by a by-law for that purpose passed, and approved of by the vote of shareholders representing at least two-thirds in value of the subscribed stock of the Company present or represented at a special general meeting duly called for considering such by-law, and that such bonds and debentures shall not at any time exceed the amount of the capital of the Company paid up in cash.
- Proviso: amount limited.
- Head office. **5.** The head office of the Company shall be at the city of Ottawa, or such other place in Canada as the Company by by-law determines, but the directors may establish branch offices and local directorates at such other places in Canada as they determine.

6. The stock, property and affairs of the Company shall be under the management of a board of not less than eight nor more than fifteen directors, the majority of whom shall be a quorum, and one of whom shall be elected president and another vice-president by the directors; each director shall be a shareholder, and possess in his own right not less than ten shares of the capital stock of the Company on which all calls due have been paid; and the persons mentioned by name in the first section of this Act shall constitute the first or provisional directors of the Company.

Directors.

Provisional directors.

7. The directors may issue debenture stock, which shall be treated and considered as part of the regular debenture debt of the Company, in such amounts and manner, on such terms and bearing such rate of interest as they think proper, but subject to the limitations in this Act provided, so that the amount borrowed on the security of debentures or debenture stock shall not in the whole exceed the amount authorized by section four of this Act.

Debenture stock.

8. Debenture stock issued pursuant to this Act shall be entered by the Company in a register to be kept for that purpose, wherein shall be set forth the names and addresses of the several persons 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 determine.

Register of debenture stock.

2. The Company shall, on demand, deliver to every holder of debenture stock a certificate, stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject; but no other rights or privileges shall be conferred upon the holders of debenture stock, with respect thereto, than are held or enjoyed by the holders of debentures of the Company.

Certificate of debenture stock.

3. All transfers of the debenture stock of the Company shall be registered at the head office of the Company, in a book to be kept for that purpose.

Transfers.

4. Holders of the 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.

5. The debenture stock issued shall rank equally with the debentures issued by the Company.

Rank of debenture stock.

6. 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 wise extend, limit or prejudice the exercise of the borrowing powers of the Company under this Act.

Redemption of debenture stock.

9. The Company shall not commence business operations under this Act until at least two hundred thousand dollars of

Conditions precedent to beginning

business operation.

Powers subject to provincial laws.

the capital stock have been subscribed, and fifty thousand dollars paid in; and the powers and authority hereby conferred upon and granted to the Company shall be subject in each province to the laws now or hereafter in force in the different provinces respectively, and shall not have force or effect in any province in any respect in which they conflict with the laws of such province.

Annual return to be made to Minister of Finance.

10. The Company shall prepare and annually transmit to the Minister of Finance and Receiver General a statement in duplicate verified by the oath of the president, manager or secretary, setting forth the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company and such other details as the minister requires, and such statement shall be made in each year up to the thirty-first day of December.

Company may act as an agent.

11. The Company may act as an agent, and as such may invest moneys for and in the name of the owner thereof, and may hold and deal with such lands, mortgages, securities or debts as are transferred or delivered to the Company as agent, and the Company may give such guarantee as is agreed upon for the proceeds of the same, or for the repayment of principal or interest or both of any such moneys, mortgages, securities, or debts.

R.S.C., c. 118.

12. Sections eighteen and thirty-nine of *The Companies Clauses Act* shall not apply to the Company.

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58-59 VICTORIA.

CHAP. 88.

An Act respecting "La Chambre de Commerce du district de Montréal."

[Assented to 22nd July, 1895.]

WHEREAS "La Chambre de Commerce du district de Montréal," a body corporate and politic incorporated under the provisions of chapter one hundred and thirty of the Revised Statutes, has by its petition prayed for power to acquire lands, issue debentures or other negotiable securities and to increase the number of its officers and committees, 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. "La Chambre de Commerce du district de Montréal," hereinafter called "the Corporation," may take, lease, receive, purchase or otherwise acquire, use and manage any lands or other property, real or personal, and may erect buildings and occupy and use them in part for the offices of the Corporation, and may rent the portions of such buildings not so occupied and used, and may sell and convey such real estate or any part thereof when no longer required by the Corporation for its purposes: Provided that the said lands or real estate of the Corporation shall not exceed in value the sum of five hundred thousand dollars.

Preamble.

Power as to real estate.

Value limited.

2. The Corporation may borrow money to an amount not exceeding five hundred thousand dollars by means of the mortgage of its property or by the issue of debentures or partly by one of the said means and partly by the other, at such rates of interest and subject to such other conditions as are agreed upon.

Borrowing powers.

3. The said debentures may be made payable to order or to bearer, and shall be transferable by delivery or by endorsement as the Corporation determines.

Transfer of debentures.

4. The Corporation may execute mortgages to trustees to secure payment of the said debentures and interest thereon.

Mortgages to secure payment.

Debentures
may be
pledged.

5. The Corporation may from time to time pledge the said debentures or any part thereof to any bank or other corporation or person as security for money borrowed by the Corporation.

Officers and
committees.

6. The Corporation, with the advice of its council, may, for the better administration of its affairs, appoint such officers or committees as it sees fit, other than those authorized to be named by chapter one hundred and thirty of the Revised Statutes.

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58-59 VICTORIA.

CHAP. 89.

An Act to incorporate Gilmour and Hughson, Limited.

[Assented to 22nd July, 1895.]

WHEREAS John Gilmour and Ward C. Hughson, both of Preamble. the city of Ottawa, in the province of Ontario, and Nelson H. Salisbury, Frank C. Hughson and John C. Hughson, all of the city of Albany, in the state of New York, one of the United States, have by their petition represented that they are desirous of becoming incorporated under the name of "Gilmour and Hughson, Limited," and have prayed that an Act be passed for that purpose; 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 said John Gilmour, Ward C. Hughson, Nelson H. Incorporation. Salisbury, Frank C. Hughson and John C. Hughson, and such other persons as hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "Gilmour and Hughson, Limited," Corporate name. hereinafter called "the Company."

2. The Company may—

(a.) carry on throughout Canada and elsewhere the business General powers. of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith, including the manufacture of furniture, doors, sashes, blinds, and any other articles of which wood shall form a component part; and also of pulp, wood pulp, paper and other products from wood or wood materials; and also the business of wharfingers, shippers and vessel owners as far as is necessary for the purposes of the business; and may, for all or any of the said purposes, purchase, hold, lease or otherwise acquire any licenses to cut timber, timber limits, 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, turn

turn to account, or otherwise deal in and with the same ; and may establish shops or stores on the said lands, and may purchase and vend general merchandise, and carry on farming and stock-raising, in so far as is necessary to enable the Company to carry on its business, and to make use of the property acquired by the Company for the purposes of its said business, and generally do all such other things as are incidental or conducive to the attainment of the above objects ;

(b.) purchase or otherwise acquire, develop and work such mines, mineral and mining rights, hereditaments and chattels as are found upon any lands acquired by, or in occupation of, the Company for the purposes of its business, and may crush, smelt, reduce and amalgamate the ore, to render marketable the produce and to develop the resources of such mines ;

(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, mills, ore houses and other buildings and works which are necessary or convenient for the purposes of the said Company ;

(d.) 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 or places within Canada or elsewhere ;

(e.) also construct, erect, maintain and operate, plant, machinery, houses, buildings and other works for the generation and production of electricity, for the purpose of lighting and heating or operating the mills, buildings, platforms, docks, plant and machinery, and other works and property of the Company ;

(f.) also purchase or otherwise acquire from any person 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 sell or otherwise dispose of the business, property or undertaking, or any part thereof, for such considerations as the Company thinks 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.

Limitation as to real estate.

2. Nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid.

Power to purchase business of Gilmour and Hughson.

3. The Company may also purchase, take over, or otherwise acquire all or any of the businesses now being carried on by the firm of Gilmour and Hughson, at the city of Hull, in the province of Quebec, and elsewhere, and the whole or any part of the good-will, stock-in-trade, assets and property, real and personal, movable and immovable, of the said firm of Gilmour and Hughson, 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 or partly paid-up shares or stock of the Company, or wholly or partly in debentures of the Company or otherwise ; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said firm of Gilmour and Hughson, and also the obligations affecting the assets and property so purchased or acquired from them.

4. The Company may take or otherwise acquire and hold shares in any boom or river improvement company, and may sell or otherwise deal in the same. Shares in boom or river improvement company.

5. The Company may make, accept, 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. Promissory notes, &c. Proviso.

6. The directors of the Company, 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 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 are represented by proxy, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company. Borrowing powers.

7. The directors of the Company, under the authority of a resolution of the shareholders passed at any general meeting called for the purpose,—at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the Company are present in person or represented by proxy,—may also, from time to time, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one 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 three 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 two hundred and fifty thousand dollars, and the said debentures and interest thereon, if intended Bonding powers. Proviso : Amount of bonds limited.

tended to be secured, may be secured by mortgage, hypothec, pledge or charge upon such of the property and assets of the Company as are described in the mortgage deed, hypothec, pledge or charge; and such mortgage deed, hypothec, pledge or charge may give to the holders of the said debentures, or the trustees for such holders named in such mortgage deed, hypothec, pledge or charge, such powers, powers of sale, rights and remedies as are specified in such mortgage deed, hypothec, pledge or charge.

Capital stock. **8.** The capital stock of the Company shall be three hundred thousand dollars, divided into shares of one hundred dollars each.

Provisional directors. **9.** John Gilmour, Ward C. Hughson, Nelson H. Salisbury, and Frank C. Hughson, 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 three of them may call meetings of the provisional directors, to be held at the city of Ottawa, at such times as they determine: Provided that notice in writing, signed by the provisional directors calling any such meeting of the date and place of holding the same, shall be mailed by registered letter to the address of each of the other directors not less than ten days previous to the date of such meeting.

R.S.C., c. 118.

Proviso :
Notice of
meetings of
directors.

Quorum.

2. A majority of the provisional directors shall form a quorum.

**First meeting
of shareholders.**

10. At any time after the passing of this Act the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company, to be held at the city of Ottawa at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice.

**Effect of va-
cancies among
directors.**

11. The directors and provisional directors of the Company may act, notwithstanding any vacancy in their number: Provided that, if the number falls below three, the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

Calls.

12. A call shall be deemed to have been duly made at the time when the resolution of the directors authorizing such call was passed.

13. The head office of the Company shall be at the city of Head office. Ottawa, and every place in Canada, at or in which the Company has an office or place of business open, shall be deemed to be a domicile of the Company : Provided that the domicile of the Company in the province of Ontario shall be at the city of Ottawa aforesaid.

14. *The Companies Clauses Act*, except sections nine and eighteen thereof, and except so far as inconsistent with the express provisions of this Act, shall be deemed to be incorporated herewith. R.S.C., c. 118.

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58-59 VICTORIA.

CHAP. 90.

An Act to incorporate the James Maclaren Company, Limited.

[Assented to 28th June, 1895.]

WHEREAS David Maclaren and James Barnet Maclaren, Preamble.
of the city of Ottawa, John Maclaren, of the town of
Brockville, in the province of Ontario, and Alexander Maclaren
and Albert Maclaren, of the town of Buckingham, in the pro-
vince of Quebec, have by their petition represented that they
are desirous of becoming incorporated under the name of "The
James Maclaren Company, Limited," and have prayed that
an Act be passed for that 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 such Incorpora-
tion.
persons as become shareholders in the company hereby incor-
porated, are hereby constituted a body corporate under the
name of "The James Maclaren Company, Limited," herein- Corporate
name.
after called "the Company."
- 2.** The capital stock of the Company shall be one million Capital stock.
dollars, divided into shares of one hundred dollars each.
- 3.** The head office of the Company shall be at the town of Head office.
Buckingham, in the province of Quebec; but every place in
Canada at or in which the Company has an office or place of
business open, shall be deemed to be a domicile of the Com- Domicile.
pany: Provided that the domicile of the Company in the pro-
vince of Quebec shall be at the said town of Buckingham.
- 4.** The Company may carry on throughout Canada and General
powers.
elsewhere the business of lumberers, timber merchants and
manufacturers of timber and lumber in all its branches, and
all other business incident thereto or connected therewith,
including the manufacture of furniture, doors, sashes, blinds
and any other articles of which wood shall form a component
part, and also all pulp wood, pulp paper and other products
from

from pulp and from wood or wood materials ; also the manufacture and burning of bricks, tiles, drain pipes, terra cotta and other material from clay ; and may also acquire and carry on the business of wharfingers, shippers and vessel owners ; and may for all or any of the said purposes purchase, let, lease or otherwise acquire any licenses to cut timber, timber limits, lands, buildings, docks, works, boats, vessels, carts, vehicles, goods, wares, or merchandise and other property real and personal, movable and immovable ; and may extend, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same ; and may establish stores, depots, and shops on the said lands or any of them ; and may purchase and vend general merchandise ; and also may purchase, erect, build or otherwise acquire and operate grist mills, flour mills, woollen mills, paper mills ; and may buy, sell, deal in and otherwise dispose of the products of the said mills in any form ; and also may 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.

Mines, &c.

5. The Company may purchase or otherwise acquire and operate mines, mineral and mining rights, lands, hereditaments and chattels in Canada ; and may crush, smelt and reduce, roast or amalgamate the ore to render marketable the produce, and may develop the resources of such mines or any of them, and may crush, smelt, reduce and amalgamate the produce and products of any mine, whether belonging to the said Company or not.

Construction of roads, &c.

6. The Company may also construct, or aid in and subscribe towards the construction or acquiring, maintaining and improving of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, bridges, ditches, quartz mills, or houses and other buildings ; and may buy or otherwise acquire patents and patent privileges respecting or in any way relating to the matters aforesaid, and also for the production or the proper working and disposing of electricity ; and may also build and construct all necessary dams, piers, bulkheads and water wheels necessary for the improvement of water power ; and may also sell, lease or distribute electrical and hydraulic power for any purposes of manufacturing light or heat, or for any other purposes ; and may also construct, charter, acquire and employ vessels, roads and tramways for the purposes aforesaid, and for the purpose of transporting the products of the mills, mines and works to any place or places within Canada or elsewhere ; and may also purchase or otherwise acquire any business within the objects of the Company, lands, property, privileges, rights, contracts, limits and liabilities appertaining to the same, and may let or sublet any property of the Company, and sell or otherwise dispose of the business, property or undertaking, or any part thereof, for such considerations as the Company thinks

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: Provided that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid.

Limitation as to real estate.

7. In the production, working, disposal or distribution of electricity, electrical or hydraulic power the Company shall be subject to the following provisions, that is to say:—

Company subject to certain provisions.

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

Travel, &c., not to be obstructed.

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

Height of wires, &c.

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

Poles.

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

Cutting poles or wires in case of fire.

(e.) The Company shall be responsible for all damage which its agents, servants, or workmen cause to individuals or property in constructing, carrying out or maintaining any of the said works in this or the next preceding section authorized;

Liability for damages.

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

Trees.

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

Approval of municipality.

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

Carrying wires under ground.

Workmen to wear badges.

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

Private rights.

(j.) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, 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 ;

Temporary removal of poles or wires.

(k.) If in the removal of buildings, or if in the exercise of the public right of travelling on or using any public road, highway or street, it becomes necessary that the said wires or poles be temporarily removed, it shall be the duty of the Company at its own expense, upon reasonable notice in writing from any person requiring the same, to remove such wires or poles, and in default of the Company so doing, it shall be lawful for such person to remove the same at the expense of the Company, doing no unnecessary damage thereby ; and such notice may be given either at the head office of the Company or to any agent or officer of the Company in the municipality wherein such wires or poles are required to be removed, or in the case of a municipality wherein there is no such agent or officer of the Company, 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 require to be removed ;

Provision to be made for water and drainage.

(l.) The Company shall make due provision for, take care and dispose of all water and drainage to the extent it disturbs or interferes with the same, whether from artificial drains, natural streams, or watercourses, which drains, natural streams, or watercourses the said watercourse and raceway crosses, touches, or interferes with, and which are in existence at the time of the construction of the said watercourse and raceway ;

Settlement of disputes.

(m.) 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 alterations, enlargements and changes and by whom the expense thereof shall be paid, as also any complaint or dispute as to the manner or sufficiency of the compliance with the provisions of the next preceding paragraph, 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 *The Railway Act* ;

Consent of municipalities.

(n.) The authority herein given with respect to such streets, highways, and public places, shall only be exercised subject to such agreement with respect thereto as is made between the Company and the said municipalities respectively, and under and subject to any by-law of the councils of the said municipalities passed in pursuance thereof.

8. The Company may also purchase, take over or otherwise acquire all or any of the businesses heretofore carried on by the late James Maclaren or, since his death, by the legal representatives of the said James Maclaren, at the town of Buckingham or elsewhere, and the whole or any of the good-will, stock-in-trade, assets and property, real and personal, movable and immovable, which were of the said James Maclaren in his lifetime, and which are now of the legal representatives of the said James Maclaren, 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 or partly paid-up shares of the capital stock of the Company, or wholly or partly in debentures of the Company, or otherwise; and may also undertake, assume, guarantee or pay all or any of the obligations, liabilities, contracts and engagements of the said businesses so carried on by the said the late James Maclaren, and also the obligations affecting the assets and property so purchased from his legal representatives as aforesaid.

Power to purchase business of late James Maclaren.

9. The Company may take or otherwise acquire and hold shares in any boom or river improvement company, and may sell or otherwise deal in the same.

Shares in boom or river improvement company.

10. The Company shall, as soon as reasonably may be, sell, or otherwise dispose of all or so much of the real estate which may be acquired from the business or estate of the said late James McLaren, other than what is necessary or requisite for the due and proper carrying on of the business of the Company; and in the meantime the Company may survey and lay out roads, streets, squares or parks upon the said lands, and make and register plans thereof, and otherwise lay out and improve the said lands and premises in such manner as it deems most advisable for sale.

Sale of real estate.

11. 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.

Promissory notes, &c.

12. David Maclaren, Alexander Maclaren, John Maclaren, James Barnet Maclaren and Albert Maclaren 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 by this Act; and until otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the

Provisional directors.

R.S.C., c. 118.

Proviso :
notice of meet-
ing of direc-
tors.

provisional directors, to be held at the town of Buckingham aforesaid, at such times as they determine: Provided that notice in writing, signed by the provisional directors calling any such meeting, of the date and place of holding it, shall be mailed by registered letter to the address of each of the other directors not less than ten days previous to the date of such meeting.

Quorum.

2. A majority of the provisional directors shall form a quorum.

Borrowing
powers.

13. The directors of the Company, under the authority of the shareholders given at any special meeting called for the purpose, or at any annual meeting of the Company,—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 from time to time, at their discretion, borrow moneys for the purposes of the Company and secure the repayment of any of the moneys so borrowed or any other moneys owing by the Company in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation, or charge of or on all or any of the assets and property of the Company.

Bonding
powers.

14. The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose, or at any annual meeting of the Company,—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 one hundred thousand dollars, 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 said directors may deliver the said debentures for the purposes of the Company, and may sell or pledge them for the purpose of borrowing money or for paying or securing the indebtedness of the Company: Provided that the total amount of debentures at any time outstanding shall not exceed five hundred thousand dollars; 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 holder, named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed: Provided, however, that the total amount borrowed under the provisions of this and the next preceding section, shall not at any one time exceed the sum of seven hundred and fifty thousand dollars.

Proviso :
amount of
bonds, &c.,
limited.

Limitation.

15. The directors and provisional directors of the Company may act, notwithstanding any vacancy in their number: Provided that if the number falls below three the said directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum. Effect of vacancies among directors.

16. At any time after the passing of this Act, the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company, to be held at the town of Buckingham, at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by the provisional directors calling any such meeting, of the date and place of holding it, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting. First meeting of shareholders. Notice.

17. Section eighteen of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

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58-59 VICTORIA.

CHAP. 91.

An Act to amend the Act to incorporate the Nova Scotia Steel Company, Limited.

[Assented to 28th June, 1895.]

WHEREAS the Nova Scotia Steel Company, Limited, has by its petition prayed for the passing of an Act to amend the Act of incorporation of the Company, chapter one hundred and seventeen of the Statutes of 1894, and to confer certain additional powers on the Company as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1894, c. 117.

1. The sale, as set out in an indenture dated the thirty-first day of December, one thousand eight hundred and ninety-four, made between the Nova Scotia Steel and Forge Company, Limited, and the Nova Scotia Steel Company, Limited, of all the business, franchises, undertaking, property, rights, privileges and assets of the Nova Scotia Steel and Forge Company, Limited, to the Nova Scotia Steel Company, Limited, under the provisions of chapter one hundred and seventeen of the Statutes of 1894, is hereby confirmed.

Sale confirmed.

2. Section ten of the said Act, chapter one hundred and seventeen of the Statutes of 1894, is hereby amended by striking out paragraph (b), and substituting the following therefor:

Section 10, c. 117 of 1894, amended.

“(b.) hypothecate, mortgage or pledge the real and personal property and the railway franchises of the Company, or any part thereof, to secure any sums borrowed by the Company.”

SCHEDULE.

This indenture made this thirty-first day of December, in the year of our Lord one thousand eight hundred and ninety-four, between the “Nova Scotia Steel and Forge Company, Limited,” a body corporate, having its head office at New Glasgow, in the county of Pictou, province of Nova Scotia,

hereinafter called the "Steel and Forge Company," of the first part; and "The Nova Scotia Steel Company, Limited," a body corporate, having its head office at New Glasgow aforesaid, hereinafter called the "Steel Company," of the second part.

Whereas, by virtue of chapter 117, 57 and 58 Victoria, Statutes of Canada, entitled "An Act to incorporate the Nova Scotia Steel Company, Limited," the said "Steel Company" was incorporated, and was granted by said Act, among other powers, rights and privileges, the powers, rights and privileges set forth and declared in sections "8" and "9" of said Act, which said sections are in the words following, that is to say:—

Section "8." "The Company" (meaning "The Nova Scotia Steel Company, Limited") "may purchase, lease, or otherwise acquire and take over as going concerns, in whole or in part, upon such terms as may be agreed upon with the other companies hereinafter mentioned respectively, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, property, rights, powers, privileges and assets or any of them of the New Glasgow Iron, Coal and Railway Company (Limited), and the Nova Scotia Steel and Forge Company (Limited), or of either of the said companies, and may pay the consideration therefor either wholly or partly in cash, or wholly or partly in capital stock of the Company paid up or partly paid up or issued as wholly or partly paid up, and whether subscribed for or not, or wholly or partly in debentures of the Company, or otherwise, as is agreed upon; or may, upon such terms as are agreed upon between them respectively, enter into and carry out any arrangement with either or both of such other companies for the working or carrying on by the Company of the business of either or both of such other companies; and in the event of such purchase, lease or other mode of acquirement or working arrangement being entered into, may also undertake, assume, pay, or guarantee all or any of the obligations, liabilities, contracts and engagements of the said New Glasgow Iron, Coal and Railway Company (Limited) and the Nova Scotia Steel and Forge Company (Limited), or of either of them, or affecting the assets and property of the said companies or of either of them; and may also subscribe for, purchase or otherwise acquire, and may hold and dispose of the shares, debentures or other securities of the said companies, or either of them, in connection with any transaction entered into with the said other companies, or either of them, or otherwise, under this section: Provided always, that after such amalgamation the companies herein mentioned shall no longer exercise their corporate powers, or make use of their corporate name, for any purpose, except for the purpose of supporting and carrying into effect the said sale, or other absolute transfer and winding up of their affairs."

Section "9." "The directors of the Company" (meaning "The Nova Scotia Steel Company, Limited") "may make and

issue as 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 business, franchises, undertaking, property, rights, powers, privileges and assets of the said companies or any one or more of them acquired under this Act, and may allot and hand over such shares to the said other companies or any one or more of them respectively, or to such other company, firm or firms, individuals or individuals as partners, as may be agreed upon: and such issue or allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be in any way liable thereon."

And whereas the directors of the said "Steel and Forge Company," with the view of submitting to the shareholders of the said "Steel and Forge Company" the question of selling and transferring to the said "Steel Company" its real estate, plant, materials, moneys, contracts, debts, assets, and all property whatsoever, as provided by the said Act, called a meeting of said shareholders, by notice duly and regularly given.

And whereas a meeting of the shareholders of the said "Steel and Forge Company," in pursuance of notice given, was held on the 12th of December, A. D. 1894, and at said meeting certain resolutions were by said shareholders duly passed and agreed upon, which resolutions so passed and agreed upon are in the words following, that is to say:—

Resolution No. I.—That in pursuance of the authority granted by chapter 117, 57 and 58 Vic., entitled "An Act to incorporate the Nova Scotia Steel Company (Limited)," passed by the Parliament of Canada, and assented to the 23rd of July, A. D. 1894, the Nova Scotia Steel and Forge Company (Limited) dispose of its real estate, plant, materials, moneys, contracts, debts owing to the said company and all assets and property whatsoever to the Nova Scotia Steel Company (Limited), in consideration of five thousand three hundred ordinary shares and five thousand three hundred preference shares of the capital stock of the said Nova Scotia Steel Company (Limited), of the par value of one hundred dollars each, which shares shall be fully paid up and non-assessable. The transfer of the said real estate, plant, materials, moneys, contracts, debts owing to the Nova Scotia Steel and Forge Company (Limited), and all assets whatsoever, shall take place on the 31st of December, 1894. But this said transfer shall be only on condition:

1st. That the said Nova Scotia Steel Company (Limited) shall assume all debts then due or owing by this company, and shall assume and carry out all contracts, actions at law, liabilities of every kind and undertakings for which this company shall then be liable.

2nd. That the Nova Scotia Steel Company (Limited) shall acquire the real estate, plant, materials, moneys, contracts, debts owing to the said company, and all assets and property what-

soever of the New Glasgow Iron, Coal and Railway Company (Limited), in consideration of five thousand ordinary shares and five thousand preference shares of the capital stock of the said Nova Scotia Steel Company (Limited), which shares shall be fully paid up and non-assessable, said acquisition to take effect on the 31st December, 1894; the said Nova Scotia Steel Company (Limited) assuming all debts then due or owing by said New Glasgow Iron, Coal and Railway Company (Limited), and assuming all contracts, actions at law, liabilities of every kind and undertakings for which the said New Glasgow Iron, Coal and Railway Company (Limited) shall then be liable.

3rd. Neither the said New Glasgow Iron, Coal and Railway Company (Limited) nor this company, shall pay to any shareholder any dividend for the half-year ended December 31st, 1894, nor any previously accrued dividend, and in consideration thereof the said Nova Scotia Steel Company (Limited) shall out of the first profits divisible pay to the holders of the preference shares of the said Nova Scotia Steel Company (Limited) a dividend of four per cent in lieu of the dividends so relinquished, which shall be in addition to the dividends to which they shall be entitled on their said preference shares from the date of their issue.

The shareholders of the Nova Scotia Steel and Forge Company (Limited) to transfer their shares to the Nova Scotia Steel Company (Limited).

Resolution No. II.—That the five thousand three hundred ordinary shares and the five thousand three hundred preference shares of the capital stock of the Nova Scotia Steel Company (Limited) received by this company on the sale of its property under the resolution passed this day, shall be allotted to the shareholders of this company as follows :—

Three thousand preference shares of the Nova Scotia Steel Company (Limited), shall be allotted to the holders of preference stock in the Nova Scotia Steel and Forge Company (Limited), so that each shareholder shall receive for every five preference shares that he holds in the Nova Scotia Steel and Forge Company (Limited), six of the preference shares of said Nova Scotia Steel Company (Limited).

Two thousand three hundred preference shares and five thousand three hundred ordinary shares of the Nova Scotia Steel Company (Limited), shall be allotted to the holders of the ordinary stock of the Nova Scotia Steel and Forge Company (Limited) *pro rata* according to their holdings.

In making the division of preference and ordinary shares among the shareholders of the Nova Scotia Steel and Forge Company (Limited), all fractions of shares so allotted, not previously arranged for between the shareholders themselves by January 15th, 1895, may be sold by the directors of the company, by auction, and the proceeds divided among the shareholders entitled thereto in the proportion which the fraction allotted to such, bears to the sum of the fractions sold.

Resolution No. III.—Resolved that the directors be and they are hereby authorized to carry out the foregoing sale.

Resolution No. IV.—Resolved that the Nova Scotia Steel Company (Limited) be requested to issue and allot the shares payable to this company to the shareholders of record of the nineteenth December inst., 1894.

Resolution No. V.—Resolved that the president and secretary be authorized to sign, seal, execute and deliver the necessary deeds, transfers and other documents to carry out the foregoing sale.

And whereas the New Glasgow Iron, Coal and Railway Company (Limited) referred to in the said resolutions has agreed to the terms and conditions of the said hereinbefore recited resolutions; and the said "Steel Company" has also agreed to the terms and conditions thereof, and has agreed to accept the transfer and conveyance of the real estate, plant, materials, moneys, contracts, debts owing to the said "Steel and Forge Company," and the business, stock-in-trade, and all assets and property whatsoever of the said "Steel and Forge Company," and to pay for the same as agreed upon and as required by the terms of said resolutions.

Now this indenture witnesseth that in order to carry into effect the sale and transfer proposed and agreed upon as set forth in said resolutions and accepted as hereinbefore recited by the said companies interested and in pursuance of the powers granted by said Act, and in consideration of five thousand three hundred ordinary shares and five thousand three hundred preference shares of the capital stock of the said "Steel Company" of the par value of one hundred dollars each, fully paid up and non-assessable, issued and delivered to the shareholders of the said "Steel and Forge Company" as agreed upon, and in consideration of the sum of one dollar paid by the said "Steel Company" to the said "Steel and Forge Company" at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, the said "Steel and Forge Company" hath granted, bargained, sold, assigned, transferred, conveyed, released, remised and confirmed, and by these presents doth grant, bargain, sell, assign, transfer, convey, release, remise and confirm to the said "Steel Company" and its successors and assigns all the following named properties, lots, pieces and parcels of land, bounded and described as follows, this is to say:—

(a.) All that certain lot of land being part and parcel of the farm lot of the parties of the first part in the before in part recited indenture, situated at or near the Smelt Brook (so-called), on the east side of the East River of Pictou, bounded and described as follows, that is to say:—Beginning on the eastern side of the estuary of the East River of Pictou at high water mark at the north-western angle of the land of the Nova Scotia Forge Company, and thence to run south sixty-three degrees east or along the northern line of land of the said

company three hundred and seventy-two feet or to the western boundary of the railway lands there, thence north-eastwardly along said boundary curving and measuring twelve hundred and fourteen feet or to a certain post in the railway fence marked, thence north seventy-seven degrees and thirty minutes west eight hundred and fifteen feet or to high water mark, thence south-westwardly the several courses of the shore to the place of beginning, containing twelve and one-half acres, more or less. Courses by magnet as of sixteenth September, A.D. 1881. Also—

(b.) All that certain lot, piece or parcel of land, situated and being at Trenton, in the county and province aforesaid, bounded and described as follows, that is to say:—Beginning at a point at the junction of the western boundary of the road leading from Trenton aforesaid to Fisher's Grant, and the south-western line of the farm lot of the late William Fraser, of Smelt Brook (so-called), marked by an iron bolt there driven, thence north forty degrees west or along said line one hundred and thirty-four feet or to an iron bolt there driven; thence north one degree and thirty minutes east one hundred and forty-eight feet to an iron bolt there driven; thence north one degree and thirty minutes west one hundred and twenty-nine feet to an iron bolt driven on the north point of a bank there; then south seventy-nine degrees and thirty minutes east one hundred and ten feet or to the western boundary of said road; thence northwardly along said boundary crossing the Forge Company's road six hundred and thirty feet to the north boundary thereof; thence north fifty-three degrees west twenty-nine feet or to the eastern boundary of railway lands, and by the same course crossing railway lands, one hundred feet to the western boundary thereof; thence along said western boundary northwardly two hundred and thirty-two feet to an iron bolt there driven; thence north sixty-two degrees and thirty minutes west three hundred and seventy-six feet or to the eastern shore of the East River of Pictou at high water mark; thence southwardly the several courses of the said shore until it comes to a point formed by a line run from the northern face of a culvert in the railway north sixty-two degrees and thirty minutes west of said shore; thence by last mentioned line to the western boundary of the railway; thence angling south-easterly crossing said railway to an iron bolt on the eastern boundary thereof; thence south nine degrees and thirty minutes east one hundred and fifty feet or to the south-western line of the farm lot of the said late William Fraser; thence along the bank south-eastwardly, curving equidistant from the level of the water in the dam of the Forge Company two hundred and ten feet or to the line of lands of the Nova Scotia Glass Company; thence north fifty-nine degrees east forty-nine feet, or to the northern line of lands of said Glass Company; thence south sixteen degrees and thirty minutes east or along said north line three hundred and ninety-six feet or to the

western boundary of Fisher's Grant road ; thence northwardly along said boundary two hundred and sixty-two feet, or to the place of beginning, containing ten acres more or less. Courses by magnet as of 20th December, A.D. 1888. (Not including any lands of the Intercolonial Railway which may appear to be included in said boundaries.)

Together with all and singular the ways, watercourses, buildings, easements, tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all the estate, right, title and interest claim, property and demand both at law and in equity of the said "Steel and Forge Company" of, in, to or out of the same, or any part thereof; and the said "Steel and Forge Company" also, in consideration of the premises, hereby sells, transfers and assigns to the said "Steel Company," its successors and assigns, all the right, title and interest of the said "Steel and Forge Company" in and to all mining rights and properties and all personal property of every nature and kind now owned by the said "Steel and Forge Company" or in which the said "Steel and Forge Company" has any interest, including all plant, machinery, material, stock-in-trade, business, goodwill, moneys, contracts, debts owing to the said "Steel and Forge Company" without any reservation whatsoever, it being the intention of these presents whether herein expressed or not and notwithstanding some interest, right or property held by the said "Steel and Forge Company" may not be referred to or described herein, that upon the execution of these presents the said "Steel Company" shall stand seized and possessed of all property real and personal of every nature and kind, and all rights, and rights and interests in property to the same extent and with the same title as the same is held before the execution hereof by the said "Steel and Forge Company."

To have and to hold the said lands and premises with the appurtenances, etc., etc., and every part thereof, and all property, rights and interests hereinbefore expressed to be granted, sold, assigned, and transferred, or intended so to be unto the said "Steel Company" its successors and assigns, to its and their sole use and benefit and behoof for ever.

And it is hereby understood and agreed between the parties hereto that the said "Steel and Forge Company" except from the title hereby conveyed any real estate sold and conveyed to third parties since the purchase of the same by the said "Steel and Forge Company" and before the execution of these presents, notwithstanding the description of the lands conveyed herein may cover the real estate so sold and conveyed.

In witness whereof the parties to these presents have hereunto their hands subscribed and the corporate seal of the said

Nova Scotia Steel and Forge Company (Limited) hereto affixed the day and year first above written.

NOVA SCOTIA STEEL AND FORGE COMPANY (LTD).

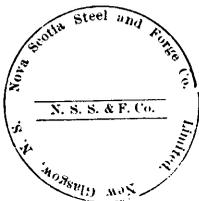
(Sgd.) GRAHAM FRASER, [L.S.]
President.

Signed, sealed and delivered
in the presence of

(Sgd.) ROBERT H. GRAHAM.

NOVA SCOTIA STEEL AND FORGE COMPANY (LTD).

(Sgd.) THOS. CANTLEY, [L.S.]
Secretary.



Province of Nova Scotia, }
County of Pictou. }

I hereby certify that Robert H. Graham, subscribing witness to the within and foregoing deed, made oath before me that the same was signed and executed by the president and secretary of the said Nova Scotia Steel and Forge Company (Limited), and that the corporate seal of the said company was affixed in his presence.

Dated at New Glasgow, in the county of Pictou, this thirteenth day of January, A.D. 1895.

(Sgd.) J. LESLIE JAMIESON,
*A Barrister of the Supreme Court of Nova Scotia,
and Notary Public.*



58 - 59 VICTORIA.

CHAP. 92.

An Act respecting the Hamilton Distillery Company Limited.

[Assented to 28th June, 1895.]

WHEREAS the Hamilton Distillery Company, Limited, hereinafter called "the Company," has, by its petition, represented that it was incorporated by letters patent under the great seal of Canada, dated the 14th day of January, 1884, under the name of "The Hamilton Vinegar Works Company, Limited," for the purposes of the manufacture and sale of vinegar and methylated spirits, and the distillation of spirits or high wines; that by successive supplementary letters patent, dated the 8th day of May, 1890, and the 24th day of July, 1894, respectively, the name of the Company was changed from that of "The Hamilton Vinegar Works Company, Limited," to the Company's present name, and the authorized capital stock was fixed at the sum of five hundred thousand dollars, of which two hundred thousand dollars have been subscribed and one hundred and fifty thousand dollars paid up; that the Company has acquired lands and constructed buildings, plant and machinery at the city of Hamilton at a cost in excess of the paid-up capital, and that a large additional sum of working capital is necessary for the carrying on of the Company's business; and the Company has prayed for power to issue first mortgage bonds or debentures in order to provide such additional capital, and it is expedient to grant the prayer of its 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 directors of the Company may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, at an annual general meeting or at a special general meeting for such purpose, issue bonds of the Company to an amount not exceeding in all two hundred thousand dollars, or forty thousand pounds sterling, and may fix and define by by-law the amount or denomination of such bonds, the time and the place for payment

Preamble.

Bonding powers.

Amount limited.

Proviso: amount of each bond of limited.

of the principal moneys thereof, and the interest thereon and all other particulars in reference thereto : Provided that no such bond shall be for a less sum than one hundred dollars, or twenty pounds sterling, and that the rate of interest on such bonds shall not exceed six per cent per annum.

Bonds may be issued either in Canadian or sterling money.

2. Bonds may be issued partly in terms of Canadian currency and partly in terms of sterling money, and for the purpose of computing at any time the amount of such bonds issued or to be issued, one hundred dollars shall be deemed the equivalent of twenty pounds sterling.

Security for bonds.

3. To secure the payment of the said bonds to the holders thereof, the directors of the Company may, from time to time, give, execute and deliver a mortgage or trust deed upon all the assets and property of the Company to such person as the said directors select for that purpose, and upon such terms and conditions as they determine.

Sale of bonds.

4. The directors may sell, mortgage, hypothecate or pledge such bonds, or any of them, to raise money for the purposes of the Company.

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



58-59 VICTORIA.

CHAP. 93.

An Act to incorporate the Camp Harmony Angling Club.

[Assented to 28th June, 1895.]

WHEREAS the persons hereinafter named have by their Preamble. petition prayed that they be incorporated as a club for the purpose of acquiring, by purchase, lease or otherwise, lands, riparian rights, fishing and sporting interests in and in the vicinity of the waters of the Rivers Restigouche and Upsalquitch in the provinces of Quebec and New Brunswick, and of erecting and maintaining buildings, wharfs and other structures for the purposes of the said club, and of managing the said club; 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 the House of Commons of Canada, enacts as follows:—

1. William C. Whitney, Oliver H. Paynes, Charles F. Lawrence, all of the city of New York, in the state of New York, one of the United States, William H. Sage, of the town of Ithaca, and Dean Sage, of the city of Albany, in the said state of New York, together with such other persons as become shareholders in the club hereby incorporated, are hereby constituted a body corporate under the name of "The Camp Harmony Angling Club," hereinafter called "the Club." Incorporation.
Corporate name.

2. The head office of the Club shall be in the parish of Addington, in the county of Restigouche, in the province of New Brunswick, or at such other place in Canada as the Club from time to time by by-law determines. Head office.

3. The capital stock of the Club shall be forty thousand dollars, divided into shares of eight thousand dollars each, and may be called up from time to time by the directors as they deem necessary. Capital stock and calls thereon.

4. The persons named in the first section of this Act shall be the provisional directors of the Club. Provisional directors.

First meeting of directors.

5. So soon as twenty-five per cent of the amount of the capital stock has been subscribed and ten per cent of such subscribed stock has been paid into one of the chartered banks in Canada, the provisional directors shall call a general meeting of the shareholders, to be held at such place in Canada as the provisional directors determine, for the purpose of electing the first directors of the Club and of transacting any other business that may be done at shareholders' meetings.

Notice of meeting.

2. A notice in writing, signed by or on behalf of the provisional directors, of the date and place of holding such meeting, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previous to the holding thereof, shall be deemed sufficient notice of such meeting.

General powers.

6. The Club may from time to time acquire and hold by purchase, lease, license or otherwise, such lands, riparian rights and fishing rights, including lands, riparian rights, leasehold and other interests in fishing rights owned by all or any of the persons mentioned in the first section of this Act, on the Restigouche and Upsalquitch Rivers, and their tributaries in the county of Restigouche, in the province of New Brunswick, up to but not beyond the Forks of the Quatawamkedgwick (Tomkedgwick) River, and in the county of Bonaventure, in the province of Quebec, as is deemed advisable by the Club; and may purchase and hold angling licenses from any government; and may from time to time sell, demise and sublet such lands, rights and privileges, or portions thereof or interests therein; and may build on and improve the said lands and other interests in lands from time to time acquired by the Club; and may erect, construct and maintain buildings, wharfs, boats and other vessels for the purposes of the Club: Provided, however, that nothing herein contained shall be construed as imposing on the Government of Canada the duty of employing or paying fishery guardians on such portions of the aforesaid rivers as are leased to the Club.

Proviso: as to fishing guardians.

Number of directors.

7. Until otherwise determined by the by-laws of the Club, its affairs shall be administered by a board of three directors, who shall be elected by ballot or in such other manner as is declared by by-law of the Club, and who shall hold office until the election of their successors. A majority of the board shall constitute a quorum.

Officers.

8. The directors may from their number elect a president, a vice-president, and a secretary-treasurer or a secretary and a treasurer.

Transfer of shares.

9. No share shall be transferable without the consent of three-fifths of the members of the Club evidenced by a resolution passed at a general or special meeting of the Club, nor without the consent of the board of directors.

2. No transferee of any share shall be entitled to any rights or privileges as a member or to a voice in the affairs of the Club until he has been duly elected a member of the Club. Effect of transfers.

10. Any member of the Club ceasing to be a shareholder in the Club shall thereupon cease to be a member of the Club. Member ceasing to be shareholder.

11. Except as regards the original incorporators herein, no person shall be a member of the Club until duly elected to such membership in such manner as is prescribed by the by-laws of the Club. Election of members.

12. The directors may from time to time make by-laws regulating the conduct of the members of the Club when on the Club premises, and fixing the terms upon which visitors may be admitted to the privileges of the Club. By-laws.

13. All questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes. With this exception, no member shall be entitled to more than one vote at any meeting of the Club. Voting at meetings.

14. The shareholders of the Club, by a majority of four-fifths, may at any time after the whole capital stock of the Club has been paid up make a by-law for increasing the capital stock of the Club to any amount which they consider requisite for the due carrying on of the business of the Club, but so that the total capital stock is not increased beyond the sum of one hundred and four thousand dollars; and each share of such increased capital stock shall be eight thousand dollars, and may be called up from time to time in the like manner as is provided herein for calling up the original authorized capital stock. Increase of capital stock.

15. Sections nine, eighteen, thirty-three, thirty-four, thirty-eight, thirty-nine and forty-one, and paragraphs (c), (d) and (f) of section eleven of *The Companies Clauses Act* shall not apply to the Club. R.S.C., c. 118.



58-59 VICTORIA.

CHAP. 94.

An Act to incorporate the Domestic and Foreign Missionary Society of the Church of England in Canada.

[Assented to 28th June, 1895.]

WHEREAS the Provincial Synod of the Church of England Preamble.
in Canada, representing the dioceses of Nova Scotia, Frederickton, Quebec, Montreal, Ontario, Toronto, Niagara, Huron and Algoma, by canon number nineteen of the canons of the said synod, created a society called the Domestic and Foreign Missionary Society of the Church of England in Canada, consisting of all the members of the said Church in the said dioceses, and placed the said society under the control of a general board of management constituted as provided in the said canon; and whereas the object of the said society is the collection and administration of the general missionary funds of the said Church in the said dioceses, in connection with missions in the north-western part of Canada and the diocese of Algoma, and missions in foreign lands; and whereas it will assist and promote the work of the said society if it is incorporated, and the said society has by its petition asked that it be incorporated and have conferred on it the powers of a corporation, 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 Domestic and Foreign Missionary Society of the Church of England in Canada, as at present constituted under canon number nineteen of the provincial synod of the Church of England in Canada, as set out in the schedule to this Act, is hereby constituted a body corporate under the name and style of "The Domestic and Foreign Missionary Society of the Church of England in Canada," hereinafter called "the Society." Incorporation.
Corporate name.

2. The Society shall be governed and controlled, and the board of management of the Society shall be constituted, as provided by the said canon number nineteen; and the said Government of the Society.

canon shall continue to govern the Society and shall remain in force until repealed, altered or amended by the said provincial synod.

Repeal, etc.,
of canon
governing the
Society.

3. The said provincial synod may at any time repeal, alter or amend the said canon number nineteen, and may substitute other provisions for the management and control of the Society.

Power to hold
property.

4. The Society may acquire, hold, take and receive gifts, conveyances, devises and bequests of land or of personal property or of any estate or interest therein in any province of Canada, and may use, sell or dispose of the same or any part thereof, and may apply the proceeds of such property for the purposes for which the Society has been organized; and any devise of real estate shall be subject to the laws respecting the devises of real estate to religious corporations in force, at the time of such devise, in the province in which such real estate is situate.

SCHEDULE.

CANON XIX. OF THE DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE CHURCH OF ENGLAND IN CANADA.

Adopted, 12th Session, 1883.

Art. I.—This Society shall be called the Domestic and Foreign Missionary Society of the Church of England in Canada.

Art. II.—This Society shall consist of all persons who are members of this Church.

Art. III.—The Society shall be under the control of a general board of missions, consisting of the bishops of this ecclesiastical province, and the clerical and lay delegates for the time being of the provincial synod, together with the board of management as hereinafter described.

On the third day of each triennial session of the provincial synod, the business of the synod shall be suspended, to allow the business connected with this Society to be transacted.

Art. IV.—There shall be a board of management which shall consist of all the bishops of this ecclesiastical province and the secretary and treasurer of the board, members *ex-officio*, together with two clergymen and two laymen from each diocese, to be appointed by the general board on the nomination of each diocesan synod, which nomination shall be made by such synod at the meeting next preceding the triennial session of the provincial synod, and this board shall have, as far as possible, the collection and administration of the general missionary funds of the Church (subject to the provisions hereinafter set forth), and shall remain in office until their successors are appointed, and shall have power to fill any vacancies that may occur in their number. Eight members shall constitute

stitute a quorum. This board of management shall, when the general board is not in session, exercise all the powers of the general board, and shall report to the general board of missions on or before the third day of such triennial session of the provincial synod. The board shall meet at such times and places as they shall think fit.

Art. V.—The board of management is authorized to appoint such committees as it may deem desirable, and such officers as shall be needful for carrying on its work, and may frame such rules and regulations (not inconsistent with the constitution and canons of the provincial synod) as may be necessary for the transaction of its business.

Art. VI.—It is recommended that the funds collected in the several dioceses for mission work under this canon be sent in to the board, and the appropriations therefrom on behalf of domestic missions shall be made in gross, to be disbursed by the local authorities of dioceses to which such appropriations shall have been made.

Appropriations on behalf of foreign missions shall be made to the great missionary societies of the mother church in England, or in such other manner as the board of management may direct, provided that contributions specially appropriated shall be paid in strict accordance with the wishes of the donors. Nothing in this canon, however, shall be held in any wise to interfere with or affect the several diocesan mission funds, or with any other existing agreements made by any parish for special missionary aid.

Art. VII.—In connection with the board of management there shall be in each diocese of the province a corresponding committee, or board of missions, to be constituted as such diocese may determine, who shall report all statistics and other information relating to the general purpose for which the Society is organized.

The diocesan board of missions, as at present constituted, shall be the corresponding committees, or boards, until other committees, or boards, shall have been appointed under the provisions of this canon.

The first board of management shall be appointed by the provincial synod at this session.



58-59 VICTORIA.

CHAP. 95.

An Act for the relief of Julia Ethel Chute.

[Assented to 22nd July, 1895.]

WHEREAS Julia Ethel Chute, formerly Julia Ethel Elliott, Preamble.
of the city of Toronto, in the county of York, in the province of Ontario, music teacher, wife of William Osborne Chute, heretofore of the same place, tailor, hath by her petition set forth that on the twenty-fifth day of November, one thousand eight hundred and ninety-one, she was lawfully married to him at the city of Toronto, in the said province; that he has been guilty of adultery and cruelty; that in the month of May, one thousand eight hundred and ninety-four, he without lawful reason or excuse deserted her; that he has ever since continued to live apart from her and has left her without any means of support whatever; and whereas she has humbly prayed that the said marriage may be dissolved and that she be authorized to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition, and it is expedient that the prayer thereof should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Julia Ethel Chute and William Osborne Chute, her husband, is hereby dissolved Marriage dissolved. and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Julia Ethel Chute may at any time hereafter marry any man whom she might lawfully marry in case the said marriage with the said William Osborne Chute had not been solemnized. Right to marry again.

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



58-59 VICTORIA.

CHAP. 96.

An Act for the relief of Mary Bradshaw Falding.

[Assented to 28th June, 1895.]

WHEREAS Mary Bradshaw Falding, of Rockliffe Park, in Preamble. the township of Gloucester, in the county of Carleton, and province of Ontario, wife of Frederick John Falding, of the city of Cleveland, in the state of Ohio, one of the United States of America, mining engineer, hath by her petition set forth that on the second day of June, one thousand eight hundred and seventy-five, she was lawfully married at the said Rockliffe Park, to the said Frederick John Falding; that in the year one thousand eight hundred and eighty, the said Frederick John Falding deserted her, and has not since the year one thousand eight hundred and eighty, resided with her; that subsequently and during the years one thousand eight hundred and ninety and one thousand eight hundred and ninety-one, the said Frederick John Falding went to the city of Sherbrooke, in the county of Sherbrooke and province of Quebec, and there committed adultery; and whereas the said Mary Bradshaw Falding has humbly prayed that the said marriage may be dissolved, and that she may be authorized to marry again, and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her petition and established the adultery above mentioned, and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Mary Bradshaw Falding and Frederick John Falding, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Mary Bradshaw Falding may, at any time hereafter, marry any man whom she might lawfully marry in case the said marriage with the said Frederick John Falding had not been solemnized. Right to marry again.



58-59 VICTORIA.

CHAP. 97.

An Act for the relief of Helen Woodburn Jarvis.

[Assented to 28th June, 1895.]

WHEREAS Helen Woodburn Jarvis, of the city of Toronto, Preamble.
in the county of York and province of Ontario, wife of
George Hamilton Jarvis, formerly of the said city of Toronto,
barrister-at-law, but now residing in the city of Detroit, in the
state of Michigan, one of the United States of America, has
by her petition set forth that on the eighteenth day of September,
one thousand eight hundred and eighty-three, she was lawfully
married to the said George Hamilton Jarvis, of the said city of
Toronto; that they lived together as husband and wife until
the year one thousand eight hundred and eighty-eight, when
he was guilty of adultery and, without lawful reason or excuse,
deserted her, and has ever since continued to live apart from
her, and has committed other acts of adultery; and whereas she
has humbly prayed that the said marriage may be dissolved
and that she be authorized to marry again and that such
further relief may be afforded her as is deemed meet; and
whereas she has proved the said allegations of her petition
and it is expedient that the prayer thereof should be granted:
Therefore Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as
follows:—

1. The said marriage between the said Helen Woodburn Marriage dissolved.
Jarvis and George Hamilton Jarvis, her husband, is hereby
dissolved and shall be henceforth null and void to all intents
and purposes whatsoever.

2. The said Helen Woodburn Jarvis may at any time Right to marry again.
hereafter marry any man whom she might lawfully marry in
case the said marriage with the said George Hamilton Jarvis
had not been solemnized.

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